

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

STATE OF MINNESOTA
OFFICE OF THE ATTORNEY GENERAL
ST. PAUL 55155

WARREN SPANNAUS
ATTORNEY GENERAL

March 1, 1981

ADDRESS REPLY TO:
ATTORNEY GENERAL'S OFFICE
POLLUTION CONTROL DIVISION
1935 WEST COUNTY ROAD B-2
ROSEVILLE, MN 55113
TELEPHONE: (612) 296-7342

Mr. Jerry Anderson
Special Assistant Attorney General
Office of the Attorney General
G-25 State Administration Building
50 Sherburne Avenue
St. Paul, Minnesota 55113

RE: In the Matter of the Proposed Adoption of a Rule for the Administration of the Minnesota Solid Waste Management Demonstration Program for Waste Reduction and Source Separation, Minnesota Rule 6 MCAR §4.6086

Dear Mr. Anderson:

In accordance with Minn. Stat. §15.0412, subd. 4h (1980), the above-captioned rule is hereby submitted to you for your review.

The following documents are enclosed:

1. Rule as adopted. (Original and three copies. Because the adopted rule is identical to the rule as proposed, none of the copies submitted to you show any changes in the rule.)

2. Order Adopting. (Original and three copies.)

3. Certificate of Board's Resolution Adopting a Rule.

4. Notice of Intent to Solicit Outside Opinion and all written material received by the Agency, in response to the Notice, as required by Minn. Stat. §15.0412, subd. 6.

5. Order for Notice of Intent to Adopt a Rule Without Public Hearing.

6. Certificate of Board's Authorizing Resolution (ordering Notice).

7. Notice of Intent to Adopt a Rule Without a Public Hearing.

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ADMINISTRATIVE AGENCIES

8. Affidavit of Mailing Notice of Intent to Adopt a Rule Without Public Hearing.

9. Mailing List Certificate.

10. Rule as Proposed.

11. Findings of Fact and Conclusions.

12. Statement of Need and Reasonableness.

13. Affidavit regarding comments submitted ot the Agency

14. Certificate of Compliance with Rulemaking Procedures.

15. Affidavit evidencing that no person requested notification of transmittal of rules to the Office of the Attorney General.

Unless it is otherwise indicated, I have attached only one copy of the above-referenced documents.

If you have any questions regarding this rule, please call me at 296-7345.

Very truly yours,

Lisa R. Tiegel
Special Assistant
Attorney General

LRT:lt
Enclosures

Our File No. 681

RULE REVIEW CHECKLIST

DATE RULE RECEIVED 3/3
DATE FOR REVIEW 3/4
DATE DUE 3/17

Adopted w/a hearing _____
Adopted w/o a hearing X
Temporary rule _____

Approved _____ Disapproved _____ Returned to Agency _____

Resubmitted _____ Due _____
Approved _____ Disapproved _____ Returned to Agency _____

Date filed w/Secretary of State _____

✓ Rule as Adopted

✓ Rule as Proposed as in S.R.

✓ Order Adopting 2.24.81

✓ Notice of Intent to Solicit Outside Opinion

✓ Order for rulemaking
_____ ~~Date of Hearing~~

✓ Certificate of Board's Authorizing Resolution

✓ Notice of rulemaking
✓ Sufficiency

✓ Affidavit of Mailing Notice or rulemaking
✓ 12.31.80 At least 30 days prior to ~~hearing~~/adoption

? Mailing list Certificate dated 1 day prior to date of mailing

✓ Publication in State Register
1.5.81 At least 30/~~20~~ days prior to ~~hearing~~/adoption

N/A Hearing Examiner's Report

N/A Chief Hearing Examiner's Report(s)
_____ Approving H.E.'s Report
_____ Approving agency action

✓ Agency's Findings of Fact

N/A LCRAR Report or agency Affidavit

? Certificate of Board's Resolution Adopting Rules see my comment.

N/A Order Approving Incorporation by Reference

✓ Statement of Need and Reasonableness

N/A Petition for Adoption of a Rule

___ Record (includes ~~transcript or tape~~, ~~exhibits~~, comments received by agency, ~~requests for a hearing~~, ~~and other relevant materials~~)

✓ Certificate of Compliance w/Rulemaking Procedures

✓ Affidavit of Mailing Notice of Submission to Attorney General

N/A Notice of Submission to the Attorney General

STATE OF MINNESOTA
COUNTY OF RAMSEY

In the Matter of the Proposed Adoption of a Rule for the Administration of the Minnesota Solid Waste Management Demonstration Program for Waste Reduction and Source Separation

STATEMENT OF NEED AND REASONABLENESS

I. INTRODUCTION

On December 16, 1980, the Minnesota Pollution Control Agency ("Agency") authorized the initiation of rulemaking proceedings on Proposed Minnesota Rule 6 MCAR 4.6086, a rule for the administration of the Minnesota Solid Waste Management Demonstration Program for Waste Reduction and Source Separation ("the rule"). At the same time, the Agency found that the proposed adoption of the rule is non-controversial in nature and directed that the rulemaking proceedings be conducted in accordance with the statutory provisions governing the adoption of non-controversial rules, 1980 Minnesota Sess. Law Serv. (West) ch. 615 §7 (to be codified at Minnesota Stat. §15.0412, subdivision 4g (1980)). Accordingly, the rulemaking proceedings on the proposed adoption of the rule are governed by that statute and no hearing will be conducted on the adoption of the rule unless, seven or more persons submit to the Agency a written request for such a hearing prior to January 8, 1981.

In accordance with the requirements of the non-controversial rulemaking statutory provisions, this document, the Statement of Need and Reasonableness, ("statement") was prepared before the date that the rule was noticed in the State

Register. The Statement is divided into the following parts: Part II. Need and Reasonableness Requirements; Part III. Need for the Rule; Part IV. Reasonableness of the Rule; Part V. Summary; and Part VI. Exhibit List.

II. NEED AND REASONABLENESS REQUIREMENT

Minnesota Statute §15.0412, subdivision 4 (1978) requires that, in order to adopt a rule, an agency must make an affirmative presentation of facts establishing the need for and reasonableness of that rule. To establish need, the agency presents facts which demonstrate the existence of a problem which requires administrative attention. To establish the reasonableness of the rule, the agency presents facts which demonstrate that the agency's proposed solution to the problem (that is, the rule itself) is reasonably designed to remedy the problem.

III. NEED FOR THE RULE

A. The need for the rule derives from both the statutory requirement that the Agency adopt a rule to implement the solid waste management demonstration program for waste reduction and source separation, and the fact that there is a need to investigate and demonstrate workable alternatives to abate the need for and disposal of solid wastes.

During its 1980 session, the Minnesota legislature adopted the Waste Management Act, 1980 Minnesota Sess. Law Serv. (West) ch. 564 Articles I through VIII (to be codified at Minnesota Stat. ch. 115A.(1980)) ("the Act" or "the Waste Management Act"). The goal of the Act is to improve waste management in the state to serve the following purposes:

(a) Reduction in waste generated;

(b) Separation and recovery of materials and energy from waste;

(c) Reduction in indiscriminate dependence on disposal of waste;

(d) Coordination of solid waste management among political subdivisions;

(e) Orderly and deliberate development and financial security of waste facilities including disposal facilities.

1980 Minnesota Sess. Law Serv. (West) ch. 546, Article I, § 2 (to be codified at Minnesota Stat. § 115A.02 (1980)).

One of the measures created by the Act to accomplish these purposes was a program of financial and technical assistance for projects that demonstrate methods of reducing or recycling waste and that are of potential applicability elsewhere in Minnesota. 1980 Minnesota Sess. Law Serv. (West) ch. 546, Article VI (to be codified at Minnesota Stat. § 115A.49 through 115A.54 (1980)). Responsibility for administering the program is divided between the Agency and the Waste Management Board. It is the responsibility of the Agency to provide financial and technical assistance (excluding costs for land, equipment, or construction) to projects which demonstrate waste reduction; source separation of solid waste generators, collectors, and other persons; and collection systems for separated wastes. The statute further indicates that the demonstration projects can be divided into two categories, implementation projects which initiate projects and pre-implementation projects which

involve only planning, study, or design for projects. Pre-implementation projects may utilize up to 20% of program funds. It is the responsibility of the Waste Management Board to provide financial and technical assistance in demonstrating the construction or improvement of mechanized facilities to process wastes, after collection, in order to derive useful materials or energy.

The Waste Management Act specifies that the Agency shall adopt rules to administer the demonstration program. The rule which is the subject of this memorandum is designed for that purpose. The need for the rule, therefore, stems from the statutory requirement that the Agency adopt such a rule as well as from the need for a solid waste reduction and separation demonstration program itself.

There is a growing need to demonstrate workable alternatives to abate the need for land disposal of wastes in Minnesota, especially alternatives which are low in cost and can be quickly initiated. As existing landfills approach capacity --particularly in the metropolitan area-- and the siting of new facilities faces potential citizen opposition, continued reliance on land disposal of solid waste is becoming increasingly undesireable. At the same time the rising costs of energy and materials and the uncertainties of foreign sources make the conservation and reuse of materials and the conversion of wastes into sources of energy increasingly desireable. However, while these conditions create a climate of opinion favorable to alternatives to land disposal, significant barriers must be overcome in order to translate this attitude into actual projects. One of these barriers is the uncertainty

about how to go about implementing alternatives to land disposal. Another barrier is the need to convince decision-makers that potential alternatives can be made to work in their community and can recover significant portions of the waste stream. Overcoming either of these barriers will require the successful initiation of a few good projects to serve as demonstration of how implementation and operation should be approached. Further, the demonstration projects will provide significant operations information and the detailed project economic evaluation's needed for other project proposers to initiate similiar projects.

B. Source separation and waste reduction projects which are low in cost, can be quickly initiated, and are inherently flexible can potentially reduce the solid waste stream by up to 30% which will result in savings of millions of dollars through reduced solid waste collection, transportation, and disposal costs. Demonstration projects can shorten the time needed to establish a significant statewide source separation and waste reduction effort.

Source separation is defined as the separation and accumulation of recycleable materials at the source of generation for later pick-up and processing or reuse. Source separation is a very effective materials recovery system because of its inherent flexibility and cost-effectiveness. It differs from most other forms of solid waste processing in that it is decentralized and relies heavily on the continuous participation of the individual generator.

There are many types of source separation, including office paper recycling programs, mandatory or voluntary curb-side pickup of recyclables complementing mixed municipal refuse collection, leaf pickup and other commercial and

industrial programs aimed at specific materials. There are numerous scattered examples of all project types in the state.

Curb-side pickup programs across the country have proven to be more effective in increasing participation than neighborhood recycling centers. This is supported by preliminary results from a region-wide survey conducted by the Metropolitan Council of the Twin Cities area that indicated that more people would be willing to participate in a source separation program if they were provided with curb-side pickup service.* A residential curb-side, source separation program in Marblehead, Massachusetts, is currently recovering about 20 percent of the solid waste stream.*

Another highly successful curb-side program is the Boca Raton, Florida, municipal newsprint recovery program, which recovers about 82 percent of all generated newsprint.* Both communities have adopted mandatory source separation ordinances, which require the residents to set aside their recyclables. Mandatory source separation ordinances are difficult to enfore (very few programs propose significant enforcement actions), but receive significantly higher participation and recovery rates. Although the demographic and market conditions for these two programs differ from those of Minnesota they serve as examples of the potentials from well-run curb-side programs.

Currently 6% to 8% of the state's solid waste is recycled (primarily paper in the Twin Cities area).* It can be estimated that for each one percent additional solid

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*Metropolitan Council Draft Land Disposal Abatement Report, November 7, 1980, pages 13-17.

waste recycled or not produced through source separation and waste reduction measures, $1.5 million would be saved by Minnesota citizens and industry (assuming a cost for collection, transportation and disposal of solid waste at $57 per ton). Thus by conservatively increasing recycling by 10% through source separation projects $15 million could be saved annually in solid waste costs. The revenue from the recovered material would also add to the states economy and result in further savings.

Demonstration projects which encourage and facilitate the implementation of source separation programs can hasten the time needed to reach sustained increases in recovery rates throughout the state. These efforts could have a great return in cost savings.

C. Demonstration projects are needed for many methods of waste reduction and source separation in order to provide information about, and experience in, the successful design, implementation, and operation of these projects under varying population and location situations.

Initiation of significant waste reduction and source separation programs is a new development in solid waste management, and even on the national scale there are, to date, few operating examples of many potential methods. As a consequence, there is in Minnesota only a limited amount of documented knowledge and experience in these areas. Because of this general lack of knowledge, many communities attempting waste reduction or source separation projects have made serious mistakes in the planning and development

of their projects, mistakes which commonly doomed them to failure. Similarly, information on successful projects in densely populated areas has been applied to sparsely populated areas where the application was not appropriate.

This problem has been documented through analysis of a similiar resource recovery financial assistance program administered by the Agency between 1974 and 1977. The mid 1970 program as designed by the legislation and Agency rules was intended to provide grants for resource recovery system feasibility studies and construction, and for projects to encourage conservation of materials. Minnesota Stat. §116.F.01 through .08 (1973) and MPCA rule SW 80 to SW 83. During its lifetime, the program assisted 28 projects of various types, of which 10 were either waste reduction or source separation projects. In 1978 the Agency as part of a state Solid Waste plan study contracted with Barr Engineering Company and Gordian Associates, Inc., to prepare an analysis of the program. One of the prominant conclusions of their analysis was that information gaps was one significant reason why a number of the proposed resource recovery facility projects failed to be successfully implemented. The consultants analysis of the mid 70's program also found that "...the successes and difficulties encountered by several projects may serve as models for other areas to follow in implementing practicable systems and avoiding problem areas." This supports the belief that demonstration projects are an effective way of developing knowledge and expertise needed to assist in later projects.

Minnesota's widely varying population density, the great variance in solid waste management system needs, and the distance to recycling markets further supports the need for demonstration project in different parts of the state which by example show project feasibility. For example, a drop off recycling center in St. Paul might be operated quite differntly than one in northeastern Minnesota, yet each could be successful but would only be a successful example for a similiar area.

D. Demonstration projects are needed in order to convince local officials that waste reduction and source separation programs can be workable and effective.

In assisting communities and the solid waste industry in their consideration of alternatives to existing disposal systems, the Agency staff has frequently found that the decision makers are skeptical of any possible alternatives because few successful examples exist in or near Minnesota. A demonstration project grant program can help overcome this obstacle in two ways. First, and quite obviously, if the project is successful it provides proof to local government or industry decision makers that the method will work in Minnesota. Second, the grant itself is a type of risk-sharing by the State which can offset the reluctance of officials responsible for the initial projects. The use of a demonstration grant program to overcome the skepticism of local officials is particularly important because many of the potentially most effecitve methods of reducing the need

for land disposal through waste reduction or source separation require changes in the habits of waste generators, including the citizens. The choice of these methods, thus, adds an additional element of risk for local officials and possible outcry of opposition from their constituents if rate increases result. Officials will demand an even greater certainty that the method will work and accomplish its objectives in these cases.

IV. SUMMARY

The rules are needed to implement a program of financial assistance to encourage and support projects that demonatrate methods of waste reduction and waste separation of potential statewide application as required by the Waste Management Act of 1980. Demonstration projects are needed to increase, information about, experience with, and get an example for these types of projects so that other communities or persons can with sound information facilitate successful completion of similar projects. They are needed also to convince other communities that such projects are workable, cost effective, flexible, and represent land disposal abatement alternatives which can reduce the local waste stream significantly.

IV. REASONABLENESS OF THE RULE

The following discussion provides an explanation and justification of the individual provisions of the rule. The purpose of this section is to demonstrate that each provision is a reasonable approach to its function.

Provisions of the rule are general in nature with respect to all fiscal years except that for fiscal year 1981 there is only one final application date, April 15, 1980. All other fiscal years will have two application dates--June 30 and December 31. The rules essentially call for award of source separation on waste reduction grants to be made for two types of projects, either implementation projects or pre-implementation projects. Pre-implementation projects only study, analyze, or design potential projects. Each project type has sixteen categories which are awarded on a rotation basis with a ranking method for projects in the same type and category.

The rule further defines general terms; specifies grant conditions; defines eligibility requirements, including eligible applicant, eligible projects, and eligibility requirements, including eligible applicant, eligible projects, and eligible costs; and details grant application content.

Section A. "Purpose" explains the function of the rule, which is to implement the solid waste management demonstration program for waste reduction and source separation, created and described in Article VI of the Waste Management Act of 1980, Minn. Stat. 115A.49 through 115A.54 (1980), by establishing the substantive criteria and procedural conditions according to which the Agency shall aware demonstration program grants.

Section B. "Overview" outlines the content of the rule and thereby assists potential applicants in understanding the way in which the rule

and the planning assistance program work. The overview section is divided into two sections, the first of which outlines the procedures for applying for a grant from the Agency, and the second of which outlines the procedures through which the Agency shall award grants. Section B. is reasonable in that it assists grant applicants by instructing them on how to read and use the rule.

Section C. "Definitions" includes a definition of the critical terms used in the rule and are generally self explanatory. Many of the definitions are identical to those established in 1980 Minn. Sess. Law Serv. "West" ch. 564 Article I §3 (to be codified at Minn. Stat. §115A.03 (1980) ; but, are specified in the rule to make the rule self-contained, and, therefore, clearer and easier to use. The definition of "acceptable project" is not found in 1980 Minn. Sess. Law Serv. (West) ch. 564, but is based directly on the requirements for projects specified in 1980 Minn. Sess. Law Serv. (West) ch. 564 Article VI to be codified at Minn. Stat. 115A. (1980) . The definitions for "drop off center", "curbside collection", "source separation or source separation program", and "waste reduction or waste reduction program" were needed to define project categories. The definitions were based on definitions in the Metropolitan Council's Draft Land Disposal Abatement: Final Report, November 7, 1980 and in the Fourth Report to Congress-Resource Recovery and Waste Reduction; 1977. The definitions for "pre-implementation projects" and "implementation projects" were developed based on descriptions in Article 6, Section 5. An implementation project is a project which demonstrates the feasibility and practicability of a particular source separation or waste reduction method(s). A pre-implementation project is a project to carryout preliminary planning and development of, to study the feasibility and practicability of, or to do the conceptual design of a particular source separation or waste reduction method.

Section D. "Grant eligibility criteria." This section is divided into three parts: 1. Eligible applicants; 2. Eligible costs; and, 3. Eligible projects. In order to be awarded a grant under the rule, a grantee must meet all three eligibility criteria. The eligibility criteria are reasonable in that they provide an easy to use, efficient system for determining whether an applicant for a grant is eligible to receive a grant from the Agency.

The eligible applicant criteria, set out in D.1., make any city, county, or solid waste management district in Minnesota eligible to receive a grant under the rule. The eligible applicant criteria specified in the rule is consistent with 1980 Minn. Sess. Law Serv. (West) Article VI to be codified at Minn. Stat. 115A.49 through 115A.54 (1980).

The eligible cost criteria, set out in D.2., describe the types of costs which may be paid for a preimplementation or an implementation project by a grant, establishes the portion of those costs which are eligible for grant funding, and establishes the maximum grant for each category of projects.

Those costs which are grant eligible include: salaries of staff persons, consultants and other persons employed to carry out an acceptable project; the costs associated with the drafting and execution of necessary contracts between the grantee and other units of government or qualified consultants employed to develop or publish an acceptable project; including, but not limited to, reasonable attorneys fees; the costs associated with holding meetings to inform the public of the development of the project and to provide an opportunity for the public to participate in and comment on the development of the project; the costs associated with printing and distributing project materials; the costs of specified in-state travel; the costs of necessary supplies; and, reasonable overhead costs. Costs for items such as equipment, structures, land, or construction are not

eligible costs under the Waste Management Act.

The Agency Staff has had experience in a variety of grant programs including, among others, the no longer effective Solid Waste Grant-In-Aid, Program rules, designed to implement Minn. Stat. ch. 116F. (1978), much of which was repealed by 1980 Minn. Sess. Law Serv. (West) ch. 564 Article XIII 2 and replaced by the provisions of the Waste Management Act.) In light of the Agency's experience with these grant programs, the Agency Staff developed this list of eligible costs and believes this list is complete and consistent with all planning and implementation activities known to the Staff to be necessary to prepare and carryout an acceptable project. The Agency Staff is not aware of any other eligible costs expected to be necessary to complete project activities which have not been provided for in this list.

The share of costs to be covered by the grant is described in subsection D.2.a.(2) and D.2.b.(2). These subsections establish the state share at 90 percent for all projects. The Agency's reason for establishing a 90 (as opposed to a 100) percent rate is based on its conclusion that a willingnes on the part of the grant recipient to assume some of the cost of the project efforts will make grantees more inclined to carefully manage the project.

Subsection D.2.a.(3) establishes the maximum amount of a preimplementation grant at $3500 for each grant category. It further allows a grantee to submit a grant application which incorporates more than one category. The category maximum was determined af after considering the costs of recent resource recovery studies and experiences from the Agency's 1974-1977 resource recovery grant-in-aid program.

Subsection D.2.b.(3) establishes the maximum for source separation and waste reduction implementation projects at $15,000 per category. The subsection also allows a grantee to apply for more than one project category in a grant application. The category limitation was determined based on the same considerations made in subsection D.2.a.(3). The limitation was also considered reasonable because equipment purchase would not be involved and the eligible costs emphasize those costs which are management related. Failure to manage recycling projects properly is a prime reason for their failure. Considering this, previous project costs, and the ability to apply for more than one category in an application, the limitation is reasonable.

Subsection D.2.c. provides a mechanism through which adjustments between funds awarded to cover the costs of completing the project work tasks can be made during the life of the grant. This mechanism essentially allows the grantee and the Agency to agree, during the life of the grant, to make adjustments in the amount of grant funds available for each item covered by the grant. The mechanism is reasonable in that, at the time a grantee applies for a grant, the costs the grantee specifies are estimates of the funding necessary to complete the grant. As the grantee actually works on the grant, it may discover that some costs are less than estimated and others are higher. The mechanism for adjustment provided in the rule is reasonable because it provides within reasonable limits an easy way of adjusting costs at the time such adjustments are known to be reasonable and needed.

Subsection D.2.d. provides that a new or amended grant application must be submitted if a grantee runs out of funds prior to completing grant related work. The rule provides that if the increase request is less than 20%, the grantee whall submit an amended grant which shall be considered for approval immediately. If the request is for more than 20%, the grantee shall submit a new grant which must be considered as any other new application grant would.

be and could only be considered on application dates. In no case may the total amount of any grant exceed the category limit. This is a simple and efficient way of handling such situations. The grantee will already be familiar with the form and content of the application requirements. It will allow the Agency to easily compare the initial work plan to the request for additional funds and thereby be better able to judge the reasonableness of the request. Further, it will provide an equitable procedure by which to compare requests for more funds with new grant applications.

Subsections D.2.c. provides that grants shall be awarded only to cover the costs incurred within the period covered by the grant agreement. This limitation is needed and reasonable in that it provides Agency control over the expenditure of grant funds. Further, it serves the goal of encouraging new planning efforts in the state by not spending state monies to pay for planning efforts which have already been completed.

Subsections D.2.f. and D.2.g. provide that the availability of funds is a precondition to the award of a grant. These sections are needed and reasonable to clarify that, even if an applicant meets all relevant criteria, the applicant is not assured that it will receive a grant. The ultimate control over the issuance of grants remains with the state legislature which controls the appropriation of funds into the grants program.

Section D.3. "Eligible projects" states that an eligible project is one which is likely to result in an acceptable project. An applicant demonstrates that its project is eligible (i.e., will result in an acceptable project) by submitting an application which conforms to the application requirements laid out in section F. of the rule. The reasonableness of these requirements is discussed further in the discussion of section F. in this statement, see infra.

Section E. "Grant Application Procedures" outlines a series of orderly steps and associated deadlines which govern the grant application and amended grant application submission and processing procedures. Briefly, the procedures provide that an applicant should submit the application as soon as possible; but, no later than April 15, 1981 for fiscal year 1981 and on June 30 and December 31 for all other fiscal years. The Director then reviews the application and determines if it is complete in all relevant respects. If it is complete, the application is considered final on the day it is received. If it is not complete, the applicant is given two weeks after notification of deficiencies to cure the deficiencies. With respect to applications that are not complete on the day they are received, the application is considered complete and final on the date that the information which cures the deficiencies is received.

The differing application dates were needed in order to allow application submittal in the remainder of fiscal year 1981 and to provide applicants with time frames to prepare for future application submittals. There is further need for specific time frames for submission of additional materials since without them the Agency could not meet its final review deadlines.

Section F., "Grant Application Content", describes the information which must be supplied in the application in order for the application to be considered complete. The rule specifies content requirements for pre-implementation projects, section F.1., and for implementation projects, section F.1.

The pre-implementation grant application content requirements (section F.1.) specified in the rule are as follows: Names of the applicant; resolutions from the applicant (and, where relevent, from counties represented by the applicant) which indicate interest in the project; names and addresses of the project managers; estimated total project cost; amount of grant funding requested; amount and sources of funds available; regional boundaries and population of the area to be studied by the grantee; and, a work plan to be completed by the grantee.

Most of this information is required to be submitted as a means of identifying the applicant, the project, and the applicant's needs (See F.1.a.,e,f,g,and h.). The reasonableness of those sections is self-evident. In addition, the reasonableness of sections F.1.c. and d. and F.1.i. is the following.

Subsection 1.d. requires the applicant to submit resolutions which evidence the applicant's interest in the project and, in the case of projects involving more than one unit of government, the interest of those governments in the project area. In addition, F.1.c. and F.1.i. require the grant applicant to identify the political subdivisions and boundaries of areas which would be served or affected by the proposed project. The Agency believes it is reasonable to have some indication of the scope of the area affected by the project and some indication that local governments in a project area be, at least, interested in the results of the project. Accordingly, the rule is reasonable in that it establishes a provision through which,

prior to awarding a grant, the Agency can be assured that the political bodies with the power to implement the plans are interested in seeing a project is successfully carried out.

Subsection F.1.j. prescribes the information to be included in the applicant's work plan. The work plan is the "meat" of the application in that it describes the actual work to be completed by the grant applicant. The rule requires that, in the work plan, the applicant must provide: A description of the problem the grantee hopes to address in the grant; a breakdown of the number of work tasks to be completed under the terms of the grant; a breakdown of the number of work hours to complete each of the tasks; a breakdown of all costs associated with completing each of the tasks; a breakdown of the staff, consultants and units of government associated with completing each of the tasks; a breakdown of the amount of time needed to complete each of the tasks; and, a description of the program to be completed by the applicant to ensure public participation in the project efforts.

These requirements are reasonable in that they allow the Agency to determine if the applicant intends to perform activities suitable to produce an acceptable project and also allows the Agency to determine if the costs associated with the specified tasks are reasonable. Further, the information provided in the work plan will serve as the basis for auditing the pre-implementation project when it is completed to determine if the applicant has satisfied the conditions of the grant. (See Section H., infra).

Section F.2., describes application content requirements for implementation projects. Application content requirements F.2.a. through F.2.i. are identical with those for pre-implementation projects. Section F.2.j. calls for information supporting the projects conceptual and technical feasibility; adequate operating revenues, waste supplies, and markets for recovered materials; and an evaluation of prudent alternatives. These provisions are reasonable since they are required by Article VI, Section 3 of the Waste Management Act. Additionally all the information is absolutely necessary if proper economic, financial, legal, governmental, and other business decisions are to be made to ensure project success.

Subsection F.2.k., the implementation project work plan, is identical to subsection F.1.j., the pre-implementation project work plan (see page 8). The subsection is required to clearly define work tasks, assignments, timeframes, and budgets. The section is reasonable for the same reasons given for sections F.1.j..

Section F.3., amended grant application contract, defines the additional information needed in making a revised grant application. In addition to previously required information the application must contain justifications for the additional funds, explanations of funds expended, statements of sources of all project funds not provided by the Agency, and a discussion of why the project is not proceeding as scheduled. The additional information is necessary in order to make careful evaluations of the project, its expected results, and in order to make sound recommendations to the Director on the application revision request.

Section G., "Agency Review of Grant Applications and amendments and award of grants and grant amendments" describes the procedures the Agency will follow in reviewing applications and amendments and in awarding grants and grant amendments.

Subsection G.1. and G.2. provide that funding will be awarded to eligible grantees to the extent funding is available and within 45 days the Agency shall categorize projects by the eligible type of project. The rule, further, in subsection G.2.b., lists eligible project categories according to whether they are waste reduction pre-implementation or implementation projects or are source separation pre-implementation or implementation projects. Waste reduction pre-implementation projects, projects which study or design waste reduction methods, has six project categories as follows: a) Change in procurement policies, b) Public awareness programs, c) Marketing programs, d) Office waste reduction, e) Reduction of solid materials generated by an industry or commercial establishment, f) Curriculum development. Implementation projects, projects which demonstrate methods of waste reduction, are divided into the same six categories. An example of pre-implementation and implementation projects for one category might be a study of the potential for a city-wide office waste reduction program through cooperative purchasing agreements verses a project to initiate such a cooperative purchasing agreement among businesses in a city.

Source separation pre-implementation and implementation projects are categorized in the same fashion as were the waste reduction projects. Eligible source separation projects are as follows: a) Public awareness programs, b) Marketing program, c) Office waste recycling,d) Source separation of solid materials generated by an

industry or commercial establishment, e) Separation of yard waste, f) Curriculum development, g) Drop off center, h) Mandatory curbside collection, i) Voluntary curbside collection, j) Separation at a transfer station. The categories of eligible projects for source separation and waste reduction were developed considering the practical and accepted methods which could be carried out by a city, county, or solid waste management basis. The methods are detailed in numerous publications, notably the Fourth Report to Congress on Resource Recovery, 1977; The Metropolitan Councils Draft Land Disposal Abatement Final Report, November 7, 1980; and US EPA Source Separation Collection and Processing Equipment - A Users Guide, 1980. Additionally, because of the two application periods per year, there is potential for considerable variations in projects within a project category. For example, a drop off recycling center may be established and operated differently in a rural area than in a metropolitan area, primarily because of marketing considerations.

The categories of eligible projects are reasonable in that the accepted practical options available to eligible applicants are listed in a structured manner, there exists considerable opportunity for innovation by applicants in developing projects, and the categorization allows the Agency to insure that a variety of demonstration and study efforts will be carried out.

Subsection G.3. provides a means of ranking projects which fall in the same project category. It, further, provides that such ranking shall take place within 45 days of the submittal date. Eligible projects may receive one point for a) Being in an area with landfill

life expectancy of less than 5 years, b) Serving more than one unit of government and relating to one area outside the metropolitan area, c) Is in an area unsuitable for land disposal of solid waste due to geologic or soil conditions, and d) Is in an area which has a solid waste plan which conforms to requirements in the Waste Management Act and in the Agency Solid Waste Management Planning Assistance Program Rule (6 MCAR § 4.6085). The ranking criteria are reasonable since criteria a, b, and c are mentioned in Section VI of the Waste Management Act and criteria d. places a priority on projects in areas which meet the comprehensive planning objectives of Section V of the Act. Further, projects in areas which meet Section V planning objectives will already have an ongoing active planning process which looks beyond the scope of the single demonstration project. The ranking method provides the Agency with a simple method of ranking projects which fall into the same project categories. This is important since it is a reasonable way of insuring that not only a variety of projects are funded but that the most desirable projects are funded.

Subsection G.4. describes the method to be used to select eligible applicants to receive a grant award. Using the ranking criteria in G.3. the Agency will award grants to applicants with the highest ranking in each category and will go through all categories. After going through all categories and awarding grants to those with the highest ranking, the same process will be used for projects with the second highest ranking, and so on until all projects are funded or funds are expended. Projects which have an equal point ranking will be determined by lottery. This selection method is reasonable in that it provides a simple yet fair method of selecting a variety of worthwhile projects.

Section H., "Grant Agreement," specifies the content of grant agreements which will be executed by the Agency and the grantees. These content requirements are: incorporation of the grant application; term of the grant (no more than two years); remedies if the grant is not completed within the term allowed; payment schedule; and, subcontracting procedures. These content requirements are similar to those used in grant programs reviewed by the Agency and used by the Agency in the past and are reasonable in that they are based on commonly used principles of grant management and fiscal responsibility.

Section I., "Apportionment." In adopting the Waste Management Act, the legislature allocated to the Agency grant funds to be used for, among other things, both the solid Waste Management Planning Assistance Program and the Demonstration Project Program (Articles V and VI). The legislature did not allocate the amount of funds to be used for each program. Therefore, the Agency made an allocation in the Agency's Solid Waste Management Planning Assistance Program Rules (6 MCAR §4.6085). The Agency proposes in this rule to specify that allocation already set out in the Article V Grant Rule.

The apportionment provided in the rule is as follows: 40 percent

for grants under the rule (solid waste management planning assistance grants) and 60 percent for grants under a different program (the demonstration project grant program).

This division of funds, which puts greater emphasis on the demonstration grants, is reasonable in that it is consistent with the following conclusions and policies:

(1) The Agency finds it more desirable to achieve abatement of land disposal practices than to merely plan for such abatement. It is the belief of the Agency that demonstration projects are more useful in encouraging communities to abate land disposal practices.

(2) Past planning activities (supported by state grant funds) have produced a considerable number of project concepts and planning documents which have never been implemented. The Agency believes it is desirable that these concepts be implemented and finds that emphasis on demonstration projects does more to achieve this goal.

(3) Demonstration projects are of a nature such that they produce transferable information or experience. This means that, unlike planning projects which are area specific in their attempts to abate land disposal practices, demonstration projects are physical and not simply conceptual solutions to planning problems and are, therefore, more likely to be used to solve a similar problem elsewhere.

Because the Agency believes the above listed rationale is reasonable and because the apportionment subsection is consistent with the previously authorized planning assistance grant rule authorized by Section V of the Waste Management Act of 1980, the Agency believes this apportionment subsection to be reasonable.

Subsection I.2. explains that only 20% of funds appropriated to the Agency for the demonstration grant program can be used for pre-implementation grants. This provision is required in Article VI, Section 5 of the

Waste Management Act of 1980.

Section J., "Severability," specifies that the various provisions of the rule are severable and that the invalidity of any provision shall not affect the validity of any other provision which can be given effect without the invalid provision. This is necessary to ensure the continued viability of the rule and the financial assistance program if a segment of the rule is found to be invalid.

Lastly, in considering the reasonableness of the rule, some mention should be given to the overall economic impact or effect of the rule. The rule is a grant rule: it imposes no duty on any persons to spend monies; but, rather, encourages communities and citizens to initiate practices which will abate the need for land disposal of solid waste. Further, it provides financial assistance for demonstrated worthwhile projects which can be emulated by others. In encouraging political subdivisions of the state to plan for their waste management and seek to initiate recovery methods and reduce waste generating the rule is reasonable in all respects.

V. SUMMARY

In accordance with Minn. Stat. §15.0412 (1980), the Agency has, in this Statement, set out an affirmative presentation of facts establishing the need for an reasonableness of its rule. As stated earlier, the purpose of the rule is to implement the Solid Waste Management Demonstration Program for Waste Reduction and Source Separation created by the Waste Management Act of 1980. The rule is needed and reasonable in that it provides a coherent, relatively simple, mechanism through which the Agency shall provide financial assistance to encourage and support needed demonstration projects. The demonstration program is needed to demonstrate visually and with proper reporting that source separation and waste reduction measures are workable, efficient, and can recover or reduce

significant portions of the waste stream. This is important at a time when the landfill life expectancy in many areas of the state is very short and considering that in Minnesota over $150 million is spent annually on waste collection, transportation, and disposal. The provisions of this rule are reasonably designed to accomplish their intended functions in implementing the demonstration grant projects which will be consistent with existing local solid waste management activities.

VI. EXHIBIT LIST

In drafting the rule, the Agency Staff relied on personal experience and expertise in dealing with waste management issues and programs and a variety of different grant rules. In addition, the Staff relied on the following documents and laws (These documents are on file at the Pollution Control Agency and are hereby incorporated into this document by reference):

1. Amendments to the Minnesota Administrative Procedures Act; 1980 Minn. Sess. Law Serv. (West) ch. 615

2. Waste Management Act; 1980 Minn. Sess. Law Serv. (West) ch. 564

3. Resource Conservation and Recovery Act; 42 U.S.C. §§6901 through 6986 (1976).

4. City of St. Paul, Resource Recovery Feasibility Study, August 1980, prepared by Barr Engineering & Gordian Associates; and, Agency Staff calculations based thereon.

5. Metropolitan Council Solid and Hazardous Waste Management Development Guide and Policy Plan, June 1979, prepared by Metropolitan Council.

6. Solid & Hazardous Waste Study Interim Report & Research Program, prepared for the Joint Legislative Committee on Solid and Hazardous Waste, by the Pollution Control Agency, the State Planning Agency and the Minnesota Energy Agency, Sept. 18, 1978; final report prepared March 1, 1979 (the Casserly Reports).

7. United States Environmental Protection Agency Resource Recovery Management Model, Sept. 1979.

8. Minn. Rule SW 12.

9. February 1969, Study and Investigation of Solid Waste Control, prepared for the Minnesota Pollution Control Agency.

10. County Solid Waste Management Act of 1971, Minn. Stat. ch. 400 (1978).

11. Minn. Resource Recovery Plan, Volume I, September, 1979, prepared by Barr Engineering, for the Minnesota Pollution Control Agency.

12. Minn. Rule WPC 34.

13. State Planning Agency Land Use Planning Grant Rule, Minn. Rule SPA 101 - 124.

14. Minnesota Pollution Control Agency Analysis of the Resource Recovery Grants-In-Aid Program, December 1979, prepared by Barr Engineering.

15. Resource Recovery Grants-In-Aid Program Rules, Minn. Rules SW 80 - 83.

16. U.S. Environmental Protection Agency, General Grant Regulations and Procedures, 40 CFR Part 30, June 1979.

17. Comments received by the Agency in Response to its Notice to Solicit Outside Opinion on the Adoption of a Solid Waste Management Assistance Program Grant Rule.

18. Report on the work of the Joint Legislative Committee on Solid and Hazardous Waste, prepared by the Committee, April 1978 through April 1980 (June 1980).

19. Developing a local and regional solid waste management plan, U.S. EPA (1973).

20. Metropolitan Council Draft Land Disposal Abatement Final Report, November 7, 1980.

21. California Solid Waste Management Board fiscal year 1979-1980 procedural manual and application form for recycling program grants.

December 31, 1980

Minnesota Pollution
Control Agency

Terry Hoffman
Executive Director

ADMIN 1000 Rev. 1 73
SF-00005-01

STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL

Office Memorandum

TO : Terry Hoffman
Executive Director
Minnesota Pollution Control Agency

DATE: 3/17/81

Attn: Lisa R. Tiegel
Special Assistant Attorney General

FROM : JERRY S. ANDERSON
Special Assistant
Attorney General

PHONE: 6-4692

SUBJECT: In the Matter of the Proposed Adoption of a Rule for the Administration of the Minnesota Solid Waste Management Demonstration Program for Waste Reduction and Source Separation, Minnesota Rule 6 MCAR § 4.6086

Enclosed herewith are the rules you have submitted for approval. These rules have been approved by this office and filed with the Secretary of State. Please note that they have not been filed with the State Register; this must be done promptly by your agency.

Upon receipt and before transmittal to your agency, however, it is important that you recheck these rules as to:

1. Affixation of stamps of the Attorney General and Secretary of State to the last page of the rules;

2. Coverage by these stamps of all rules submitted; and

3. Inclusion of all pages to the rules in the approved set.

If you have any questions in this regard, please contact me.

JSA/gy

Enc.

cc: Susan Robertson, LCRAR

Duane Harves, OAH

6 MCAR § 4.6086 Rule for the administration of the Minnesota solid waste management demonstration program

A. Purpose.

This rule implements the solid waste management demonstration assistance program, created and described in Article VI of the Waste Management Act of 1980, Minn. Stat. §115A.49 through 115A.54 (1980), by establishing the substantive criteria and procedural conditions according to which the agency shall award grants to demonstrate the conceptual and technical feasibility of waste reduction and source separation projects.

B. Overview of procedures for applying for and receiving a grant.

1. Application for a grant. To be eligible for a grant under these rules, an applicant shall make an application for a grant.

a. The procedures the applicant shall follow in applying for a grant are set out in Part E.

b. The information and documentation the applicant shall provide in the grant application are set out in Part F.

2. Award of a grant. The agency shall award the applicant a grant, in accordance with the procedures and limitations set out in Part G. of this rule, if the agency determines:

a. that the applicant specified in the grant application is grant eligible (see D.1.);

b. that the costs specified in the grant application are grant eligible (see D.2.); and,

c. that the project specified in the grant application is grant eligible (see D.3.).

C. Definitions.

1. "Acceptable project" means

a. for pre-implementation projects, a project which results in an acceptable written report on the conceptual and technical feasibility of implementing a particular source separation or waste reduction program, as defined in C.16. and C.18, respectively. To be considered an acceptable written report under this rule, the report shall:

(1) describe a particular waste reduction or source separation program proposed to be implemented in a specified area;

(2) establish the solid waste management objectives to be accomplished through the implementation of the proposed program;

(3) evaluate the feasibility and anticipated success of accomplishing those objectives through the implementation of the proposed program;

(4) estimate the operating revenues, if any, to be obtained from the proposed program, considering the availability and security of sources of solid waste and of markets for recovered resources, together with any proposed federal, state or local financial assistance; and,

(5) describe the potential statewide significance or the transferability of knowledge or experience gained from the project to other communities in the state.

b. for implementation projects, a project which:

(1) is undertaken to demonstrate the conceptual

and technical feasibility of implementing a particular source separation or waste reduction program, as defined in C.16. and C.18, respectively, and

(2) results in a report which includes an analysis of.

(a) the conceptual and technical feasibility of implementing the project and

(b) the potential statewide significance of the project or the transferability of the knowledge or experience gained from the project to other communities in the state.

The Agency shall determine that a project is reasonably designed to demonstrate the conceptual and technical feasibility of implementing a particular waste reduction or source separation program if the grant application required to be submitted under Part E. is complete.

2. "Agency" means the Minnesota Pollution Control Agency, as constituted pursuant to Minn. Stat. §116.02, subd. 1 (1980).

3. "Application submittal date" means the date by which an application is required to be submitted to the agency in order for the applicant to be eligible to receive a grant under this rule.

4. "City" has the meaning given to it in Minn. Stat. §115A.03, subd. 4.

5. "Collection" has the meaning given to it in Minn. Stat. §115A.03, subd. 5.

6. "County" means a subdivision of the State organized pursuant to Minn. Stat. ch. 373.

7. "Curbside collection" means the source separation method whereby generators of household refuse segregate and set out recyclable materials for collection and transportation to a resource recovery facility or to a transfer station.

8. "Director" means the Executive Director and Chief Executive Officer of the agency or a person expressly designated by the director to discharge a duty or responsibility of the director.

9. "Drop off center" means a location where persons can bring or drop off recycled materials derived primarily from households for consolidation and transportation to a resource recovery facility.

10. "Grant eligible" or "grant eligibility" means meets the criteria to receive funding assistance under this rule.

11. "Implementation project" means a project undertaken to demonstrate the feasibility and practicability of a particular source separation or waste reduction method(s).

12. "Person" has the meaning given to it in Minn. Stat. §115A.03, subd. 23.

13. "Pre-implementation project" means a project undertaken to accomplish preliminary planning and development of, to study the feasibility and practicability of, or to do the conceptual design of a particular source separation or waste reduction method(s).

14. "Resource recovery facility" has the meaning given to it in Minn. Stat. §115A.03, subd. 28.

15. "Solid waste management district" has the meaning given to it in Minn. Stat. §115A.03, subd. 32.

16. "Source separation or source separation program" means the process of segregation and accumulation of recyclable materials at the source of generation of those materials and also means the process of collection and transportation of those materials for resource recovery.

17. "Tranfer station" has the meaning given to it in Minn. Stat. §115A.03, subd. 33.

18. "Waste reduction or waste reduction program" means measures taken by persons to change product or packaging design or consumption habits and thereby reduce the quantity of waste generated.

D. Grant eligibility criteria.

1. Eligible applicants. Any city, county, or solid waste management district within the State of Minnesota is grant eligible. Eligible applicants may apply for grants on behalf of any person that is not an eligible applicant, but the named grantee shall be the city, county, or solid waste management district.

2. Eligible costs.

a. For pre-implementation projects:

(1) the following costs are grant eligible:

(a) Consultant fees and salaries of staff persons employed to develop an acceptable project;

(b) Costs associated with the drafting and

execution of necessary contracts between the grantee and other units of government or qualified consultants employed to carry out project tasks, including, but not limited to, reasonable attorneys' fees;

(c) Costs associated with holding meetings to inform the public of the development of the project and to provide an opportunity for the public to participate in and comment on the development of the project;

(d) Costs associated with printing and distributing project materials and the project report;

(e) Costs of any in-state travel, the primary purpose of which is to attend meetings or gather information needed for the development of the project report, including, but not limited to, reimbursement for mileage consistent with state allowances;

(f) Costs of any necessary supplies required for the development and publication of the report. The costs of leasing equipment needed for the development and publication of the report are eligible for funding. The costs of any commodities, materials, capital expenditures and equipment which could be used after the project is completed shall not be considered supplies and are, therefore, not grant eligible under this rule; and,

(g) Overhead costs.

(2) the agency shall award grants to cover 90 percent of the eligible costs specified in the grant application

and the grantee shall either fund or obtain from another source funding for the remaining costs of completing the project, provided, however, that to the extent the grantee has obtained a non-agency grant(s) to fund any portion of the project, the agency shall fund only 90% of the remaining (i.e., non-agency funded) eligible costs; and,

(3) the maximum amount of a pre-implementation grant for each category listed in G.2.b.(1) and (2) shall be $3,500. If a grantee submits an application for a grant relating to more than one category, the maximum amount of the grant to be awarded by the agency shall be $3,500 for each category funded.

b. For implementation projects:

(1) the following costs are grant eligible:

(a) Consultant fees and salaries of staff persons employed to develop an acceptable project;

(b) Costs associated with the drafting and execution of necessary contracts between the grantee and other units of government or qualified consultants employed to carry out project tasks, including, but not limited to, reasonable attorneys' fees;

(c) Costs associated with holding meetings to inform the public of the development of the project and to provide an opportunity for the public to participate in and comment on the development of the project,

(d) Costs associated with printing and distributing project materials,

(e) Costs of any in-state travel, the primary purpose of which is to attend meetings or gather information needed for the development of the project report, including, but not limited to, reimbursement for mileage consistent with state allowances;

(f) Costs of any necessary supplies required for the development of the project and the publication of the report. The costs of leasing equipment needed for the development of the project and the publication of the report are eligible for funding. The costs of any commodities, materials, capital expenditures and equipment which could be used after the project is completed shall not be considered supplies and are, therefore, not grant eligible under this rule; and,

(g) Overhead costs.

(2) the agency shall award grants to cover 90 percent of the eligible costs specified in the grant application and the grantee shall either fund or obtain from another source funding for the remaining costs of completing the project, provided, however, that to the extent the grantee has obtained a non-agency grant(s) to fund any portion of the project, the agency shall fund only 90% of the remaining (i.e., non-agency funded) eligible costs; and,

(3) the maximum amount of an implementation grant for each category listed in G.2.b.(1) and (2) shall be $15,000. If a grantee submits an application for a grant relating to more than one category, the maximum amount of the grant to be

awarded by the agency shall be $15,000 for each category funded.

c. Once a grant has been awarded, adjustments between funds awarded to cover the costs specified in D.2.a.(1) and D.2.b.(1) shall be made if the agency and the grantee agree that such adjustments shall result in the development of the project in a more efficient manner.

d. If, while working to complete the project, a grantee finds that more funds are needed, the grantee shall proceed as follows:

(1) if the grantee finds that the amount of additional funding that is needed is more than 20% of the original grant, the grantee shall submit a new application which shall be treated in accordance with the procedures set out in G.1. through G.4.

(2) if the grantee finds that the amount of additional funding that is needed is less than 20% of the original grant, and that the original grant was for an amount less than the maximum grants allowed under D.2.(a)(3) and D.2.(b)(3), the grantee shall submit an amended grant application which shall be treated in accordance with the procedures set out in G.5.

e. Grants shall be awarded to cover the eligible costs of only those tasks which are undertaken and completed during the grant period established in the grant agreement. Grants shall not be awarded to cover any cost associated with tasks performed prior to the award of a grant or after the expiration of the grant agreement.

f. The availability of funds is a precondition to the award of any grant or grant amendment by the agency.

g. The fact that an item or person is "grant eligible" under this rule does not automatically assure that a grant shall be awarded. A grant shall only be awarded if the grant eligibility criteria are met and if sufficient funds are available to cover the grant.

3. Eligible projects.

a. The agency shall consider grant eligible all projects that are reasonably designed to result in an acceptable project, as defined in C.1.

b. The agency shall determine that a project is reasonably designed to result in an acceptable project if the agency finds that the grant application required to be submitted under Part E. is complete. The agency shall determine that a grant application is complete if the application contains all the information and meets all the requirements set out in Part F.

c. The agency shall prioritize and limit the award of grants to eligible projects in accordance with the procedures and limitations set out in Part G.

E. Grant application procedures.

1. For grants to be awarded during the fiscal year ending June 30, 1981:

a. As soon as possible and no later than April 15, 1981, a grant applicant shall submit a grant application to the agency.

b. The grant application to be submitted to the agency

shall include all the information and documentation set out in Part F. of this rule.

c. Upon receiving a grant application, the director shall promptly review the application and shall make a determination as to

(1) the eligibility of the applicant specified in the application;

(2) the eligibility of the costs specified in the application; and,

(3) the eligibility of the project specified in the application.

d. Within two weeks after receiving the application, the director shall notify each applicant as to the director's determinations:

(1) If the director determines that the applicant, the costs and the project specified in the application are grant eligible, the application shall be considered final as of the date it was received and the applicant shall be so notified. The application shall then be treated in accordance with the agency review provisions established in Part G. of this rule.

(2) If the director determines that the applicant is not grant eligible, the application shall not be further considered and the applicant shall be so notified.

(3) If the director determines that any of the costs described in the application are not grant eligible or that the application is otherwise incomplete:

(a) The director shall note the inadequacies in the application and shall so notify the applicant;

(b) The applicant shall have two weeks after the date of the director's notification to cure the inadequacies noted by the director or shall have two weeks after the application submittal date, whichever gives the applicant more time to cure the inadequacies noted.

(i) An application which is considered inadequate under this section shall not be considered final until the agency receives the information or documentation which cures the inadequacies described by the director.

(ii) An application which is considered inadequate under this section shall be considered final on the date all necessary supplemental information is received by the agency.

(iii) Once the application is considered final, it shall be treated in accordance with the agency review provisions established in Part G. of this rule.

2. For grants to be awarded during all fiscal years other than that described in E.1.:

a. There shall be two application submittal dates: June 30 and December 31 of each year.

b. As soon as possible and no later than the application submittal dates, a grant applicant shall submit a grant application to the agency.

c. The grant application to be submitted to the agency

shall include all the information and documentation set out in Part F. of this rule.

d. Upon receiving a grant application, the director shall promptly review the application and shall make a determination as to.

(1) the eligibility of the applicant specified in the application;

(2) the eligibility of the costs specified in the application, and,

(3) the eligibility of the project specified in the application.

e. Within two weeks after receiving the application, the director shall notify each applicant as to the director's determinations:

(1) If the director determines that the applicant, the costs and the project specified in the application are grant eligible, the application shall be considered final as of the date it was received and the applicant shall be so notified. The application shall then be treated in accordance with the agency review provisions established in Part G. of this rule.

(2) If the director determines that the applicant is not grant eligible, the application shall not be further considered and the applicant shall be so notified.

(3) If the director determines that any of the costs described in the application are not grant eligible or that the application is otherwise incomplete:

(a) The director shall note the inadequacies in the application and shall so notify the applicant,

(b) The applicant shall have two weeks after the date of the director's notification to cure the inadequacies noted by the director or shall have two weeks after the application submittal date, whichever gives the applicant more time to cure the inadequacies noted.

(i) An application which is considered inadequate under this section shall not be considered final until the agency receives the information or documentation which cures the inadequacies described by the director.

(ii) An application which is considered inadequate under this section shall be considered final on the date all necessary supplemental information is received by the agency.

(iii) Once the application is considered final, it shall be treated in accordance with the agency review provisions established in Part G. of this rule.

3. If, while working to complete a project which has been funded under this rule, a grantee finds that more funds are needed to complete the project and that the amount of additional funding needed is more than 20% of the original grant, the grantee shall submit a new grant application which shall be treated in accordance with the procedures set out in G.1. through G.4. The total amount awarded for any one project (including all additional funding) shall in no event exceed the maximums

established in D.2.(a)(3) and D.2.(b)(3).

4. If, while working to complete a project which has been funded under this rule, a grantee finds that more funds are needed to complete the project, that the amount of additional funding is less than 20% of the original grant, and that the original grant was for an amount less than the maximum grants allowed under D.2.(a)(3) and D.2.(b)(3):

a. The grantee shall submit an amended grant application to the agency.

b. The amended grant application shall include all the information and documentation set out in Part F.3. of this rule.

c. Upon receiving the amended grant application, the director shall promptly review the amended grant application and shall make a determination as to:

(1) the eligibililty of the costs specified in the amended grant application, and

(2) the difference between the maximum amount of funding the project is eligible to receive and the amount of funding the project has received to date.

d. Within two weeks after receiving the amended grant application, the director shall notify the applicant as to the eligibility of the costs specified in the amended grant application.

(1) If the director determines that the costs are not eligible, the amended grant application shall not be further considered and the applicant shall be so notified.

(2) If the director determines that the costs are eligible, the application shall be considered final as of the date it was received and the applicant shall be so notified. The application shall then be treated in accordance with the agency review provisions established in G.5.

(3) If the director determines that the amended grant application is incomplete:

(a) The director shall note the inadequacies in the application and shall so notify the applicant;

(b) The applicant shall have two weeks from the date of the director's notification to cure the inadequacies noted by the director;

(i) An application which is considered inadequate under this section shall not be considered final until the agency receives the information or documentation which cures the inadequacies described by the director.

(ii) An application which is considered inadequate under this section shall be considered final on the date all necessary supplemental information is received by the agency.

(iii) Once the application is considered final, it shall be treated in accordance with the agency review provisions established in G.

F. Grant application content.

1. Applications for grants for pre-implementation projects

shall include the following information:

a. The name(s) of each applicant making the grant application;

b. The name(s) of each person on whose behalf the grant application is submitted;

c. The name(s) of each political subdivision(s) affected by the project, located in the area studied in the project, or located in the area in which the project is intended to be implemented.

d. Resolutions from each political subdivision named in the application which demonstrate that the political subdivision is committed to implement the project; is committed to provide necessary local financing; and, is committed to accept and exercise the government powers necessary to the project.

e. The name(s) and address(es) of the project manager(s);

f. Total project cost;

g. Amount of grant funding requested;

h. Amount and sources of all other funding contributions; including the amount of funds to be contributed by the applicant;

i. Boundaries of and population of any areas which would be served by the program if the project were implemented;

j. A work plan which provides the following information and details how the grantee will make the evaluations necessary to complete an acceptable project within the meaning of C.1.a:

(1) A brief description of the waste reduction and/or source separation program the grantee proposes to evaluate;

(2) A breakdown of the specific work tasks to be completed under the terms of the grant; including, but not limited to,

(a) an evaluation of the conceptual and technical feasibility of implementing the project;

(b) an evaluation of the solid waste management objectives to be accomplished through the implementation of the project;

(c) an estimate of the operating revenues, if any, to be obtained from the proposed program, considering the availability and security of sources of solid waste and of markets for recovered resources, together with any proposed federal, state or local financial assistance; and,

(d) the drafting of a final report describing the work done and conclusions made by the grantee.

(3) A breakdown of the number of work hours needed to complete each of the work tasks specified in j.(2);

(4) A breakdown of all the costs associated with completing each of the tasks specified in j.(2), including an explanation of how each cost was calculated;

(5) A breakdown of the staff, consultants, and units of government associated with completing each of the tasks specified in j.(2);

(6) A breakdown of the amount of time needed to

complete each of the tasks specified in j.(2);

(7) A discussion of the reports, documents and other written materials to be developed;

(8) A discussion of the applicability of the project results to other areas of the State; and,

(9) A discussion of the existing solid waste management system, the impact the project may have on that system, and a statement of the landfill(s) currently serving the area which would be served by the project if it were implemented.

2. Applications for grants for implementation projects shall include the following information:

a. The name(s) of the each applicant making the grant application;

b. The name(s) of each person on whose behalf the grant application is submitted;

c. The name(s) of each political subdivision(s) affected by the project, located in the area studied in the project, or located in the area in which the project is intended to be implemented.

d. Resolutions from each political subdivision named in the application which demonstrate that the political subdivision is committed to implement the project; is committed to provide necessary local financing; and, is committed to accept and exercise the government powers necessary to the project.

e. The name(s) and address(es) of the project manager(s);

f. Total project cost;

g. Amount of grant funding requested;

h. Amount and sources of all other funding contributions, including the amount of funds to be contributed by the applicant;

i. Boundaries of and population of any areas which would be served by the program if the project were implemented;

j. Statements, together with supporting information, that demonstrate:

(1) that the project is conceptually and technically feasible;

(2) that operating revenues from the project, considering the availability and security of sources of solid waste and of markets for recovered resources, together with any proposed federal, state, or local financing assistance, will be sufficient to pay all costs over the projected life of the project; and,

(3) that the applicant has evaluated the feasible and prudent alternatives to disposal and has compared and evaluated the costs of the alternatives, including capital and operating costs, and the effects of the alternatives on the cost to generators.

k. A work plan which provides the following information and details how the grantee will take the action necessary to complete an acceptable project within the meaning of C.1.b.

(1) A brief description of the waste reduction and/or source separation program the grantee proposes to

undertake;

(2) A breakdown of the specific work tasks to be completed under the terms of the grant;

(3) A breakdown of the number of work hours needed to complete each of the work tasks specified in k.(2);

(4) A breakdown of all the costs associated with completing each of the tasks specified in k.(2), including an explanation of how each cost was calculated;

(5) A breakdown of the staff, consultants, and units of government associated with completing each of the tasks specified in k.(2);

(6) A breakdown of the amount of time needed to complete each of the tasks specified in k.(2);

(7) A discussion of the reports, documents and other written materials to be developed;

(8) A discussion of the applicability of the project results to other areas of the State; and,

(9) A discussion of the existing solid waste management system, the impact the project may have on that system, and a statement of the landfill(s) currently serving the area which would be served by the project if it were implemented.

3. Amended grant applications shall include the following information:

a. The name(s) of each applicant making the amended grant application;

b. The additional funds requested by the applicant;

c. Justification for the request for additional funds;

d. A statement of the amount of funds already obtained from the agency to complete the project;

e. A statement of the total amount of funds expended and anticipated to be expended to complete the project;

f. A statement of the amount and sources of all funds not provided by the agency; and,

g. A discussion of the work proceeding to date under the grant and a statement as to whether the work is being completed on schedule and, if not, a discussion as to why it is not proceeding on schedule.

G. Agency review of grant applications and amendments and award of grants and grant amendments.

1. Grants shall be awarded to eligible grantees, to the extent funding is available, in accordance with the procedures and limitations set out in this Part.

2. Within 45 days after each application submittal date, the agency shall categorize each eligible project:

a. by determining whether the project is a waste reduction or a source separation project, and

b. by identifying the category within which each eligible project falls. The categories of eligible projects are the following:

(1) Waste reduction

Pre-implementation projects that study or design the following methods of waste reduction	Implementation projects that demonstrate the following methods of waste reduction
(a) Change in procurement policies	(a) Change in procurement policies
(b) Public awareness programs	(b) Public awareness programs
(c) Marketing programs	(c) Marketing programs
(d) Office waste reduction	(d) Office waste reduction
(e) Reduction of solid materials generated by an industry or commercial establishment	(e) Reduction of solid materials generated by an industry or commerical establishment
(f) Curriculum development	(f) Curriculum use

(2) Source separation

Pre-implementation projects that study or design the following methods or source	Implementation projects that demonstrate the following methods of source separation
(a) Public awareness programs	(a) Public awareness programs
(b) Marketing program	(b) Marketing program
(c) Office waste recycling	(c) Office waste recycling
(d) Source separation of solid materials generated by an industry or commercial establishment	(d) Source separation of solid materials generated by an industry or commercial establishment
(e) Separation of yard waste	(e) Separation of yard waste
(f) Curriculum development	(f) Curriculum use
(g) Drop off center	(g) Drop off center
(h) Mandatory curbside collection	(h) Mandatory curbside collection
(i) Voluntary curbside collection	(h) Voluntary curbside collection
(j) Separation at a transfer station	(j) Separation at a transfer station

3. Also within 45 days after each application submittal date, the agency shall rank the projects within each category by assigning that project one point for each of the following statements that correctly describes that project:

a. The project relates specifically to an area where natural geologic and soil conditions are unsuitable for land disposal of solid waste.

b. The project relates specifically to an area where the

available capacity of existing solid waste disposal facilities is determined by the agency to be less than five years.

c. The project relates specifically to an area outside the metropolitan area and would serve more than one local government unit.

d. The project is being carried out pursuant to the findings or recommendations of a solid waste management plan which meets the requirements of Minn. Stat. §115A.46 and 6 MCAR §4.6085.

4. The agency shall award grants as follows:

a. The agency shall award a grant to the project with the highest point ranking within each category. If there are insufficient monies to fund the highest ranking project within each category, the agency shall first award a grant to the project with the highest ranking; shall second award a grant to the project with the second highest ranking; shall third award a grant to the project with the third highest ranking and so on until all grant monies are obligated. For projects with equal rankings, the agency shall first award a grant to the grantee whose final application was submitted earliest, shall second award a grant to the grantee whose final application was submitted second earliest, shall third award a grant to the grantee whose final application was submitted third earliest and so on until grant monies are obligated. If grant applications with equal rankings were submitted on the same date, the agency shall determine the priority of the projects by lottery.

b. After the agency has awarded a grant to the projects that rank the highest within each category, the agency shall award a grant to the projects that rank the second highest within each category. In awarding grants for these projects, the agency shall follow the procedure described in G.4.a.

c. After the agency has awarded a grant to the projects that rank the second highest within each category, the agency shall award a grant to the project that ranks the third highest within each category. The agency shall continue in this fashion until all grant monies have been obligated.

5. The agency shall award grants on a first come, first serve basis to applicants for a supplemental grant that meet the description set out at E.4. These awards shall be made within one month after a completed eligible application for a grant amendment has been received by the agency. Grant amendments shall not be subject to the ranking procedures set out in G.4.

H. Grant agreement.

1. The grant agreement shall incorporate by reference the final grant application submitted to the agency in accordance with F.

2. The grant agreement shall establish the term of the grant. All grants awarded under this rule shall have a maximum term of two years.

3. Grants not completed in accordance with the terms and con-

ditions of the grant agreement, including time schedules, shall be forfeited unless the agency determines that the variances from the grant requirements are due to factors outside the control of the grantee.

4. The grant agreement shall include a payment schedule. This payment schedule shall provide for reimbursement of stated travel costs in a manner described in the grant agreement and shall require that ten percent of each payment made under the grant agreement (except reimbursable travel costs) be retained by the agency until the director determines that the report submitted under the grant is an acceptable project. If the director determines that the report is deficient, the director shall notify the grantee of the deficiency. The agency shall pay the withheld ten percent of the grant as soon as the director determines that the report is an acceptable project.

5. The grant agreement shall provide that the grantee shall be authorized to enter into contracts to complete the work specified in the grant. The grant agreement shall further provide that if any person other than the grantee is to receive any grant monies for completing work under the grant, the grantee must enter into a written agreement with that person for the work to be done by that person. The grant agreement shall further require that all written agreements for work to be done under this grant shall name the agency as a third-party beneficiary to those agreements.

6. The grant agreement shall provide that, upon the agreement

of the grantee and the director, the grant agreement shall be amended.

7. The grant agreement shall provide that the director shall extend the expiration date of the grant upon request and justification of the change by the grantee. The grantee shall justify a request for extension by demonstrating that the factors which resulted in the delay of the project were beyond the control of the grantee.

I. Apportionment.

1. The agency shall apportion funds allocated to it by the legislature for the grant programs set out in Articles V and VI of the Waste Management Act, Minn. Stat. §115A.42 through 115A.54 (1980) as follows:

a. Article V grants (grants awarded under other rules): forty percent of the amount appropriated to the agency; and

b. Article VI grants (grants awarded under this rule): sixty percent of the amount appropriated to the agency.

c. If the agency receives more eligible requests for grant assistance under Article VI than the agency has funds available and the agency receives less eligible requests for grant assistance under Article V than it has funds available, the agency shall adjust the apportionment described in this part. Similarly, if the agency receives less eligible requests for grant assistance under Article VI than the agency has funds available to it and more eligible request for grant assistance under Article V than it

has funds available, the agency shall adjust the apportionment described in this part. No such adjustment shall be made until the last date that grant applications are permitted to be submitted to the agency under this rule and the rule developed to implement Article V of the Waste Management Act.

2. For pre-implementation and implementation grants, the agency shall apportion funds allocated to it by the legislature as follows:

a. pre-implementation grants: twenty percent of the amount appropriated to the agency, and

b. implementation grants. eighty percent of the amount appropriated to the agency.

J. Severability.

If any provision of this rule or the application thereof to any person or circumstance is held to be invalid, such invalidity shall not affect any other provision or application of any other part of this rule or any other rule which can be given effect without the invalid provision or application, and to this end the provisions of this rule and the various applications thereof are declared to be severable.

APPROVED AS TO FORM AND LEGALITY

3/17 1981

WARREN SPANNAUS, ATTORNEY GENERAL

BY Jerry Anderson

SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
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Joan Anderson Growe
Secretary of State

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6 MCAR § 4.6086 Rule for the administration of the Minnesota solid waste management demonstration program

A. Purpose

This rule implements the solid waste management demonstration assistance program, created and described in Article VI of the Waste Management Act of 1980, Minn. Stat. §115A.49 through 115A.54 (1980), by establishing the substantive criteria and procedural conditions according to which the Agency shall award grants to demonstrate the conceptual and technical feasibility of waste reduction and source separation projects.

B. Overview of procedures for applying for and receiving a grant

1. Application for a grant. To be eligible for a grant under these rules, an applicant shall make an application for a grant.

a. The procedures the applicant shall follow in applying for a grant are set out in Part E.

b. The information and documentation the applicant shall provide in the grant application are set out in Part F.

2. Award of a grant. The Agency shall award the applicant a grant, in accordance with the procedures and limitations set out in Part G. of this rule, if the Agency determines:

a. that the applicant specified in the grant application is grant eligible (see D.1.);

b. that the costs specified in the grant application are grant eligible (see D.2.); and,

c. that the project specified in the grant application is grant eligible (see D.3.).

C. Definitions

1. "Acceptable project" means

a. for pre-implementation projects, a project which results in an acceptable written report on the conceptual and technical feasibility of implementing a particular source separation or waste reduction program, as defined in C.16. and C.18, respectively. To be considered an acceptable written report under this rule, the report shall:

(1) describe a particular waste reduction or source separation program proposed to be implemented in a specified area;

(2) establish the solid waste management objectives to be accomplished through the implementation of the proposed program;

(3) evaluate the feasibility and anticipated success of accomplishing those objectives through the implementation of the proposed program;

(4) estimate the operating revenues, if any, to be obtained from the proposed program, considering the availability and security of sources of solid waste and of markets for recovered resources, together with any proposed federal, state or local financial assistance; and,

(5) describe the potential state wide significance or the transferability of knowledge or experience gained from the project to other communities in the State.

b. for implementation projects, a project which:

(1) is undertaken to demonstrate the conceptual

and technical feasibility of implementing a particular source separation or waste reduction program, as defined in C.16. and C.18, respectively, and

(2) results in a report which includes an analysis of

(a) the conceptual and technical feasibility of implementing the project and

(b) an analsyis of the potential state wide significance of the project or the transferability of the knowledge or experience gained from the project to other communities in the State.

The Agency shall determine that a project is reasonably designed to demonstrate the conceptual and technical feasibility of implementing a particular waste reduction or source separation program if the grant application required to be submitted under Part E. is complete.

2. "Agency" means the Minnesota Pollution Control Agency, as constituted pursuant to Minn. Stat. §116.02, subd. 1 (1980).

3. "Application submittal date" means the date by which an application is required to be submitted to the agency in order for the applicant to be eligible to receive a grant under this rule.

4. "City" has the meaning given to it in Minn. Stat. §115A.03, subd. 4.

5. "Collection" has the meaning given to it in Minn. Stat. §115A.03, subd. 5.

6. "County" means a subdivision of the State organized pursuant to Minn. Stat. ch. 373.

7. "Curbside collection" means the source separation method whereby generators of household refuse segregate and set out recyclable materials for collection and transportation to a resource recovery facility or to a transfer station.

8. "Director" means the Executive Director and Chief Executive Officer of the agency or a person expressly designated by the director to discharge a duty or responsibility of the director.

9. "Drop off center" means a location where persons can bring or drop off recycled materials derived primarily from households for consolidation and transportation to a resource recovery facility.

10. "Grant eligible" or "grant eligibility" means meets the criteria to receive funding assistance under this rule.

11. "Implementation project" means a project undertaken to demonstrate the feasibility and practicability of a particular source separation or waste reduction method(s).

12. "Person" has the meaning given to it in Minn. Stat. §115A.03, subd. 23.

13. "Pre-implementation project" means a project undertaken to accomplish preliminary planning and development of, to study the feasibility and practicability of, or to do the conceptual design of a particular source separation or waste reduction method(s).

14. "Resource recovery facility" has the meaning given to it in Minn. Stat. §115A.03, subd. 28.

15. "Solid waste management district" has the meaning given to it in Minn. Stat. §115A.03, subd. 32.

16. "Source separation or source separation program" means the process of segregation and accumulation of recyclable materials at the source of generation of those materials and also means the process of collection and transportation of those materials for resource recovery.

17. "Tranfer station" has the meaning given to it in Minn. Stat. §115A.03, subd. 33.

18. "Waste reduction or waste reduction program" means measures taken by persons to change product or packaging design or consumption habits and thereby reduce the quantity of waste generated.

D. Grant eligibility criteria

1. Eligible applicants. Any city, county, or solid waste management district within the State of Minnesota is grant eligible. Eligible applicants may apply for grants on behalf of any person that is not an eligible applicant, but the named grantee shall be the city, county, or solid waste management district.

2. Eligible costs.

a. For pre-implementation projects:

(1) the following costs are grant eligible.

(a) Consultant fees and salaries of staff persons employed to develop an acceptable project;

(b) Costs associated with the drafting and

execution of necessary contracts between the grantee and other units of government or qualified consultants employed to carry out project tasks, including, but not limited to, reasonable attorneys' fees;

(c) Costs associated with holding meetings to inform the public of the development of the project and to provide an opportunity for the public to participate in and comment on the development of the project;

(d) Costs associated with printing and distributing project materials and the project report;

(e) Costs of any in-state travel, the primary purpose of which is to attend meetings or gather information needed for the development of the project report, including, but not limited to, reimbursement for mileage consistent with state allowances;

(f) Costs of any necessary supplies required for the development and publication of the report. The costs of leasing equipment needed for the development and publication of the report are eligible for funding. The costs of any commodities, materials, capital expenditures and equipment which could be used after the project is completed shall not be considered supplies and are, therefore, not grant eligible under this rule; and,

(g) Overhead costs.

(2) the Agency shall award grants to cover 90 percent of the eligible costs specified in the grant application

and the grantee shall either fund or obtain from another source funding for the remaining costs of completing the project, provided, however, that to the extent the grantee has obtained a non-agency grant(s) to fund any portion of the project, the agency shall fund only 90% of the remaining (i.e., non-agency funded) eligible costs; and,

(3) the maximum amount of a pre-implementation grant for each category listed in G.2.b.(1) and (2) shall be $3,500. If a grantee submits an application for a grant relating to more than one category, the maximum amount of the grant to be awarded by the agency shall be $3,500 for each category funded.

b. For implementation projects:

(1) the following costs are grant eligible:

(a) Consultant fees and salaries of staff persons employed to develop an acceptable project;

(b) Costs associated with the drafting and execution of necessary contracts between the grantee and other units of government or qualified consultants employed to carry out project tasks, including, but not limited to, reasonable attorneys' fees;

(c) Costs associated with holding meetings to inform the public of the development of the project and to provide an opportunity for the public to participate in and comment on the development of the project;

(d) Costs associated with printing and distributing project materials;

(e) Costs of any in-state travel, the primary purpose of which is to attend meetings or gather information needed for the development of the project report, including, but not limited to, reimbursement for mileage consistent with state allowances;

(f) Costs of any necessary supplies required for the development of the project and the publication of the report. The costs of leasing equipment needed for the development of the project and the publication of the report are eligible for funding. The costs of any commodities, materials, capital expenditures and equipment which could be used after the project is completed shall not be considered supplies and are, therefore, not grant eligible under this rule; and,

(g) Overhead costs.

(2) the Agency shall award grants to cover 90 percent of the eligible costs specified in the grant application and the grantee shall either fund or obtain from another source funding for the remaining costs of completing the project, provided, however, that to the extent the grantee has obtained a non-agency grant(s) to fund any portion of the project, the agency shall fund only 90% of the remaining (i.e., non-agency funded) eligible costs; and,

(3) the maximum amount of an implementation grant for each category listed in G.2.b.(1) and (2) shall be $15,000. If a grantee submits an application for a grant relating to more than one category, the maximum amount of the grant to be

awarded by the Agency shall be $15,000 for each category funded.

c. Once a grant has been awarded, adjustments between funds awarded to cover the costs specified in D.2.a.(1) and D.2.b.(1) shall be made if the Agency and the grantee agree that such adjustments shall result in the development of the project in a more efficient manner.

d. If, while working to complete the project, a grantee finds that more funds are needed, the grantee shall proceed as follows:

(1) if the grantee finds that the amount of additional funding that is needed is more than 20% of the original grant, the grantee shall submit a new application which shall be treated in accordance with the procedures set out in G.1. through G.4.

(2) if the grantee finds that the amount of additional funding that is needed is less than 20% of the original grant, and that the original grant was for an amount less than the maximum grants allowed under D.2.(a)(3) and D.2.(b)(3), the grantee shall submit an amended grant application which shall be treated in accordance with the procedures set out in G.5.

e. Grants shall be awarded to cover the eligible costs of only those tasks which are undertaken and completed during the grant period established in the grant agreement. Grants shall not be awarded to cover any cost associated with tasks performed prior to the award of a grant or after the expiration of the grant agreement.

f. The availability of funds is a precondition to the award of any grant or grant amendment by the Agency.

g. The fact that an item or person is "grant eligible" under this rule does not automatically assure that a grant shall be awarded. A grant shall only be awarded if the grant eligibility criteria are met and if sufficient funds are available to cover the grant.

3. Eligible projects.

a. The agency shall consider grant eligible all projects that are reasonably designed to result in an acceptable project, as defined in C.1.

b. The agency shall determine that a project is reasonably designed to result in an acceptable project if the agency finds that the grant application required to be submitted under Part E. is complete. The agency shall determine that a grant application is complete if the application contains all the information and meets all the requirements set out in Part F.

c. The agency shall prioritize and limit the award of grants to eligible projects in accordance with the procedures and limitations set out in Part G.

E. Grant application procedures

1. For grants to be awarded during the fiscal year ending June 30, 1981:

a. As soon as possible and no later than April 15, 1981, a grant applicant shall submit a grant application to the agency.

b. The grant application to be submitted to the agency

shall include all the information and documentation set out in Part F. of this rule.

c. Upon receiving a grant application, the director shall promptly review the application and shall make a determination as to

(1) the eligibility of the applicant specified in the application;

(2) the eligibility of the costs specified in the application; and,

(3) the eligibility of the project specified in the application.

d. Within two weeks after receiving the application, the director shall notify each applicant as to the director's determinations:

(1) If the director determines that the applicant, the costs and the project specified in the application are grant eligible, the application shall be considered final as of the date it was received and the applicant shall be so notified. The application shall then be treated in accordance with the agency review provisions established in Part G. of this rule.

(2) If the director determines that the applicant is not grant eligible, the application shall not be further considered and the applicant shall be so notified.

(3) If the Director determines that any of the costs described in the application are not grant eligible or that the application is otherwise incomplete:

(a) The director shall note the inadequacies in the application and shall so notify the applicant;

(b) The applicant shall have two weeks after the date of the director's notification to cure the inadequacies noted by the director or shall have two weeks after the application submittal date, whichever gives the applicant more time to cure the inadequacies noted.

(i) An application which is considered inadequate under this section shall not be considered final until the Agency receives the information or documentation which cures the inadequacies described by the director.

(ii) An application which is considered inadequate under this section shall be considered final on the date all necessary supplemental information is received by the agency.

(iii) Once the application is considered final, it shall be treated in accordance with the agency review provisions established in Part G. of this rule.

2. For grants to be awarded during all fiscal years other than that described in E.1.:

a. There shall be two application submittal dates: June 30 and December 31 of each year.

b. As soon as possible and no later than the application submittal dates, a grant applicant shall submit a grant application to the agency.

c. The grant application to be submitted to the agency

shall include all the information and documentation set out in Part F. of this rule.

d. Upon receiving a grant application, the director shall promptly review the application and shall make a determination as to:

(1) the eligibility of the applicant specified in the application;

(2) the eligibility of the costs specified in the application; and,

(3) the eligibility of the project specified in the application.

e. Within two weeks after receiving the application, the director shall notify each applicant as to the director's determinations:

(1) If the director determines that the applicant, the costs and the project specified in the application are grant eligible, the application shall be considered final as of the date it was received and the applicant shall be so notified. The application shall then be treated in accordance with the agency review provisions established in Part G. of this rule.

(2) If the director determines that the applicant is not grant eligible, the application shall not be further considered and the applicant shall be so notified.

(3) If the Director determines that any of the costs described in the application are not grant eligible or that the application is otherwise incomplete:

(a) The director shall note the inadequacies in the application and shall so notify the applicant;

(b) The applicant shall have two weeks after the date of the director's notification to cure the inadequacies noted by the director or shall have two weeks after the application submittal date, whichever gives the applicant more time to cure the inadequacies noted.

(i) An application which is considered inadequate under this section shall not be considered final until the Agency receives the information or documentation which cures the inadequacies described by the director.

(ii) An application which is considered inadequate under this section shall be considered final on the date all necessary supplemental information is received by the agency.

(iii) Once the application is considered final, it shall be treated in accordance with the agency review provisions established in Part G. of this rule.

3. If, while working to complete a project which has been funded under this rule, a grantee finds that more funds are needed to complete the project and that the amount of additional funding needed is more than 20% of the original grant, the grantee shall submit a new grant application which shall be treated in accordance with the procedures set out in G.(1) through G.(4). The total amount awarded for any one project (including all additional funding) shall in no event exceed the maximums

established in D.2.(a)(3) and D.2.(b)(3).

4. If, while working to complete a project which has been funded under this rule, a grantee finds that more funds are needed to complete the project, that the amount of additional funding is less than 20% of the original grant, and that the original grant was for an amount less than the maximum grants allowed under D.2.(a)(3) and D.2.(b)(3):

a. The grantee shall submit an amended grant application to the agency.

b. The amended grant application shall include all the information and documentation set out in Part F.3. of this rule.

c. Upon receiving the amended grant application, the director shall promptly review the amended grant application and shall make a determination as to:

(1) the eligibililty of the costs specified in the amended grant application, and

(2) the difference between the maximum amount of funding the project is eligible to receive and the amount of funding the project has received to date.

d. Within two weeks after receiving the amended grant application, the director shall notify the applicant as to the eligibility of the costs specified in the amended grant application.

(1) If the director determines that the costs are not eligible, the amended grant application shall not be further considered and the applicant shall be so notified.

(2) If the director determines that the costs are eligible, the application shall be considered final as of the date it was received and the applicant shall be so notified. The application shall then be treated in accordance with the agency review provisions established in G.5.

(3) If the director determines that the amended grant application is incomplete:

(a) The director shall note the inadequacies in the application and shall so notify the applicant;

(b) The applicant shall have two weeks from the date of the director's notification to cure the inadequacies noted by the director;

(i) An application which is considered inadequate under this section shall not be considered final until the agency receives the information or documentation which cures the inadequacies described by the director.

(ii) An application which is considered inadequate under this section shall be considered final on the date all necessary supplemental information is received by the agency.

(iii) Once the application is considered final, it shall be treated in accordance with the agency review provisions established in G.

F. Grant application content

1. Applications for grants for pre-implementation projects

shall include the following information:

a. The name(s) of the each applicant making the grant application;

b. The name(s) of each person on whose behalf the grant application is submitted;

c. The name(s) of each political subdivision(s) affected by the project, located in the area studied in the project, or located in the area in which the project is intended to be implemented.

d. Resolutions from each political subdivision named in the application which demonstrate that the political subdivision is committed to implement the project; is committed to provide necessary local financing; and, is committed to accept and exercise the government powers necessary to the project.

e. The name(s) and address(es) of the project manager(s);

f. Total project cost;

g. Amount of grant funding requested;

h. Amount and sources of all other funding contributions; including the amount of funds to be contributed by the applicant;

i. Boundaries of and population of any areas which would be served by the program if the project were implemented;

j. A work plan which provides the following information and details how the grantee will make the evaluations necessary to complete an acceptable project within the meaning of C.1.a:

(1) A brief description of the waste reduction and/or source separation program the grantee proposes to evaluate;

(2) A breakdown of the specific work tasks to be completed under the terms of the grant, including, but not limited to,

(a) an evaluation of the conceptual and technical feasibility of implementing the project;

(b) an evaluation of the solid waste management objectives to be accomplished through the implementation of the project;

(c) an estimate of the operating revenues, if any, to be obtained from the proposed program, considering the availability and security of sources of solid waste and of markets for recovered resources, together with any proposed federal, state or local financial assistance; and,

(d) the drafting of a final report describing the work done and conclusions made by the grantee.

(3) A breakdown of the number of work hours needed to complete each of the work tasks specified in j.(2);

(4) A breakdown of all the costs associated with completing each of the tasks specified in j.(2), including an explanation of how each cost was calculated;

(5) A breakdown of the staff, consultants, and units of government associated with completing each of the tasks specified in (j)(3); j.(2)

(6) A breakdown of the amount of time needed to

complete each of the tasks specified in j.(2);

(7) A discussion of the reports, douments and other written materials to be developed;

(8) A discussion of the applicability of the project results to other areas of the State; and,

(9) A discussion of the existing solid waste management system, the impact the project may have on that system, and a statement of the landfill(s) currently serving the area which would be served by the project if it were implemented.

2. Applications for grants for implementation projects shall include the following information:

a. The name(s) of the each applicant making the grant application;

b. The name(s) of each person on whose behalf the grant application is submitted;

c. The name(s) of each political subdivision(s) affected by the project, located in the area studied in the project, or located in the area in which the project is intended to be implemented.

d. Resolutions from each political subdivision named in the application which demonstrate that the political subdivision is committed to implement the project; is committed to provide necessary local financing; and, is committed to accept and exercise the government powers necessary to the project.

e. The name(s) and address(es) of the project manager(s),

f. Total project cost;

g. Amount of grant funding requested;

h. Amount and sources of all other funding contributions; including the amount of funds to be contributed by the applicant;

i. Boundaries of and population of any areas which would be served by the program if the project were implemented;

j. Statements, together with supporting information, that demonstrate:

(1) that the project is conceptually and technically feasible;

(2) that operating revenues from the project, considering the availability and security of sources of solid waste and of markets for recovered resources, together with any proposed federal, state, or local financing assistance, will be sufficient to pay all costs over the projected life of the project; and,

(3) that the applicant has evaluated the feasible and prudent alternatives to disposal and has compared and evaluated the costs of the alternatives, including capital and operating costs, and the effects of the alternatives on the cost to generators.

k. A work plan which provides the following information and details how the grantee will take the action necessary to complete an acceptable project within the meaning of C.1.b.

(1) A brief description of the waste reduction and/or source separation program the grantee proposes to

undertake;

(2) A breakdown of the specific work tasks to be completed under the terms of the grant;

(3) A breakdown of the number of work hours needed to complete each of the work tasks specified in k.(2);

(4) A breakdown of all the costs associated with completing each of the tasks specified in k.(2), including an explanation of how each cost was calculated;

(5) A breakdown of the staff, consultants, and units of government associated with completing each of the tasks specified in k.(2);

(6) A breakdown of the amount of time needed to complete each of the tasks specified in k.(2);

(7) A discussion of the reports, douments and other written materials to be developed;

(8) A discussion of the applicability of the project results to other areas of the State; and,

(9) A discussion of the existing solid waste management system, the impact the project may have on that system, and a statement of the landfill(s) currently serving the area which would be served by the project if it were implemented.

2. Amended grant applications shall include the following information:

a. The name(s) of each applicant making the amended grant application;

b. The additional funds requested by the applicant;

c. Justification for the request for additional funds;

d. A statement of the amount of funds already obtained from the agency to complete the project;

e. A statement of the total amount of funds expended and anticipated to be expended to complete the project;

f. A statement of the amount and sources of all funds not provided by the agency; and,

g. A discussion of the work proceeding to date under the grant and a statement as to whether the work is being completed on schedule and, if not, a discussion as to why it is not proceeding on schedule.

G. Agency review of grant applications and amendments and award of grants and grant amendents

1. Grants shall be awarded to eligible grantees, to the extent funding is available, in accordance with the procedures and limitations set out in this Part.

2. Within 45 days after each application submittal date, the agency shall categorize each eligible project:

a. by determining whether the project is a waste reduction or a source separation project, and

b. by identifying the category within which each eligible project falls. The categories of eligible projects are the following:

(1) Waste reduction

Pre-implementation projects that study or design the following methods of waste reduction	Implementation projects that demonstrate the following methods of waste reduction
(a) Change in procurement policies	(a) Change in procurement policies
(b) Public awareness programs	(b) Public awareness programs
(c) Marketing programs	(c) Marketing programs
(d) Office waste reduction	(d) Office waste reduction
(e) Reduction of solid materials generated by an industry or commercial establishment	(e) Reduction of solid materials generated by an industry or commerical establishment
(f) Curriculum development	(f) Curriculum use

(2) Source separation

Pre-implementation projects that study or design the following methods of source	Implementation projects that demonstrate the following methods of source separation
(a) Public awareness programs	(a) Public awareness programs
(b) Marketing program	(b) Marketing program
(c) Office waste recycling	(c) Office waste recycling
(d) Source separation of solid materials generated by an industry or commercial establishment	(d) Source separation of solid materials generated by an industry or commercial establishment
(e) Separation of yard waste	(e) Separation of yard waste
(f) Curriculum development	(f) Curriculum use
(g) Drop off center	(g) Drop off center
(h) Mandatory curbside collection	(h) Mandatory curbside collection
(i) Voluntary curbside collection	(h) Voluntary curbside collection
(j) Separation at a transfer station	(j) Separation at a transfer station

3. Also within 45 days after each application submittal date, the agency shall rank the projects within each category by assigning that project one point for each of the following statements that correctly describes that project:

a. The project relates specifically to an area where natural geologic and soil conditions are unsuitable for land disposal of solid waste.

b. The project relates specifically to an area where the

available capacity of existing solid waste disposal facilities is determined by the agency to be less than five years.

c. The project relates specifically to an area outside the metropolitan area and would serve more than one local government unit.

d. The project is being carried out pursuant to the findings or recommendations of a solid waste management plan which meets the requirements of Minn. Stat. §115A.46 and 6 MCAR §4.6085.

4. The agency shall award grants as follows:

a. The agency shall award a grant to the project with the highest point ranking within each category. If there are insufficient monies to fund the highest ranking project within each category, the agency shall first award a grant to the project with the highest ranking; shall second award a grant to the project with the second highest ranking; shall third award a grant to the project with the third highest ranking and so on until all grant monies are obligated. For projects with equal rankings, the agency shall first award a grant to the grantee whose final application was submitted earliest; shall second award a grant to the grantee whose final application was submitted second earliest; shall third award a grant to the grantee whose final application was submitted third earliest and so on until grant monies are obligated. If grant applications with equal rankings were submitted on the same date, the agency shall determine the priority of the projects by lottery.

b. After the agency has awarded a grant to the projects that rank the highest within each category, the agency shall award a grant to the projects that rank the second highest within each category. In awarding grants for these projects, the agency shall follow the procedure described in G.4.a.

c. After the agency has awarded a grant to the projects that rank the second highest within each category, the agency shall award a grant to the project that ranks the third highest within each category. The agency shall continue in this fashion until all grant monies have been obligated.

5. The agency shall award grants on a first come, first serve basis to applicants for a supplemental grant that meet the description set out at E.4. These awards shall be made within one month after a completed eligible application for a grant amendment has been received by the agency. Grant amendments shall not be subject to the ranking procedures set out in G.4.

H. Grant agreement

1. The grant agreement shall incorporate by reference the final grant application submitted to the agency in accordance with F.

2. The grant agreement shall establish the term of the grant. All grants awarded under this rule shall have a maximum term of two years.

3. Grants awarded to projects not completed in accordance with the terms and con-

ditions of the grant agreement, including time schedules, shall be forfeited unless the agency determines that the variances from the grant requirements are due to factors outside the control of the grantee.

4. The grant agreement shall include a payment schedule. This payment schedule shall provide for reimbursement of stated travel costs in a manner described in the grant agreement and shall require that ten percent of each payment make under the grant agreement (except reimbursable travel costs) be retained by the agency until the director determines that the report submitted under the grant is an acceptable project. If the director determines that the report is deficient, the director shall notify the grantee of the deficiency. The agency shall pay the withheld ten percent of the grant as soon as the director determines that the report is an acceptable project.

5. The grant agreement shall provide that the grantee shall be authorized to enter into contracts to complete the work specified in the grant. The grant agreement shall further provide that if any person other than the grantee is to receive any grant monies for completing work under the grant, the grantee must enter into a written agreement with that person for the work to be done by that person. The grant agreement shall further require that all written agreements for work to be done under this grant shall name the agency as a third-party beneficiary to those agreements.

6. The grant agreement shall provide that, upon the agreement

of the grantee and the director, the grant agreement shall be amended.

7. The grant agreement shall provide that the director shall extend the expiration date of tne grant upon request and justification of the change by the grantee. The grantee shall justify a request for extension by demonstrating that the factors which resulted in the delay of the project were beyond the control of the grantee.

I. Apportionment

1. The agency shall apportion funds allocated to it by the legislature for the grant programs set out in Articles V and VI of the Waste Management Act, Minn. Stat. §115A.42 through 115A.54 (1980) as follows:

a. Article V grants (grants awarded under other rules): forty percent of the amount appropriated to the agency; and

b. Article VI grants (grants awarded under this rule): sixty percent of the amount appropriated to the agency.

c. If the agency receives more eligible requests for grant assistance under Article VI than the agency has funds available and the agency receives less eligible requests for grant assistance under Article V than it has funds available, the agency shall adjust the apportionment described in this part. Similarly, if the agency receives less eligible requests for grant assistance under Article VI than the agency has funds available to it and more eligible request for grant assistance under Article V than it

has funds available, the agency shall adjust the apportionment described in this part. No such adjustment shall be made until the last date that grant applications are permitted to be submitted to the agency under this rule and the rule developed to implement Article V of the Waste Mangement Act.

2. For pre-implementation and implementation grants, the agency shall apportion funds allocated to it by legislature as follows:

a. pre-implementation grants: twenty percent of the amount appropriated to the agency; and

b. implementation grants: eighty percent of the amount appropriated to the agency.

J. Severability.

If any provision of this rule or the application thereof to any person or circumstance is held to be invalid, such invalidity shall not affect any other provision or application of any other part of this rule or any other rule which can be given effect without the invalid provision or application, and to this end the provisions of this rule and the various applications thereof are declared to be severable.

Pollution Control Agency

Division of Solid Waste

Adoption of a Rule for the Administraton of the Minnesota Solid Waste Management Demonstration Program for Waste Reduction and Source Separation

The rule proposed and published at State Register, Volume 5, Number 27, pp. 1068 - 1079, January 5, 1980, (5 S.R. 1079) is now adopted as proposed, with the following typographical corrections.

Rule as Adopted

6 MCAR §4.6086 Rule for the administration of the Minnesota solid waste management demonstration program

C. Definitions.

1. "Acceptable project" means

a. for pre-implementation projects, a project which results in an acceptable written report on the conceptual and technical feasibility of implementing a particular source separation or waste reduction program, as defined in C.16. and C.18, respectively. To be considered an acceptable written report under this rule, the report shall:

(1) describe a particular waste reduction or source separation program proposed to be implemented in a specified area;

(2) establish the solid waste management objectives to be accomplished through the implementation of the proposed program;

(3) evaluate the feasibility and anticipated

success of accomplishing those objectives through the implementation of the proposed program,

(4) estimate the operating revenues, if any, to be obtained from the proposed program, considering the availability and security of sources of solid waste and of markets for recovered resources, together with any proposed federal, state or local financial assistance; and,

(5) describe the potential statewide significance or the transferability of knowledge or experience gained from the project to other communities in the state.

b. for implementation projects, a project which:

(1) is undertaken to demonstrate the conceptual and technical feasibility of implementing a particular source separation or waste reduction program as defined in C.16. and C.18, respectively, and

(2) results in a report which includes an analysis of:

(a) the conceptual and technical feasibility of implementing the project and

(b) ~~an analysis of~~ the potential statewide significance of the project or the transferability of the knowledge or experience gained from the project to other communities in the state.

The Agency shall determine that a project is reasonably designed to demonstrate the conceptual and technical feasibility of implementing a particular waste reduction or source separation program if the grant application required to be submitted under Part E. is complete.

E.2.e.(3) If the ~~Director~~ director determines that any of the costs described in the application are not grant eligible or that the application is otherwise incomplete.

E.3. If, while working to complete a project which has been funded under this rule, a grantee finds that more funds are needed to complete the project and that the amount of additional funding needed is more than 20% of the original grant, the grantee shall submit a new grant application which shall be treated in accordance with the procedures set out in ~~G.(1)~~ G.1. through ~~G.(4).~~ G.4. The total amount awarded for any one project (including all additional funding) shall in no event exceed the maximums established in D.2.(a)(3) and D.2.(b)(3).

F.1.a. The name(s) of ~~the~~ each applicant making the grant application;

F.1.j.(5) A breakdown of the staff, consultants, and units of government associated with completing each of the tasks specified in ~~(j)(3)~~ j.(3);

I.1. The agency shall apportion funds allocated to it by the legislature for the grant programs set out in Articles V and VI of the Waste Management Act, Minn. Stat. §115A.42 through 115A.54 (1980) as follows:

I.2. For pre-implementation and implementation grants, the agency shall apportion funds allocated to it by the legislature as follows.

	~~0.25 ppm by volume (655 micrograms per cubic meter)~~	0.25-0.5 ppm by volume (655-1,300 micrograms per cubic meter)	maximum 3 hr. concentration not to be exceeded more than once per yr.
~~(6)~~. Particulate~~"~~ Matter ~~(primary standard)~~	75 micrograms per cubic meter	60 micrograms per cubic meter	maximum annual geometric mean
~~Particulate Matter (secondary standard)~~	260 micrograms per cubic meter	150 micrograms per cubic meter	maximum 24 hr. concentration not to be exceeded more than once per yr.
~~(7)~~. Nitrogen Dioxides~~"~~ ~~(primary and secondary standards)~~	0.05 ppm by volume (100 micrograms per cubic meter)	005 ppm by volume (100 micrograms per cubic meter)	maximum annual arithmetic mean

~~Footnotes:~~

~~(a) All standards apply throughout the State of Minnesota.~~

~~(b) All measurements of ambient air quality are corrected to a reference temperature of 25° C. and a reference pressure of 760 mm of mercury.~~

~~(c) All measurements and tests shall be conducted by the methodology referenced herein, or other methodology as the Director shall hereafter approve.~~

~~(d) By methylene blue, or other method approved by the Director.~~

~~(e) Neutral buffered one percent potassium iodide colorimetric detection technique corrected for SO_2 and NO_2 interference, gas phase chemiluminescence, or other method approved by the Director.~~

~~(f) Nondispersive infrared spectrometry (N.D.I.R.), or other method approved by the Director.~~

~~(g) Flame ionization, or other method approved by the Director.~~

~~(h) By pararosaniline, coulometric, or other method approved by the Director.~~

~~(i) High volume method, or other method approved by the Director.~~

~~(j) Jacobs Hochheiser, or other method approved by the Director.~~

Minnesota Pollution Control Agency
Division of Solid Waste

Proposed Adoption of a Rule for the Administration of the Minnesota Solid Waste Management Demonstration Program for Waste Reduction and Source Separation

Notice of Intent to Adopt a Rule Without a Public Hearing

Notice is hereby given that the Minnesota Pollution Control Agency (hereinafter "agency") intends to adopt the above-entitled rule without a public hearing. The agency has determined that the proposed adoption of this rule will be noncontroversial in nature and has elected to follow the procedures set forth in Minn. Stat. § 15.0412, subd. 4h (1980).

The proposed rule provides for the administration of the Minnesota Solid Waste Management Demonstration Program for Waste Reduction and Source Separation. This program is created and the agency is authorized to adopt this rule under the Waste Management Act (1980 Minn. Laws, ch. 564, art. 6).

The agency has prepared a Statement of Need and Reasonableness that describes the agency's reasons for each provision of the proposed rule and identifies the data and information relied upon by the agency to support the proposed rule. Copies of the Statement of Need and Reasonableness and the proposed rule are available and may be obtained by contacting:

Mr. Don Kyser
Resource Planning Section
Division of Solid Waste
Minnesota Pollution Control Agency
1935 West County Road B-2
Roseville, Minnesota 55113
(Telephone: (612) 297-2727)

All interested or affected persons have until February 4, 1981, to submit comments on the proposed rule. The proposed rule may be modified if the data and views submitted to the agency warrant modifications and the modifications do not result in a substantial change in the proposed language of the rule.

If, during the comment period, seven or more persons submit to the agency a written request for a hearing on the proposed rule, the agency shall proceed to schedule a public hearing before adoption of the proposed rule. In the event a public hearing is required, the agency will proceed according to the provisions of Minn. Stat. § 15.0412, subds. 4-4f. (1980).

Persons who wish to submit comments or to request a public hearing should submit such comments or requests no later than February 4, 1981, to Mr. Don Kyser at the address given above. The agency requests that if a person desires a public hearing, that when submitting a written request for a hearing, the person identify the particular provisions objected to, the suggested modifications to the proposed language, and the reasons and data relied on to support the suggested modifications.

In the event a hearing is required, a new notice of hearing will be mailed out and published in the State Register. If no hearing is requested, the agency will consider the adoption of the proposed rule at the February, 1981, agency meeting or as soon thereafter as possible. Persons who wish to receive a copy of the final rule as proposed for adoption by the agency should submit a written statement of such desire to Mr. Kyser.

After adoption of the final rule by the agency, without a public hearing, the proposed rule, this Notice, the Statement of Need and Reasonableness, all written comments received, and the final Rule as Adopted will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the final rules as proposed for adoption, should submit a written statement of such request to Mr. Don Kyser.

Please be advised that Minn. Stat. ch. 10A requires each lobbyist to register with the State Ethical Practices Board within five days after he or she commences lobbying. A lobbyist is defined in Minn. Stat. § 10A.01, subd. 11 (1980) as any individual:

(a) Engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than $250, not including his own travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials; or

(b) Who spends more than $250, not including his own traveling expenses and membership dues, in any year for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials.

The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 41 State Office Building, Saint Paul, Minnesota 55155, telephone (612) 296-5615.

December 19, 1980

Terry Hoffman
Executive Director
Minnesota Pollution Control Agency

Rule as Proposed

6 MCAR § 4.6086 Administration of the Minnesota solid waste management demonstration program.

A. Purpose. This rule implements the solid waste management demonstration assistance program, created and described in Article VI of the Waste Management Act of 1980, Minn. Stat. § 115A.49 through 115A.54 (1980), by establishing the substantive criteria and procedural conditions according to which the agency shall award grants to demonstrate the conceptual and technical feasibility of waste reduction and source separation projects.

B. Overview of procedures for applying for and receiving a grant.

1. Application for a grant. To be eligible for a grant under these rules, an applicant shall make an application for a grant.

   a. The procedures the applicant shall follow in applying for a grant are set out in Part E.

   b. The information and documentation the applicant shall provide in the grant application are set out in Part F.

2. Award of a grant. The agency shall award the applicant a grant, in accordance with the procedures and limitations set out in Part G. of this rule, if the agency determines:

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." ADOPTED RULES SECTION — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

a. that the applicant specified in the grant application is grant eligible (see D.1.);

b. that the costs specified in the grant application are grant eligible (see D.2.); and,

c. that the project specified in the grant application is grant eligible (see D.3.).

C. Definitions.

1. "Acceptable project" means

a. for pre-implementation projects, a project which results in an acceptable written report on the conceptual and technical feasibility of implementing a particular source separation or waste reduction program, as defined in C.16. and C.18, respectively. To be considered an acceptable written report under this rule, the report shall:

(1) describe a particular waste reduction or source separation program proposed to be implemented in a specified area;

(2) establish the solid waste management objectives to be accomplished through the implementation of the proposed program;

(3) evaluate the feasibility and anticipated success of accomplishing those objectives through the implementation of the proposed program;

(4) estimate the operating revenues, if any, to be obtained from the proposed program, considering the availability and security of sources of solid waste and of markets for recovered resources, together with any proposed federal, state or local financial assistance; and,

(5) describe the potential statewide significance or the transferability of knowledge or experience gained from the project to other communities in the state.

b. for implementation projects, a project which:

(1) is undertaken to demonstrate the conceptual and technical feasibility of implementing a particular source separation or waste reduction program, as defined in C.16. and C.18, respectively, and

(2) results in a report which includes an analysis of:

(a) the conceptual and technical feasibility of implementing the project and

(b) an analysis of the potential statewide significance of the project or the transferability of the knowledge or experience gained from the project to other communities in the state.

The Agency shall determine that a project is reasonably designed to demonstrate the conceptual and technical feasibility of implementing a particular waste reduction or source separation program if the grant application required to be submitted under Part E. is complete.

2. "Agency" means the Minnesota Pollution Control Agency, as constituted pursuant to Minn. Stat. § 116.02, subd. 1 (1980).

3. "Application submittal date" means the date by which an application is required to be submitted to the agency in order for the applicant to be eligible to receive a grant under this rule.

4. "City" has the meaning given to it in Minn. Stat. § 115A.03, subd. 4.

5. "Collection" has the meaning given to it in Minn. Stat. § 115A.03, subd. 5.

6. "County" means a subdivision of the state organized pursuant to Minn. Stat. ch. 373.

7. "Curbside collection" means the source separation method whereby generators of household refuse segregate and set out recyclable materials for collection and transportation to a resource recovery facility or to a transfer station.

8. "Director" means the Executive Director and Chief Executive Officer of the agency or a person expressly designated by the director to discharge a duty or responsibility of the director.

9. "Drop off center" means a location where persons can bring or drop off recycled materials derived primarily from households for consolidation and transportation to a resource recovery facility.

10. "Grant eligible" or "grant eligibility" means meets the criteria to receive funding assistance under this rule.

11. "Implementation project" means a project undertaken to demonstrate the feasibility and practicability of a particular source separation or waste reduction method(s).

12. "Person" has the meaning given to it in Minn. Stat. § 115A.03, subd. 23.

13. "Pre-implementation project" means a project undertaken to accomplish preliminary planning and evelopment of,

to study the feasibility and practicability of, or to do the conceptual design of a particular source separation or waste reduction method(s).

14. "Resource recovery facility" has the meaning given to it in Minn. Stat. § 115A.03, subd. 28.

15. "Solid waste management district" has the meaning given to it in Minn. Stat. § 115A.03, subd. 32.

16. "Source separation or source separation program" means the process of segregation and accumulation of recyclable materials at the source of generation of those materials and also means the process of collection and transportation of those materials for resource recovery.

17. "Transfer station" has the meaning given to it in Minn. Stat. § 115A.03, subd. 33.

18. "Waste reduction or waste reduction program" means measures taken by persons to change product or packaging design or consumption habits and thereby reduce the quantity of waste generated.

D. Grant eligibility criteria.

1. Eligible applicants. Any city, county, or solid waste management district within the State of Minnesota is grant eligible. Eligible applicants may apply for grants on behalf of any person that is not an eligible applicant, but the named grantee shall be the city, county, or solid waste management district.

2. Eligible costs.

a. For pre-implementation projects:

(1) the following costs are grant eligible:

(a) Consultant fees and salaries of staff persons employed to develop an acceptable project;

(b) Costs associated with the drafting and execution of necessary contracts between the grantee and other units of government or qualified consultants employed to carry out project tasks, including, but not limited to, reasonable attorneys' fees;

(c) Costs associated with holding meetings to inform the public of the development of the project and to provide an opportunity for the public to participate in and comment on the development of the project;

(d) Costs associated with printing and distributing project materials and the project report;

(e) Costs of any in-state travel, the primary purpose of which is to attend meetings or gather information needed for the development of the project report, including, but not limited to, reimbursement for mileage consistent with state allowances;

(f) Costs of any necessary supplies required for the development and publication of the report. The costs of leasing equipment needed for the development and publication of the report are eligible for funding. The costs of any commodities, materials, capital expenditures and equipment which could be used after the project is completed shall not be considered supplies and are, therefore, not grant eligible under this rule; and,

(g) Overhead costs.

(2) the agency shall award grants to cover 90 percent of the eligible costs specified in the grant application and the grantee shall either fund or obtain from another source funding for the remaining costs of completing the project, provided, however, that to the extent the grantee has obtained a non-agency grant(s) to fund any portion of the project, the agency shall fund only 90% of the remaining (i.e., non-agency funded) eligible costs; and,

(3) the maximum amount of a pre-implementation grant for each category listed in G.2.b.(1) and (2) shall be $3,500. If a grantee submits an application for a grant relating to more than one category, the maximum amount of the grant to be awarded by the agency shall be $3,500 for each category funded.

b. For implementation projects:

(1) the following costs are grant eligible:

(a) Consultant fees and salaries of staff persons employed to develop an acceptable project;

(b) Costs associated with the drafting and execution of necessary contracts between the grantee and other

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." ADOPTED RULES SECTION — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

units of government or qualified consultants employed to carry out project tasks, including, but not limited to, reasonable attorneys' fees;

(c) Costs associated with holding meetings to inform the public of the development of the project and to provide an opportunity for the public to participate in and comment on the development of the project;

(d) Costs associated with printing and distributing project materials;

(e) Costs of any in-state travel, the primary purpose of which is to attend meetings or gather information needed for the development of the project report, including, but not limited to, reimbursement for mileage consistent with state allowances;

(f) Costs of any necessary supplies required for the development of the project and the publication of the report. The costs of leasing equipment needed for the development of the project and the publication of the report are eligible for funding. The costs of any commodities, materials, capital expenditures and equipment which could be used after the project is completed shall not be considered supplies and are, therefore, not grant eligible under this rule; and,

(g) Overhead costs.

(2) the agency shall award grants to cover 90 percent of the eligible costs specified in the grant application and the grantee shall either fund or obtain from another source funding for the remaining costs of completing the project, provided, however, that to the extent the grantee has obtained a non-agency grant(s) to fund any portion of the project, the agency shall fund only 90% of the remaining (i.e., non-agency funded) eligible costs; and,

(3) the maximum amount of an implementation grant for each category listed in G.2.b.(1) and (2) shall be $15,000. If a grantee submits an application for a grant relating to more than one category, the maximum amount of the grant to be awarded by the Agency shall be $15,000 for each category funded.

c. Once a grant has been awarded, adjustments between funds awarded to cover the costs specified in D.2.a.(1) and D.2.b.(1) shall be made if the agency and the grantee agree that such adjustments shall result in the development of the project in a more efficient manner.

d. If, while working to complete the project, a grantee finds that more funds are needed, the grantee shall proceed as follows:

(1) if the grantee finds that the amount of additional funding that is needed is more than 20% of the original grant, the grantee shall submit a new application which shall be treated in accordance with the procedures set out in G.1. through G.4.

(2) if the grantee finds that the amount of additional funding that is needed is less than 20% of the original grant, and that the original grant was for an amount less than the maximum grants allowed under D.2.(a)(3) and D.2.(b)(3), the grantee shall submit an amended grant application which shall be treated in accordance with the procedures set out in G.5.

e. Grants shall be awarded to cover the eligible costs of only those tasks which are undertaken and completed during the grant period established in the grant agreement. Grants shall not be awarded to cover any cost associated with tasks performed prior to the award of a grant or after the expiration of the grant agreement.

f. The availability of funds is a precondition to the award of any grant or grant amendment by the agency.

g. The fact that an item or person is "grant eligible" under this rule does not automatically assure that a grant shall be awarded. A grant shall only be awarded if the grant eligiblity criteria are met and if sufficient funds are available to cover the grant.

3. Eligible projects.

a. The agency shall consider grant eligible all projects that are reasonably designed to result in an acceptable project, as defined in C.1.

b. The agency shall determine that a project is reasonably designed to result in an acceptable project if the agency finds that the grant application required to be submitted under Part E. is complete. The agency shall determine that a grant application is complete if the application contains all the information and meets all the requirements set out in Part F.

c. The agency shall prioritize and limit the award of grants to eligible projects in accordance with the procedures and limitations set out in Part G.

E. Grant application procedures

1. For grants to be awarded during the fiscal year ending June 30, 1981:

a. As soon as possible and no later than April 15, 1981, a grant applicant shall submit a grant application to the agency.

b. The grant application to be submitted to the agency shall include all the information and documentation set out in Part F. of this rule.

c. Upon receiving a grant application, the director shall promptly review the application and shall make a determination as to

(1) the eligibility of the applicant specified in the application;

(2) the eligibility of the costs specified in the application, and,

(3) the eligibility of the project specified in the application.

d. Within two weeks after receiving the application, the director shall notify each applicant as to the director's determinations.

(1) If the director determines that the applicant, the costs and the project specified in the application are grant eligible, the application shall be considered final as of the date it was received and the applicant shall be so notified. The application shall then be treated in accordance with the agency review provisions established in Part G. of this rule.

(2) If the director determines that the applicant is not grant eligible, the application shall not be further considered and the applicant shall be so notified.

(3) If the director determines that any of the costs described in the application are not grant eligible or that the application is otherwise incomplete:

(a) The director shall note the inadequacies in the application and shall so notify the applicant;

(b) The applicant shall have two weeks after the date of the director's notification to cure the inadequacies noted by the director or shall have two weeks after the application submittal date, whichever gives the applicant more time to cure the inadequacies noted.

(i) An application which is considered inadequate under this section shall not be considered final until the agency receives the information or documentation which cures the inadequacies described by the director.

(ii) An application which is considered inadequate under this section shall be considered final on the date all necessary supplemental information is received by the agency.

(iii) Once the application is considered final, it shall be treated in accordance with the agency review provisions established in Part G. of this rule.

2. For grants to be awarded during all fiscal years other than that described in E.1.:

a. There shall be two application submittal dates: June 30 and December 31 of each year.

b. As soon as possible and no later than the application submittal dates, a grant applicant shall submit a grant application to the agency.

c. The grant application to be submitted to the agency shall include all the information and documentation set out in Part F. of this rule.

d. Upon receiving a grant application, the director shall promptly review the application and shall make a determination as to:

(1) the eligibility of the applicant specified in the application,

(2) the eligibility of the costs specified in the application; and,

(3) the eligibility of the project specified in the application.

e. Within two weeks after receiving the application, the director shall notify each applicant as to the director's determinations:

(1) If the director determines that the applicant, the costs and the project specified in the application are grant eligible, the application shall be considered final as of the date it was received and the applicant shall be so notified. The application shall then be treated in accordance with the agency review provisions established in Part G. of this rule.

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(2) If the director determines that the applicant is not grant eligible, the application shall not be further considered and the applicant shall be so notified.

(3) If the Director determines that any of the costs described in the application are not grant eligible or that the application is otherwise incomplete:

(a) The director shall note the inadequacies in the application and shall so notify the applicant;

(b) The applicant shall have two weeks after the date of the director's notification to cure the inadequacies noted by the director or shall have two weeks after the application submittal date, whichever gives the applicant more time to cure the inadequacies noted.

(i) An application which is considered inadequate under this section shall not be considered final until the Agency receives the information or documentation which cures the inadequacies described by the director.

(ii) An application which is considered inadequate under this section shall be considered final on the date all necessary supplemental information is received by the agency.

(iii) Once the application is considered final, it shall be treated in accordance with the agency review provisions established in Part G. of this rule.

3. If, while working to complete a project which has been funded under this rule, a grantee finds that more funds are needed to complete the project and that the amount of additional funding needed is more than 20% of the original grant, the grantee shall submit a new grant application which shall be treated in accordance with the procedures set out in G. (1) through G. (4). The total amount awarded for any one project (including all additional funding) shall in no event exceed the maximums established in D.2. (a) (3) and D.2. (b) (3).

4. If, while working to complete a project which has been funded under this rule, a grantee finds that more funds are needed to complete the project, that the amount of additional funding is less than 20% of the original grant, and that the original grant was for an amount less than the maximum grants allowed under D.2. (a) (3) and D.2. (b) (3):

a. The grantee shall submit an amended grant application to the agency.

b. The amended grant application shall include all the information and documentation set out in Part F.3. of this rule.

c. Upon receiving the amended grant application, the director shall promptly review the amended grant application and shall make a determination as to:

(1) the eligibility of the costs specified in the amended grant application, and

(2) the difference between the maximum amount of funding the project is eligible to receive and the amount of funding the project has received to date.

d. Within two weeks after receiving the amended grant application, the director shall notify the applicant as to the eligibility of the costs specified in the amended grant application.

(1) If the director determines that the costs are not eligible, the amended grant application shall not be further considered and the applicant shall be so notified.

(2) If the director determines that the costs are eligible, the application shall be considered final as of the date it was received and the applicant shall be so notified. The application shall then be treated in accordance with the agency review provisions established in G.5.

(3) If the director determines that the amended grant application is incomplete:

(a) The director shall note the inadequacies in the application and shall so notify the applicant;

(b) The applicant shall have two weeks from the date of the director's notification to cure the inadequacies noted by the director;

(i) An application which is considered inadequate under this section shall not be considered final until the agency receives the information or documentation which cures the inadequacies described by the director.

(ii) An application which is considered inadequate under this section shall be considered final on the date all necessary supplemental information is received by the agency.

(iii) Once the application is considered final, it shall be treated in accordance with the agency review provisions established in G.

F. Grant application content.

1. Applications for grants for pre-implementation projects shall include the following information:

a. The name(s) of the each applicant making the grant application;

b. The name(s) of each person on whose behalf the grant application is submitted;

c. The name(s) of each political subdivision(s) affected by the project, located in the area studied in the project, or located in the area in which the project is intended to be implemented.

d. Resolutions from each political subdivision named in the application which demonstrate that the political subdivision is committed to implement the project; is committed to provide necessary local financing; and, is committed to accept and exercise the government powers necessary to the project.

e. The name(s) and address(es) of the project manager(s);

f. Total project cost;

g. Amount of grant funding requested;

h. Amount and sources of all other funding contributions; including the amount of funds to be contributed by the applicant;

i. Boundaries of and population of any areas which would be served by the program if the project were implemented;

j. A work plan which provides the following information and details how the grantee will make the evaluations necessary to complete an acceptable project within the meaning of C.1.a:

(1) A brief description of the waste reduction and/or source separation program the grantee proposes to evaluate;

(2) A breakdown of the specific work tasks to be completed under the terms of the grant; including, but not limited to,

(a) an evaluation of the conceptual and technical feasibility of implementing the project;

(b) an evaluation of the solid waste management objectives to be accomplished through the implementation of the project;

(c) an estimate of the operating revenues, if any, to be obtained from the proposed program, considering the availability and security of sources of solid waste and of markets for recovered resources, together with any proposed federal, state or local financial assistance; and,

(d) the drafting of a final report describing the work done and conclusions made by the grantee.

(3) A breakdown of the number of work hours needed to complete each of the work tasks specified in j. (2);

(4) A breakdown of all the costs associated with completing each of the tasks specified in j. (2), including an explanation of how each cost was calculated;

(5) A breakdown of the staff, consultants, and units of government associated with completing each of the tasks specified in (j) (3);

(6) A breakdown of the amount of time needed to complete each of the tasks specified in j. (2);

(7) A discussion of the reports, documents and other written materials to be developed;

(8) A discussion of the applicability of the project results to other areas of the state; and,

(9) A discussion of the existing solid waste management system, the impact the project may have on that system, and a statement of the landfill(s) currently serving the area which would be served by the project if it were implemented.

2. Applications for grants for implementation projects shall include the following information:

a. The name(s) of the each applicant making the grant application;

b. The name(s) of each person on whose behalf the grant application is submitted;

c. The name(s) of each political subdivision(s) affected by the project, located in the area studied in the project, or located in the area in which the project is intended to be implemented.

d. Resolutions from each political subdivision named in the application which demonstrate that the political subdivi-

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sion is committed to implement the project; is committed to provide necessary local financing; and, is committed to accept and exercise the government powers necessary to the project.

e. The name(s) and address(es) of the project manager(s);

f. Total project cost;

g. Amount of grant funding requested;

h. Amount and sources of all other funding contributions; including the amount of funds to be contributed by the applicant;

i. Boundaries of and population of any areas which would be served by the program if the project were implemented;

j. Statements, together with supporting information, that demonstrate:

(1) that the project is conceptually and technically feasible;

(2) that operating revenues from the project, considering the availability and security of sources of solid waste and of markets for recovered resources, together with any proposed federal, state, or local financing assistance, will be sufficient to pay all costs over the projected life of the project; and,

(3) that the applicant has evaluated the feasible and prudent alternatives to disposal and has compared and evaluated the costs of the alternatives, incuding capital and operating costs, and the effects of the alternatives on the cost to generators.

k. A work plan which provides the following information and details how the grantee will take the action necessary to complete an acceptable project within the meaning of C.1.b.

(1) A brief description of the waste reduction and/or source separation program the grantee proposes to undertake;

(2) A breakdown of the specific work tasks to be completed under the terms of the grant;

(3) A breakdown of the number of work hours needed to complete each of the work tasks specified in k.(2);

(4) A breakdown of all the costs associated with completing each of the tasks specified in k.(2), including an explanation of how each cost was calculated;

(5) A breakdown of the staff, consultants, and units of government associated with completing each of the tasks specified in k.(2);

(6) A breakdown of the amount of time needed to complete each of the tasks specified in k.(2);

(7) A discussion of the reports, documents and other written materials to be developed;

(8) A discussion of the applicability of the project results to other areas of the state; and,

(9) A discussion of the existing solid waste management system, the impact the project may have on that system, and a statement of the landfill(s) currently serving the area which would be served by the project if it were implemented.

3. Amended grant applications shall include the following information:

a. The name(s) of each applicant making the amended grant application;

b. The additional funds requested by the applicant;

c. Justification for the request for additional funds;

d. A statement of the amount of funds already obtained from the agency to complete the project;

e. A statement of the total amount of funds expended and anticipated to be expended to complete the project;

f. A statement of the amount and sources of all funds not provided by the agency; and,

g. A discussion of the work proceeding to date under the grant and a statement as to whether the work is being completed on schedule and, if not, a discussion as to why it is not proceeding on schedule.

G. Agency review of grant applications and amendments and award of grants and grant amendments.

1. Grants shall be awarded to eligible grantees, to the extent funding is available, in accordance with the procedures and limitations set out in this Part.

2. Within 45 days after each application submittal date, the agency shall categorize each eligible project:

a. by determining whether the project is a waste reduction or a source separation project, and

b. by identifying the category within which each eligible project falls. The categories of eligible projects are the following:

(1) Waste reduction.

Pre-implementation projects that study or design the following methods of waste reduction	Implementation projects that demonstrate the following methods of waste reduction
(a) Change in procurement policies	(a) Change in procurement policies
(b) Public awareness programs	(b) Public awareness programs
(c) Marketing programs	(c) Marketing programs
(d) Office waste reduction	(d) Office waste reduction
(e) Reduction of solid materials generated by an industry or commercial establishment	(e) Reduction of solid materials generated by an industry or commercial establishment
(f) Curriculum development	(f) Curriculum use

(2) Source separation.

Pre-implementation projects that study or design the following methods of source separation	Implementation projects that demonstrate the following methods of source separation
(a) Public awareness programs	(a) Public awareness programs
(b) Marketing program	(b) Marketing program
(c) Office waste recycling	(c) Office waste recycling
(d) Source separation of solid materials generated by an industry or commercial establishment	(d) Source separation of solid materials generated by an industry or commercial establishment
(e) Separation of yard waste	(e) Separation of yard waste
(f) Curriculum development	(f) Curriculum use
(g) Drop off center	(g) Drop off center
(h) Mandatory curbside collection	(h) Mandatory curbside collection
(i) Voluntary curbside collection	(i) Voluntary curbside collection
(j) Separation at a transfer station	(j) Separation at a transfer station

3. Also within 45 days after each application submittal date, the agency shall rank the projects within each category by assigning that project one point for each of the following statements that correctly describes that project:

a. The project relates specifically to an area where natural geologic and soil conditions are unsuitable for land disposal of solid waste.

b. The project relates specifically to an area where the available capacity of existing solid waste disposal facilities is determined by the agency to be less than five years.

c. The project relates specifically to an area outside the metropolitan area and would serve more than one local government unit.

d. The project is being carried out pursuant to the findings or recommendations of a solid waste management plan which meets the requirements of Minn. Stat. § 115A.46 and 6 MCAR § 4.6085.

4. The agency shall award grants as follows:

a. The agency shall award a grant to the project with the highest point ranking within each category. If there are insufficient monies to fund the highest ranking project within each category, the agency shall first award a grant to the project with the highest ranking; shall second award a grant to the project with the second highest ranking; shall third award a grant to the project with the third highest ranking and so on until all grant monies are obligated. For projects with equal rankings, the

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agency shall first award a grant to the grantee whose final application was submitted earliest; shall second award a grant to the grantee whose final application was submitted second earliest; shall third award a grant to the grantee whose final application was submitted third earliest and so on until grant monies are obligated. If grant applications with equal rankings were submitted on the same date, the agency shall determine the priority of the projects by lottery.

b. After the agency has awarded a grant to the projects that rank the highest within each category, the agency shall award a grant to the projects that rank the second highest within each category. In awarding grants for these projects, the agency shall follow the procedure described in G.4.a.

c. After the agency has awarded a grant to the projects that rank the second highest within each category, the agency shall award a grant to the project that ranks the third highest within each category. The agency shall continue in this fashion until all grant monies have been obligated.

5. The agency shall award grants on a first come, first serve basis to applicants for a supplemental grant that meet the description set out at E.4. These awards shall be made within one month after a completed eligible application for a grant amendment has been received by the agency. Grant amendments shall not be subject to the ranking procedures set out in G.4.

H. Grant agreement.

1. The grant agreement shall incorporate by reference the final grant application submitted to the agency in accordance with F.

2. The grant agreement shall establish the term of the grant. All grants awarded under this rule shall have a maximum term of two years.

3. Grants not completed in accordance with the terms and conditions of the grant agreement, including time schedules, shall be forfeited unless the agency determines that the variances from the grant requirements are due to factors outside the control of the grantee.

4. The grant agreement shall include a payment schedule. This payment schedule shall provide for reimbursement of stated travel costs in a manner described in the grant agreement and shall require that ten percent of each payment made under the grant agreement (except reimbursable travel costs) be retained by the agency until the director determines that the report submitted under the grant is an acceptable project. If the director determines that the report is deficient, the director shall notify the grantee of the deficiency. The agency shall pay the withheld ten percent of the grant as soon as the director determines that the report is an acceptable project.

5. The grant agreement shall provide that the grantee shall be authorized to enter into contracts to complete the work specified in the grant. The grant agreement shall further provide that if any person other than the grantee is to receive any grant monies for completing work under the grant, the grantee must enter into a written agreement with that person for the work to be done by that person. The grant agreement shall further require that all written agreements for work to be done under this grant shall name the agency as a third-party beneficiary to those agreements.

6. The grant agreement shall provide that, upon the agreement of the grantee and the director, the grant agreement shall be amended.

7. The grant agreement shall provide that the director shall extend the expiration date of the grant upon request and justification of the change by the grantee. The grantee shall justify a request for extension by demonstrating that the factors which resulted in the delay of the project were beyond the control of the grantee.

I. Apportionment.

1. The agency shall apportion funds allocated to it by legislature for the grant programs set out in Articles V and VI of the Waste Management Act, Minn. Stat. § 115A.42 through 115A.54 (1980) as follows:

a. Article V grants (grants awarded under other rules): forty percent of the amount appropriated to the agency; and

b. Article VI grants (grants awarded under this rule): sixty percent of the amount appropriated to the agency.

c. If the agency receives more eligible requests for grant assistance under Article VI than the agency has funds available and the agency receives less eligible requests for grant assistance under Article V than it has funds available, the agency shall adjust the apportionment described in this part. Similarly, if the agency receives less eligible requests for grant assistance under Article VI than the agency has funds available to it and more eligible request for grant assistance under Article V than it has funds available, the agency shall adjust the apportionment described in this part. No such adjustment shall be made until the last date that grant applications are permitted to be submitted to the agency under this rule and the rule developed to implement Article V of the Waste Management Act.

2. For pre-implementation and implementation grants, the agency shall apportion funds allocated to it by legislature as follows:

a. pre-implementation grants: twenty percent of the amount appropriated to the agency; and

b. implementation grants: eighty percent of the amount appropriated to the agency.

J. Severability.

If any provision of this rule or the application thereof to any person or circumstance is held to be invalid, such invalidity shall not affect any other provision or application of any other part of this rule or any other rule which can be given effect without the invalid provision or application, and to this end the provisions of this rule and the various applications thereof are declared to be severable.

Minnesota Pollution Control Agency
Division of Solid Waste

Proposed Amendments to the Rules Governing the Management of Hazardous Waste

Notice of Intent to Adopt Rules Without a Public Hearing

Notice is hereby given that the Minnesota Pollution Control Agency (hereinafter "agency") intends to adopt amendments to the rules governing the management of hazardous waste without a public hearing. The agency has determined that the proposed amendment of these rules will be noncontroversial in nature and has elected to follow the procedures set forth in Minn. Stat. § 15.0412, subd. 4h (1980). Authority for the adoption of these rules is contained in Minn. Stat. § 116.07, subd. 4.

The agency has prepared a Statement of Need and Reasonableness that describes the agency's reasons for each provision of the proposed amendments and identifies the data and information relied upon by the agency to support the proposed rule. Copies of the Statement of Need and Reasonableness and the proposed amended rules are available and may be obtained by contacting:

Mr. Larry Christensen
Division of Solid Waste
Minnesota Pollution Control Agency
1935 W. County Road B2
Roseville, Minnesota 55113
Telephone: (612) 297-2714

All interested or affected persons have until February 6, 1981, to submit, in writing, comments on the proposed amendments. The proposed amended rules may be modified if the data and views submitted to the agency warrant modifications and the modifications do not result in a substantial change in the proposed language.

If, during the comment period, seven or more persons submit to the agency a written request for a hearing on the proposed amendments, the agency shall proceed to schedule a public hearing before adoption of the amended rules. In the event a public hearing is required, the agency will proceed according to the provisions of Minn. Stat. § 15.0412, subds. 4-4f. (1980).

Persons who wish to submit comments or a request for a public hearing should submit such comments or request to Mr. Larry Christensen at the address given above. The agency requests that if a person desires a public hearing, that when submitting a written request for a hearing, the person identify the particular provisions objected to, the suggested modifications to the proposed language, and the reasons and data relied on to support the suggested modifications.

The proposed amended rules would, if adopted, produce greater uniformity between the State hazardous waste rules and the hazardous waste rules adopted by the U.S. Environmental Protection Agency (hereinafter "EPA"). These proposed amendments are necessary for the State to receive interim authorization from EPA to administer the State hazardous waste program in lieu of the Federal program. The proposed amendments can be generally described as follows:

Amendments to 6 MCAR § 4.9001 B., C. and D. provide a definition for the term "manifest" and the abbreviation "EPA" and further provide for the incorporation of two additional appendices to the rules.

An amendment to 6 MCAR § 4.9002.E. specifies that the leach test which must be utilized to determine whether certain wastes are hazardous is the EP Toxicity Test. This is the leach test required by the EPA and its adoption will permit uniform

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STATE OF MINNESOTA

MINNESOTA POLLUTION CONTROL AGENCY

In the Matter of the Proposed
Adoption of a Rule for the
Administration of the Minnesota
Solid Waste Management Demonstration
Program for Waste Reduction and
Source Separation, Minnesota
Rule 6 MCAR §4.6086

ORDER ADOPTING RULE

Notice of the Agency's intent to adopt the above-entitled rules without a public hearing was published in the State Register on January 5, 1981 (5 S.R. 1068 et seq.) and was sent by United States mail to all persons on the list maintained by the Agency pursuant to Minn. Stat. §15.0412, subd. 4 (1981) on December 31, 1980. After affording interested and affected persons an opportunity to submit comments for 30 days after Notice, receiving fewer than seven written requests for a public hearing within the 30-day comment period, reviewing and considering the comments, and determining the need for and reasonableness of the above-captioned rules,

NOW, THEREFORE, IT IS ORDERED, that these rules identified as 6 MCAR §4.6086, a Rule for the Administration of the Minnesota Solid Waste Management Demonstration Program for Waste Reduction and Source Separation, are adopted this 24th day of February, 1981 pursuant to authority vested in the Agency by Minn. Stat. §115A.49 through 115A.54 (1980).

MINNESOTA POLLUTION
CONTROL AGENCY

ART ENGELBRECHT
Chairman

LOU BREIMHURST
Executive Director

sota State Plan of Program Operations and Administration for the Special Supplemental Food Program for Women, Infants and Children (WIC) Program. Copies of the draft Plan will be available for public inspection at Minnesota Department of Health district offices and local WIC projects after May 12, 1980.

The meeting will be held Tuesday, May 27, 1980, 10:00 a.m. in the Board Room, Minnesota Department of Health, 717 SE Delaware Street, Minneapolis, Minnesota. The meeting will conclude after all registered speakers have presented testimony.

Any citizen or group may submit either written or oral testimony at the meeting. Testimony will be given on a first come, first serve basis and will be limited to fifteen (15) minutes. Advance registration is requested.

For further information, contact the Minnesota Department of Health, WIC Program, 717 SE Delaware Street, Minneapolis, Minnesota (612) 296-5233.

George R. Pettersen, M.D.
Commissioner of Health

Minnesota State Retirement System

Regular Meeting, Board of Directors

Regular quarterly meeting of the Board of Directors, Minnesota State Retirement System, will be held on Friday, May 23, 1980, at 9:00 a.m. in the office of the System, 529 Jackson Street, St. Paul, Minnesota.

Pollution Control Agency Solid Waste Division

Notice of Intent to Solicit Outside Opinion Concerning A Proposed Rule Relating to Administration of a Grant Program for Solid Waste Management Planning Assistance Grants and for Waste Reduction and Source Separation Demonstration Project Grants

Notice is hereby given that the Minnesota Pollution Control Agency is considering adoption of rules that provide for administration of a program which would provide grants to political subdivisions for solid waste management planning assistance and for waste reduction and source separation demonstration projects.

The proposed rules are authorized by the Waste Management Act of 1980, Minn. Laws of 1980, ch. 564, Article 5, § 1, and Article 6, § 1. The proposed rules if adopted would regulate the following aspects of administering the grant program:

1. Application and review procedures.
2. Criteria for eligibility.
3. Levels of local funding required.
4. Priority criteria for funding eligible projects.

All interested or affected persons or groups are requested to participate. Statements of information and comment may be made orally or in writing. Written statements of information and comment may be addressed to:

Mr. Donald J. Kyser
Minnesota Pollution Control Agency
Division of Solid Waste
1935 West County Road B-2
Roseville, Minnesota 55113
Phone: (612) 297-2704

Oral statements of information and comment will be received during regular business hours over the telephone at (612) 297-2704, and in person at the above address.

All statements of information and comment should be received by June 30, 1980. Any written material received by the Minnesota Pollution Control Agency shall become part of the hearing record.

May 5, 1980

Dale L. Wilkie, Director
Division of Solid Waste

Department of Public Welfare Mental Health Bureau

Notice of Intent to Solicit Outside Opinion Concerning Revision of Rules Governing Community Mental Health Board and County Welfare or Human Service Board Responsibilities to Mentally Retarded Persons, and Standards of Operation for Residential Facilities for Mentally Retarded Persons

Notice is hereby given by the Minnesota Department of Public Welfare, Mental Health Bureau, has begun consideration of 1) specific language amendments to Rule 185 (12 MCAR § 2.185), concerning criteria and procedures for need

~~Attachment 7~~

RAMSEY COUNTY
COMMUNITY HEALTH SERVICES
Raymond G. Cink, Director

Division of Environmental Health
934 Woodhill Dr. Rm. 118
Roseville, Minnesota 55113

298-5972

BOARD OF HEALTH
Robert J. Orth, *Chairman*
Donald E. Galverda
John T. Finley
Diane Ahrens
Anthony A. Danna
Warren W. Schaber
Hal Norgard

June 30, 1980

Don Kyser
Solid Waste Division
Minnesota Pollution Control Agency
1935 West County Road B 2
Roseville, MN 55113

Dear Don:

Enclosed you will find the comments proposed by the Ramsey County Recycling Committee. I hope these comments will be helpful to the grant program.

Please keep me informed as to the progress of the rules. I would also appreciate receiving a copy of the proposed rules you already have written.

Sincerely,

Colleen M. Halpine
Solid Waste Planner

CMH/gt
enc.

OUTSIDE OPINION RELATING TO ADMINISTRATION OF A GRANT PROGRAM FOR SOLID WASTE MANAGEMENT PLANNING ASSISTANCE GRANTS FOR WASTE REDUCTION AND SOURCE SEPARATION DEMONSTRATION PROJECT GRANTS

The Ramsey County Recycling Advisory Committee has the following comments to offer dealing with both waste reduction and source separation demonstration project grants which may be considered for funding:

Generally, money should be disseminated to government units on per capita basis. Governmental units with large populations produce more solid waste than areas with small populations and need proportionately more money to solve their solid waste problems.

Grants for projects for both small and large population areas should be considered. Projects that succeed in a city setting may not be applicable in a rural area.

To maximize results, the minimum size grant should be $20,000.00. Spreading the money out amongst too many grantees may jeopardize the grant program's overall ability to attain stated objectives.

Because the demonstration program does not have a great deal of money, ($466,000.00 for the entire state) emphasis should be given to assisting programs rather than starting new activities.

The grants should be awarded on a 75-25 match with in-kind service counting as part of the 25% match.

SOURCE SEPARATION PROJECT GRANTS

Environmental groups, civic groups, and local, privately financed and sponsored programs have excellent reputations for running long-lasting, low-cost source separation programs. The government agencies should be encouraged to submit application for their existing, private programs that need assistance or can be expanded.

When evaluating source separation programs, total energy costs should be evaluated and compared with total energy costs of other solid waste management techniques being considered for a particular area.

Source separation programs should address efficient reuse and recycling of demolition waste, tires, fly ash, leaves, and grass clippings as well as newspaper, metals and glass.

WASTE REDUCTION PROJECT GRANT

Public education efforts should be a significant part of the waste reduction project grant. Promotion of existing recycling efforts through out the state would help reduce the waste stream immediately. Education about the needs for the increase consumption of products made from recyclables should be undertaken.

A state-wide professionally done, public service advertising campaign should be undertaken. It should promote reduction and separation in general, and support existing operations with locational advertising.

The potential for new business development should be considered when looking at resource recovery options. Business development should be encouraged if it can use a recovered item as a raw material for the manufacturing of its product.

ICE STREET N., ROSEVILLE, MINNESOTA 55113 (612) 483-8815

August 21, 1980

RECEIVED
AUG 27 1980
MINN. POLLUTION
CONTROL AGENCY

Mr. Don Kayser
Minnesota Pollution Control Agency
Solid Waste Division
1935 W. County Road B2
St. Paul, MN 55113

Dear Don:

In regard to distribution of funds to be used for solid waste reduction, I believe there are some general principles that the Pollution Control Agency should adhere to in making their choice of recipients. For example, I don't believe that any one party should receive funds for a project when it might have the impact of benefitting their position over a competitor's position should there be any competition existent. I also believe that funds should be used to benefit those who have already made capital investments in recycling so that government money is not spent to produce new capital equipment to compete with private capital equipment.

I think I've indicated to you my feelings about curbside separation before, but just for the record I don't believe that there is potential for longterm curbside separation success. Thus, we would also advocate that there be few proposals for funding curbside separation. In fact, what is needed is one proposal located in the Twin Cities so that you can determine its economic feasibility in a concentrated area.

Something which I would like to see the agency do which would cost little to nothing is to assist the haulers in sending out material through their billing envelopes to their customers encouraging recycling. Enclosed is a small promotion piece we have made available to haulers; however, it would mean a lot more coming from the Pollution Control Agency. This is obviously advantageous to them since they are paid by the residence not by quantity. So decreasing their payload at the dump and keeping revenue stable should mean more in their pocket.

I would also suggest that should you fund any projects that are designed to determine economic feasibility, hire a practicing business CPA with experience to do an evaluation or run it by a committee of people in the business to evaluate financial information. There are a number of us who are very interested in trying to get a better handle on recycling costs and could give agency personnel a better perspective on operational costs.

I had a meeting this week with Central Minnesota Recycling. They are doing the lions share of recycling in the St. Cloud area and have worked hard and long for the last four years to get where they are today. They have made the necessary investment in buildings and equipment and are presently recycling

MSD Recycle ▷ MSD Recycle ▷ MSD Recycle ▷

nearly 200 tons per month of material. I believe that Central Minnesota Recycling is a company that deserves assistance should any money be directed toward the St. Cloud area. They could use promotional assistance and any other assistance which could generate more traffic into their facilities.

As discussed before, I also think that considerable money should be used toward promoting recycling by generating a statewide promotion effort. This could be done with the Minnesota Advertising Federation Young Ad Club, which is made up of advertising executives under the age of 32. They do a lot of public service work through their club and I'm certain a good financial arrangement could be worked out that would benefit the state and their club. I believe you could find out more about their group through John Gorski at WCCO TV.

Redemption programs such as the one run by MSD Recycle are coming on strong. It would seem to me that it would be beneficial to the state to get more involved in the practical programs that are doing something today and that are succeeding. Very frankly, the idea that the Polution Control Agency is even working on trying to get a grant to waste money on collecting and composting garbage or food waste is very offensive when there is so much to be done in meaningful areas that need the work and money. Providing such things to people who are in the business such as general promotion, low interest loan money, coordination through people who are in the business and accounting assistance by those with experience seems to me very valid kinds of activities for the PCA.

Let me know your reactions.

Yours truly,

Dave Locey

Dave Locey

DL/jlc

cc MSD Recycle Executive Committee
Ralph Greig
Central Minnesota Recycling

STATE OF MINNESOTA

MINNESOTA POLLUTION CONTROL AGENCY

In the Matter of the Proposed Adoption of Minn. Rule 6 MCAR §4.6086, Rule for the administration of the Minnesota solid waste management demonstration program

ORDER FOR NOTICE OF INTENT TO ADOPT RULE WITHOUT PUBLIC HEARING

IT IS ORDERED this 16th day of December, 1980, that a Notice of Intent to Adopt a Rule Without Public Hearing in the above-entitled matter be given to all persons who have registered their names with the Minnesota Pollution Control Agency for that purpose and be published in the State Register.

STATE OF MINNESOTA

Terry Hoffman
Executive Director

Minnesota Pollution Control Agency

CERTIFICATE OF BOARD'S

AUTHORIZING RESOLUTION

I, Art Engelbrecht, do hereby certify that I am a member and Chairman of the Minnesota Pollution Control Agency, an agency duly authorized under the laws of the State of Minnesota, and that the following is a true, complete, and correct copy of a resolution adopted at a meeting of the Minnesota Pollution Control Agency duly and properly called and held on the 16th day of December, 1980, that a quorum was present at said meeting, that a majority of those present voted for the resolution and that said resolution is set forth in the minutes of said meeting and has not been rescinded or modified.

BE IT RESOLVED, that the Minnesota Pollution Control Agency approves the attached proposed rule for the purpose of rulemaking and authorizes the initiation of rulemaking proceedings on the proposed rule for the administration of the Minnesota Solid Waste Management Demonstration Program for Waste Reduction and Source Separation.

BE IT FURTHER RESOLVED, that the Minnesota Pollution Control Agency finds that the proposed rule for the administration of the Minnesota Solid Waste Management Demonstration Program for Waste Reduction and Source Separation is non-controversial in nature;

BE IT FURTHER RESOLVED, that the Minnesota Pollution Control Agency authorizes and directs the Executive Director to sign an Order of the Agency directing that Notice be given of the Agency's intent to adopt without a public hearing rules governing the administration of Waste Reduction and Source Separation grants, to sign the Notice thereof, and to perform any and all acts incidental thereto. In the event a public hearing becomes necessary, the Executive Director hereby is granted the authority and directed to call a hearing for the purpose of promulgating said rules as well as perform any and all acts incidental thereto, including but without being limited to signing an Order for Hearing and Notice of Hearing as well as acting as the Agency's representative at all hearings.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 16th day of December, 1980.

Art Engelbrecht
Chairman

Board Member

Minnesota Pollution Control Agency

Division of Solid Waste

Proposed Adoption of a Rule for the Administration of the Minnesota Solid Waste Management Demonstration Program for Waste Reduction and Source Separation

Notice of Intent to Adopt a Rule Without a Public Hearing

Notice is hereby given that the Minnesota Pollution Control Agency (hereinafter "agency") intends to adopt the above-entitled rule without a public hearing. The agency has determined that the proposed adoption of this rule will be noncontroversial in nature and has elected to follow the procedures set forth in Minn. Stat. §15.0412, subd. 4h (1980).

The proposed rule provides for the administration of the Minnesota Solid Waste Management Demonstration Program for Waste Reduction and Source Separation. This program is created and the agency is authorized to adopt this rule under the Waste Management Act (1980 Minn. Laws, ch. 564, art. 6).

The agency has prepared a Statement of Need and Reasonableness that describes the agency's reasons for each provision of the proposed rule and identifies the data and information relied upon by the agency to support the proposed rule. Copies of the Statement of Need and Reasonableness and the proposed rule are available and may be obtained by contacting:

Mr. Don Kyser
Resource Planning Section
Division of Solid Waste
Minnesota Pollution Control Agency
1935 West County Road B-2
Roseville, Minnesota 55113
(Telephone: (612) 297-2727)

All interested or affected persons have until February 4, 1981, to submit comments on the proposed rule. The proposed rule may be modified if the data and views submitted to the agency warrant modifications and the modifications do not result in a substantial change in the proposed language of the rule.

If, during the comment period, seven or more persons submit to the agency a written request for a hearing on the proposed rule, the agency shall proceed to schedule a public hearing before adoption of the proposed rule. In the event a public hearing is required, the agency will proceed according to the provisions of Minn. Stat. §15.0412, subds. 4-4f. (1980).

Persons who wish to submit comments or to request a public hearing should submit such comments or requests no later than February 4, 1981, to Mr. Don Kyser at the address given above. The agency requests that if a person desires a public hearing, that when submitting a written request for a hearing, the person identify the particular provisions objected to, the suggested modifications to the proposed language, and the reasons and data relied on to support the suggested modifications.

In the event a hearing is required, a new notice of hearing will be mailed out and published in the State Register. If no hearing is requested, the agency will consider the adoption of the proposed rule at the February, 1981, agency meeting or as soon thereafter as possible. Persons who wish to receive a copy of the final rule as proposed for adoption by the agency should submit a written statement of such desire to Mr. Kyser.

After adoption of the final rule by the agency, without a public hearing, the proposed rule, this Notice, the Statement of Need and Reasonableness, all written comments received, and the final Rule as Adopted will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the final rules as proposed for adoption, should submit a written statement of such request to Mr. Don Kyser.

Please be advised that Minn. Stat. ch. 10A requires each lobbyist to register with the State Ethical Practices Board within five days after he or she commences lobbying. A lobbyist is defined in Minn. Stat. § 10A.01, subd. 11 (1980) as any individual:

(a) Engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than $250, not including

his own travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials; or

(b) Who spends more than $250, not including his own traveling expenses and membership dues, in any year for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials.

The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 41 State Office Building, Saint Paul, Minnesota 55155, telephone (612) 296-5615.

Date: 12/19/80

STATE OF MINNESOTA

Terry Hoffman

EXECUTIVE DIRECTOR
MINNESOTA POLLUTION
CONTROL AGENCY

STATE OF MINNESOTA

COUNTY OF RAMSEY

AFFIDAVIT OF MAILING

In the Matter of the Proposed Adoption of Minn. Rule 6 MCAR §4.6086, Rule for the administration of the Minnesota solid waste management demonstration program

Dale E. Newton, being first duly sworn, deposes and says:

That on the 31st day of December, 1980, at the City of Roseville, County of Ramsey, State of Minnesota, he served the attached Notice of Intent to Adopt Rule Without Public Hearing, together with a copy of the above-referenced rule, by depositing in the State of Minnesota Central Mail System for first class mailing, a copy thereof, properly enveloped, with postage prepaid, on all persons and associations who have requested that their names be placed on file with the Minnesota Pollution Control Agency for the purpose of receiving notice of proposed adoption of rules by this Agency and on all other persons and associations named on the attached mailing list.

Dale E. Newton

Subscribed and sworn to before me this 31st day of December, 1980.

Margaret Frank

MARGARET FRANK
NOTARY PUBLIC - MINNESOTA
RAMSEY COUNTY
My Commission Expires Sept 26, 1985

27

LAKE SUPERIOR
INDUSTRIAL BUREAU
828 FIRST NATIONAL BANK
DULUTH MN 55802 1

N S P LAW DEPT
ATTN JOSEPH D BIZZANO JR
414 NICOLLET MALL
MPLS MN 55401 1

NORTHERN STATES POWER CO
ATTN G V WELK MANAGER
REG COMPLIANCE AND SERV
414 NICOLLET MALL
MPLS MN 55101 1

MN MULTI HOUSING ASSOC
ATTN JOHN G HORNER
3100 W LAKE ST
MPLS MN 55416 1

HOLMES & GRAVEN
ATTN LARRY M WERTHEIM
1610 IDS CENTER
MPLS MN 55402 1

POTLATCH CORPORATION
ATTN MR ARCHIE D CHELSETH
BOX 510
CLOQUET MN 55720 1

ANOKA CO COMM HEALTH &
SOCIAL SERV DEPT
ATTN GERTRUDE M JAMES
COURTHOUSE 4TH FL
ANOKA MN 55303 1

FEDERAL STATE REPORTS INC
ATTN BONNIE M SPENCER
STATE REGULATORY DIVISION
5203 LEESBURG PIKE S 1201
FALLS CHURCH VA 22041 1

LAKE MINNETONKA CONS DIST
402 E LAKE ST
WAYZATA MN 55391 1

U OF M PHYSICAL PLANT DEPT
ATTN ROBERT SILVAGNI
200 SHOPS BLDG
319 15TH AVE SE
MPLS MN 55455 1

GENERAL MILLS INC
ATTN J W HAUN
P O BOX 1113
MPLS MN 55440 1

HESSIAN MCKASY & SODERBERG
ATTN MR JOHN A KNAPP
1500 MIDWEST PLAZA BLDG
MPLS MN 55402 1

MN ASSOC HEALTH CARE FAC
ATTN RICK CARTER
2850 METRO DRIVE SUITE 429
MPLS MN 55420 1

PETERSON POPOVICH KNUTSON
& FLYNN LAW OFFICE
ATTN PETER S POPOVICH
314 MN BULD
ST PAUL MN 55101 1

JONES HAUGH & SMITH INC
515 SOUTH WASHINGTON
ALBERT LEA MN 56007 1

WILLIAM MITCHELL COLLEGE
OF LAW
ATTN PROF MARCIA GELPE
875 SUMMIT AVE
ST PAUL MN 55102 1

COLOR-AD PACKAGING INC
ATTN MICHAEL S KECKEISEN
3600 ALABAMA AVE
MPLS MN 55416 1

THE SHERWIN-WILLIAMS CO
ATTN D A COHAGAN
101 PROSPECT AVE NW
CLEVELAND OH 44115 1

MN RETAIL MERCHANTS ASSO
ATTN WENDY M BORSHEIM
180 METRO SQUARE BLDG
ST PAUL MN 55101 1

IOWA DEPT ENVIRON QUALIT
ATTN STEVEN N WILLIAMS
HENRY A WALLACE BLDG
DES MOINES IA 50319 1

MPIRG
ATTN KENNETH PETERSON
2412 UNIVERSITY AVE SE
MPLS MN 55414 1

MPIRG
ATTN JAMES MILLER
2412 UNIVERSITY AVE SE
MPLS MN 55414 1

GEO A HORMEL & CO
ATTN KEVIN C JONES
BOX 800
AUSTIN MN 55912 1

ASHLAND PETROLEUM COMPAN
ATTN RICHARD HETL ND
P O BOX 9
ST PAUL PARK MN 55071 1

BLANDIN PAPER COMPANY
ATTN W J LICKE
115 FIRST STREET SW
GRAND RAPIDS MN 55744 1

ROBERT S BURK
4344 IDS CENTER
MINNEAPOLIS MN 55402 1

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METRO CLEAN AIR COMMITTE
1829 PORTLAND AVENUE
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344 IDS CENTER
NNEAPOLIS MN 55402 2

ITED POWER ASSOC
TN REYNOLD S RAHKO
ROJECTS COORD DIVISION
K RIVER MN 55330 2

MM HEALTH SERV BRD
TN BRUCE T ROWE
5 LAKE AVENUE S SUITE 604
LUTH MN 55802 2

L P O D LAW OFFICES
TN JOHN E DRAWZ
00 FIRST NAT BANK BLDG
LS MN 55402 2

ELDAHL
TN DAVID MILLER
HWY 3
RTHFIELD MN 55057 2

RAILROADS ASSOC
TN GORDON FORBES
3 HANOVER BLDG
0 CEDAR ST
PAUL MN 55101 2

IN COUN TROUT UNLIMITED
ATTN JOHN SCHORN
.045 S MCKNIGHT RD
ST PAUL MN 55119 2

PETROLEUM COUNCIL
TN WILLIAM HADDELAND
0 NORTHERN FEDERAL BLDG
PAUL MN 55102 2

LTON & MENK INC
TN THOMAS A ROUSHAR
5 N FRONT ST
NKATO MN 56001 2

MN MOTOR TRANSPORT ASSOC
ATTN JAMES N DENN
1821 UNIVERSITY RM 134N
ST PAUL MN 55104 2

THE PILLSBURY COMPANY
ATTN CARL A SMITH
608 2ND AVE SOUTH
MPLS MN 55402 2

CITY OF WINONA
ATTN ROBERT J BOLLANT
4TH & LAFAYETTE ST
WINONA MN 55987 2

ASSOC OF MN COUNTIES
ATTN JAMES C SHIPMAN
2305 FORD PARKWAY
ST PAUL MN 55116 2

OLSON GUNN & SERAN LTD
ATTN WAYNE H OLSON ESQ
315 PEAVEY BLDG
730 SECOND AVE SOUTH
MPLS MN 55402 2

PAUL J HUBER LTD
1821 UNIVERSITY AVE
ST PAUL MN 55104 2

IBM CORPORATION
ATTN J P HARMON
DEPT 713/BLDG 658-D
ROCHESTER MN 55901 2

FEDERAL-STATE REPORTS INC
ATTN BONNIE M SPENCER
5203 LEESBURG PIKE #1201
BAILEYS CROSSROADS
FALLS CHURCH VA 22041 2

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R R 1 BOX 419
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ST PAUL MN 55114 2

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MOORHEAD MN 56560 2

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7TH ST & ROBERT ST
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CHICAGO IL 60604 2

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425 PORTLAND AVE
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PICKANDS MATHER & CO
ATTN T J MANTHEY
1100 SUPERIOR AVE NE
CLEVELAND OH 44114 2

PICKANDS MATHER & CO
ATTN PHILIP D BRICK
200 WEST SUPERIOR ST
SUITE 811
DULUTH MN 55802 3

NORTH STAR STEEL CO
ATTN MR R A GARVEY
1678 RED TOCK TD
P O BOX 43189 3
ST PAUL MN 55164

MINNKOTA POWER COOP INC
ATTN LOREN L JOHNSON
BOX 1318
GRAND FORKS MN 58201 3

DULUTH MISSABE & IRON
RANGE RAILWAY CO
210 MISSABE BLDG
DULUTH MN 55802 3

MR HENRY CHISHOLM
OGLEBAY NORTON CO
O BOX 6508
CLEVELAND OHIO 44101 3

ROBERT E ISAKSON
CONSULTING ENGINEERS
DIVERSIFIED INC
O BOX J 3
OSSEO MN 55369

GEORGE MASTOR
LEGAL DIVISION
MINNESOTA GAS CO
300 PEAVEY BLDG
MINNEAPOLIS MN 55402 3

DAMES & MOORE
ATTN GEORGE NICHOLAS
1550 NORTHWEST HIGHWAY
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LAKE MINNETONKA
CONSERVATION DISTRICT
102 E LAKE ST
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ROSEVILLE MN 55113 3

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SF&A REPORTING SERVICES
1101 15TH ST NW
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MN CHAPTER OF ABC
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MPLS MN 55416 3

ROBT J PUGLEASA CO INC
ATTN GENE A BROWN
61 BEDFORD ST SE
MPLS MN 55414 3

PERRY GRUBB ASSOC INC
ATTN CHARLES R SINGER
771 HARDING ST NE
MPLS MN 55413 3

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MCCARTHY BLDG
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176 EAST FIFTH ST RM 1280
ST PAUL MN 55101 3

RICE COUNTY PLANNING OFF
610 NW 20TH STREET
PO BOX 40
FARIBAULT MN 55021 3

CALC
ATTN PAM BARBOUR
122 W FRANKLIN AVE RM 302
MINNEAPOLIS MN 55404 3

HEALTH & SOCIAL SERVICES
ATTN ROBERT HUTCHISON
COURTHOUSE-4TH FLOOR
ANOKA MN 55303 3

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INTERSTATE POWER CO
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DUBUQUE IA 52001 4

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459 RICE ST
ST PAUL MN 55103 4

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ENVIR. HEALTH ENGIN.
DAKOTA CNTY GOV. CENTER
1560 HWY 55
HASTINGS MN 55033 4

D H G & G ATTORNEYS AT LAW
ATTN JOHN HERMAN
TEN SOUTH FIFTH ST
SUITE 930
MPLS MN 55401 4

MIDLAND GLASS COMPANY INC
ATTN R J BARTO
P O BOX 69 SHAK
SHAKOPEE MN 55379 4

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WOLVERTON ENGINEERING CO
847 40TH AVENUE NE
COLUMBIA HTS MN 55421 4

DAIRYLAND POWER COOP
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LA CROSSE WI 54601 4

ROCHESTER PUBLIC UTILITIES
ATTN JOSEPH HENSEL
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ROCHESTER MN 55901 4

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CHICAGO IL 60603 4

HENNINGSON DURHAM & RICH.
POWER AND ENERGY DIV.
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300 PARKDALE 1 BLDG
5401 GAMBLE DRIVE
MPLS MN 55416 4

LAND O LAKES
ATTN JAMES A BOSCH
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INTERNATIONAL ECO SOCIETY
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1471 BARCLAY STREET
ST PAUL MN 55106 4

HARSTAD & RAINBOW
ATTN ERIC W INGVALDSON
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MPLS MN 55401 4

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U OF M ATTN ROBERT SNYDER
248 CLASSROOM OFFICE BLDG
1994 BUFORD AVE
ST PAUL MN 55108 4

KSTP AM RADIO
ATTN J B ECKERT
3415 UNIVERSITY AVE
ST PAUL MN 55114 4

GOVERNMENT CENTER LIBRARY
C-2359 GOVERNMENT CENTER
300 SOUTH 6TH STREET
MINNEPOLIS MN 55487 4

KOPPERS COMPANY INC
ATTN JORDAN M DERN
1201 KOPPERS BUILDING
PITTSBURGH PA 15219 4

THE ISAAK WALTON LEAGUE
OF AMERICA INCORPORATED
111 EAST FRANKLIN AVE
SUITE #200
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BROEKER HARTFELDT HEDGES
GRANT ATTORNEY AT LAW
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REGION NINE DEVELP COMM
ATTN LYNNETTE RENNEKE WI
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MANKATO MN 56001

MN NEWSPAPER ASSOC
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MPLS MN 55402 4

LIBBIE HENDERSON
305 LAFOND AVE
ST PAUL MN 55103 4

NCASI
ATTN REID MINER
CENTRAL LAKE ST REG CE
WESTERN MICHIGAN UNIVERSITY
KALAMAZOO MI 49008 5

COOPERATIVE POWER ASSOC
ATTN SCOTT SCHULER
3316 WEST 66TH STREET
MINNEAPOLIS MN 55435 5

STEARNS COUNTY PLAN DEPT
ATTN KENNETH HOPKE
BOX 604
ST CLOUD MN 56301 5

MN AGRI-GROWTH COUNCIL
ATTN JOHN HIMLE
2850 METRO DRIVE SUITE 725
MINNEAPOLIS MN 55420 5

JOHN KNAPP
1500 MIDWEST PLAZA
MPLS MN 55402
5

BLANDIN WOOD PRODUCTS CO
ATTN CURT R FIRMAN
WAFERBOARD PLANT SITE BOX N
GRAND RAPIDS MN 55744 5

BRUCE E BENSON
ZONING OFFICER
COURTHOUSE
CARLTON MN 55718 5

NEWS EDITOR
REGISTER-MIRROR
1414 SOO LINE BLDG
MPLS MN 55402 5

MN PETROLEUM COUNCIL
300 NORTHERN FED BLDG
ST PAUL MN 55102 5

LAND OLAKES
ATTN SUSAN STRAND
P O BOX 116
MPLS MN 55440 5

BLACK & VEATCH/MICHIGAN
ATTN ENVIRONMENTAL SPECIAL
200 RENAISSANCE CE # 1220
DETROIT MI 48243 5

FINANCE AND COMMERCE
THE DAILY BUSINESS NEWS
615 SOUTH 7TH STREET
MPLS MN 55415 5

HAMLINE U LAW SCHOOL
PUBLIC INTEREST CLINIC
ATTN BARBARA JOHNSON
ST PAUL MN 55104 5

ELLSWORTH HARPOLE
819 MORGAN AVE NORTH
MINNEAPOLIS MN 55411 5

CIVIC CENTER
ENV ED COORDINATOR
ATTN BOB OVERBY
APPLETON MN 56208 5

KEVIN HOFSTAD
1323 E 22ND ST #101
MPLS MN 55404
5

PILLSBURY CO
ATTN MAHLOW SCHNEIDER
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MPLS MN 55402 5

LITTON INDUSTRIES
ATTN NATALIE GAULL
P O BOX 9461
MPLS MN 55420 5

KFIL RADIO
ATTN ERNIE HAIN
P O BOX 377
PRESTON MN 55965

TENNECO INC
ATTN B J WHITLEY CEP
1100 MILAM BLDG
HOUSTON TX 77001

MOTORCYCLE IND COUNCIL
ATTN KATHY R VAN KLEEC
1001 CONNECTICUT AVE N
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ENGINEERED SALES CO
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ENVIR ENG & POLLUTION
CONTROL/3M: 21-2W-06
DAVID M BENFORADO PE
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ANN REHTMAN
805 HAGUE AVE
ST PAUL MN 55104

ANN MONGOVEN
211 1/2 MINNESOTA
BEMIDJI MN 56601

EN KADLER
62 HOLLY AVE
T PAUL MN 55104
6

ADGER SAFE ENERGY ALLI
OX 68
URAND WI 54736
6

E GRAMMER
410 E 4TH AVE
IBBING MN 55746
6

L KURKI
904 W 3RD ST
ULUTH MN 55806
6

MY GOLDSMITH
600 PLEASANT AVE S
PLS MN 55408
6

AMLINE U SCHOOL OF LAW
UBLIC INTEREST AD
DVOCACY CLINIC
T PAUL MN 55104
6

RISTIN LARSON
215 W 21ST ST
PLS MN 55405
6

ELSON FRENCH
715 E 26TH ST
PLS MN 55406
6

ATE FLOM
288 HUBBARD AVE
T PAUL MN 55106
6

GINZ LARSON
7 FRY ST
PAUL MN 55104
6

BETSY GLASSMAN
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6

THE MINNESOTA PROJECT
ATTN LONI KEMP
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MPLS MN 55404
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JOHN M BROEKER
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MPLS MN 55420
6

CITY OF BROOKLYN CENTER
ATTN PATTY PAGE
6301 SHINGLE CREEK PKWY
BROOKLYN CE MN 55430
6

POPHAM HAIK LAW FIRM
ATTN G ROBERT JOHNSON
4344 IDS CENTER
MPLS MN 55402
6

Phil Chen
Dorsey, Windhorst, Hannaford
Whitney, and Halladay
2300 1st National Bank Bldg.
Minneapolis, MN 55402

PCA HEARING NOTIFICATION
AILING LIST
NTER OFFICE 15

EPT OF EDUCATION
TTN FREDRIK M CHRISTIANSEN
M 911 CAPITOL SQ BLDG
T PAUL MN 55101

EPT OF ECONOMIC DVLPMT
TTN KENT E EKLUND
80 CEDAR ST
T PAUL MN 55101

EPT OF ECONOMIC DVLPMT
TTN RICHARD C BUSKE
80 CEDAR ST
T PAUL MN 55101

EPT OF ECONOMIC DVLPMT
TTN CHARLES SCHAFFER
80 CEDAR ST
T PAUL MN 55101

FFICE OF HEARING EXAMINERS
TTN BONNIE BANNANNO
745 UNIVERSITY RM 300
T PAUL MN 55104

N DEPT OF HEALTH
TTN MARGARET SANDBERG
OMMUNITY DEVELOPMENT
17 DELAWARE ST SE
PLS MN 55440

ATER PLANNING BOARD
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17

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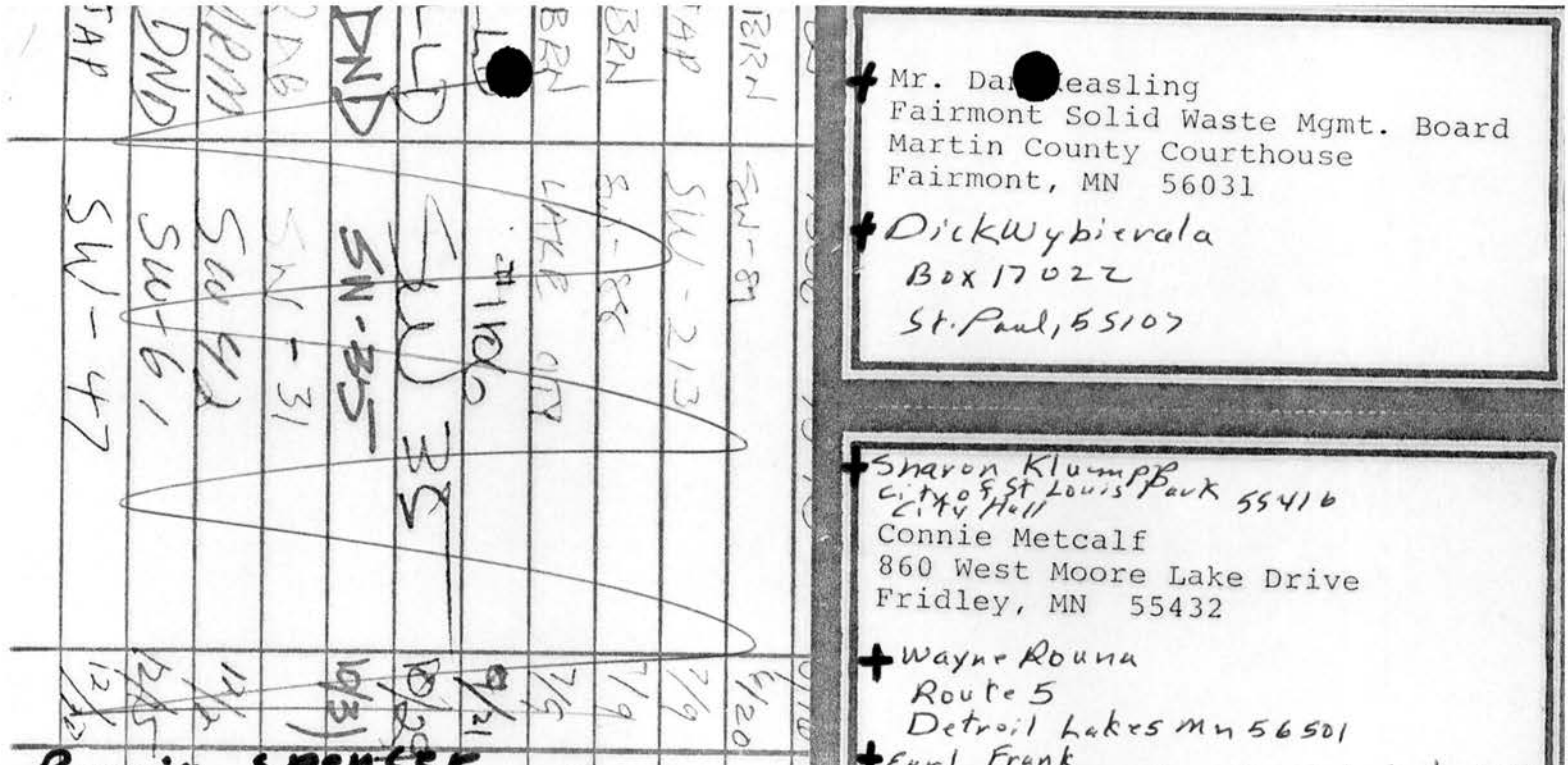

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STATE OF MINNESOTA

COUNTY OF RAMSEY

MAILING LIST CERTIFICATE

In the Matter of the Proposed Adoption of Minn. Rule 6 MCAR §4.6086, Rule for the administration of the Minnesota solid waste management demonstration program

I hereby certify that the list of persons, associations, and other interested groups who have requested, pursuant to Minn. Stat. §15.0412, subd. 4, that their names be placed on file with and maintained by the Minnesota Pollution Control Agency for the purpose of receiving notice of the proposed adoption of rules by this Agency is accurate and complete as of 12-30-80 this 30 day of December, 1980.

Mary K King

STATE OF MINNESOTA

COUNTY OF RAMSEY

MINNESOTA POLLUTION

CONTROL AGENCY

In the matter of the Proposed Adoption of a Rule for the Administration of the Minnesota Solid Waste Management Demonstration Program for Waste Reduction and Source Separation, Minnesota Rule 6 MCAR § 4.6086

FINDINGS OF FACT AND CONCLUSIONS

The above-entitled matter came on for decision before the Minnesota Pollution Control Agency (hereinafter, "Agency") on the 24th day of February, 1980. After affording all interested persons an opportunity to present written and oral data, statements and arguments to the Agency, in accordance with the statutory requirements regarding the adoption of noncontroversial rules, after considering the Statement of Need and Reasonableness and the written comments submitted to the Agency, and after considering all of the evidence adduced upon the records, files and proceedings herein, the Agency, being fully advised in the premises, hereby accepts and adopts the following Findings of Fact and Conslusions.

FINDINGS OF FACT

1. The Agency adopts the Statement of Need and Reasonableness, in its entirety, as the factual basis for the rule. The Agency hereby incorporates the Statement of Need and Reasonableness into these Findings.

2. The Agency finds that it received three written comments on the proposed rule, two in response to the Notice of Intent to Solicit Outside Opinion, and one in response to the Notice of Intent to Adopt a Rule Without A Hearing. After considering these

comments, the Agency finds that no change in the proposed rule is needed or desirable. Specifically, the Agency makes the following findings with respect to each of the comments raised:

A. Letter received from the Minnesota Soft Drink Association, in response to the Agency's Notice to Solicit Outside Opinion.

(1) This August 21, 1980 letter contains comments relating to (a) awarding funds to projects which will have the effect of benefitting one recycler's business position over a competitor's position, (b) ideas for types of projects which would be worthwhile, and (c) obtaining assistance from persons with business and accounting experience to review economic feasibility reports prepared by grantees.

(2) With respect to concerns about funding projects which are operated by persons who are in a competitive business environment and therefore may obtain a competitive advantage because of the grant funds, the Agency finds its program consistant with the intent of Article VI of the Waste Management Act and should not present any continuous competitive advantage to anyone. The intent of the program is, however, to demonstrate the technical and economic feasibility of various source separation or waste reduction programs so that others may carry out similar efforts. If a demonstration project does create a competitive advantage, then it would seem reasonable that a competitor would want to begin providing the same recycling service. Since the limited project funding is directed toward securing good economic data,

trying various project options, organizing and managing a good program, and preparing a final report, which will be available to the public, there will ultimately be no competitive advantage involved.

(3) With respect to the types of projects which should be investigated, the letter suggests that only one curbside collection source separation project should be carried out because of low success potential and that a project for a statewide recycling promotional effort should be carried out. Section G of the rule lists eligible project categories and includes project categories which would allow funding of both types of projects. The concern that projects with low success potential will be funded is well addressed in section F of the rule. This section (grant application content) in effect calls for a preliminary feasibility study of a proposed project and addresses such issues as long term markets, present and projected recovery rates, and the methods of achieving needed recovery rates. Thus projects will only be funded if they have a high potential for success.

(4) With respect to the concern about obtaining the assistance of persons with experience in accounting and business in reviewing the economic feasibility and operation of projects, the rules do to some extent address this issue. Poor management has led to the failure of many recycling projects. The rules address the issue by requiring in the grant application information concerning the qualifications of personnel. Further, the Agency has a responsibility to

provide technical assistance for each project. The Agency will be able to provide the necessary assistance with its existing staff and with other qualified persons from outside the Agency.

B. Letter received from Ramsey County Community Health Services, in response to the Agency's Notice to Solicit Outside Opinion.

(1) Comments from this June 30, 1980 letter were taken into account in developing the rules. The comments related to (a) disseminating funds to governmental units on a per capita basis and carrying out projects in both small and large population areas, (b) maximizing results by awarding large grants ($20,000 minimum) which emphasize grants to assisting existing programs rather than starting new activities, and (c) awarding grants on a 75% state, 25% local match, and (d) recommendations for specific projects which should be carried out.

(2) With respect to disseminating funds on a per capita basis and carrying out projects in both small and large population areas, the rules address these concerns in sections G2 (project categories) and G.3. (ranking of projects in categories). The Agency chose not to use a per capita basis for dissemination of grant funds since the legislation itself contained three reasonable ranking criteria and we added a fourth criteria relating to carrying out or having a solid waste management plan which meets plan requirements of Article V of the Waste Management Act. These criteria

provided a simple yet effective ranking method. With respect to funding projects in small and large population areas of the State, ranking criteria G.3.C. calls for priority to be given to projects in areas outside the metropolitan area which would serve more than one local governmental unit. Considering that all the ranking criteria are directly related to provisions in the Waste Management Act and since they address the concerns mentioned above, the Agency finds that the concerns of Ramsey County Community Health Services concerning dissemination of funds were adequately addressed in the rules.

(3) With respect to the recommendation about awarding only larger project grants (over $20,000 per project) and emphasizing grants to existing programs, the Agency chose a slightly different approach to the recommendation. At the time Ramsey County made the recommendation concerning grant award size, it had assumed that equipment costs would be eligible. Further study of the statute indicated equipment was not eligible for funding. Considering the ineligibility of equipment, typical costs for administration of projects, the funding available for demonstration projects, and the types of projects which could be carried out, the Agency determined that a $15,000 limit on the sixteen categories of eligible projects listed in section G.2. of the rule was reasonable. The recommendation that funding requests for existing recycling centers be favored over requests to

establish new centers was determined to be not necessary. This was because the statute itself was very specific in requiring grant applicants to demonstrate that financial self-sufficiency could and would be maintained after the grant period was concluded. To demonstrate this an applicant must either have the necessary capital equipment and facilities for operation or will have to show that funding from other sources is available for the equipment and facilities. Therefore, the Agency has determined that these two recommendations have been addressed by the rule.

(4) With respect to the recommendation that grants be awarded on a 75% state share and 25% local share basis, the Agency has determined that 90% state share is more reasonable. The higher 90% state share was chosen because equipment was not an eligible cost and would have to be funded from other sources. This financial commitment to the project. Therefore a 25% match is unnecessary. Further a 10% local share was determined to be reasonable for waste reduction or public educational type projects which in many cases would involve preparation and dissemination of printed or video materials. The Agency, therefore, finds that it has adequately addressed the local/state project share issue.

(5) With respect to recommendations for specific projects which should be carried out, the Agency in its listing of eligible project types in section G of the rule includes the projects of the type Ramsey County recommended to be carried out. The Agency, therefore, has adequately addressed this concern.

C. Letter received from the Minnesota Soft Drink Association in response to the Agency's Notice of Intent to Adopt the Rule Without a Hearing.

(1) This letter contains a recommendation (a) that preimplementation projects should not be eligible costs and (b) cautions that programs such as the Agency's encourages ill thoughtout projects or projects motivated purely by the availability of funds rather than a sincere desire to succeed. The letter, further, comments on issues which were detailed in their previous letter.

(2) With respect to the recommendation that preimplementation projects not be funded, the Agency has determined that it is reasonable for preimplementation projects to be eligible and included in the program rules. The statute makes specific provision for such projects and studies of this type can be very beneficial and cost effective if they are carefully considered and carried out. The Agency does, however, share to some extent concern expressed by the Soft Drink Association. The limitation of preimplementation projects to $3,500 per project was prompted by this concern. The detail requested in work plans for preimplementation projects in section F.1. of the rule is also a result of this concern. The Agency, therefore, has determined that the preimplementation project issue has been adequately addressed in the rule.

(3) With respect to funding ill thoughtout projects and projects motivated purely by funding availability, the Agency

has determined that this issue is adequately addressed by the rule. The issue was clearly addressed in the Waste Management Act in Article VI Section 3 (Application Requirements) and is further detailed in Section F of the rule (Application Content). An applicant who is able to answer all of the Section F questions will clearly have a well thoughtout project.

3. The Agency finds that it received no request for a hearing and that, therefore, no hearing is required to be held prior to the adoption of the rule.

CONCLUSIONS

1. The Minnesota Pollution Control Agency duly acquired and has jurisdicion over this proceeding.

2. The Agency published and served due, timely and adequate notice of the adoption of the rule without a hearing.

3. The Agency has statutory authority to promulgate and adopt the proposed rule, as finally amended and adopted by the Agency.

4. All relevant legal and procedural requirements of statutes and rules have been properly complied with.

5. No changes in the rule as proposed have been made and thus no substantial change has been made in the rule as adopted.

Dated this 24th day of February, 1981.

MINNESOTA POLLUTION CONTROL AGENCY

ART ENGELBRECHT
Chairman

LOUIS BREIMHURST
Executive Director

CERTIFICATE OF BOARD'S
RESOLUTION ADOPTING RULE

I, Louis J. Breimhurst, do hereby certify that I am the Executive Director of the Minnesota Pollution Control Agency, an Agency duly authorized under the laws of the State of Minnesota, and that the following resolution was adopted at a meeting of the Agency properly called on the 24th day of February, 1981, that a quorum was present at said meeting, that the following resolution will be set forth in the minutes of said meeting and has not been rescinded or modified:

> BE IT RESOLVED, that the Minnesota Pollution Control Agency adopts the attached Findings of Fact and Conclusions and the Order Adopting 6 MCAR §4.6086, a Rule for the Administration of the Minnesota Solid Waste Demonstration Program.
>
> BE IT FURTHER RESOLVED, that the Executive Director is authorized to forward the rule to the Attorney General for approval, to have the rule published in the State Register, and to do all things and sign all documents necessary to accomplish the promulgation of this rule.

IN WITNESS WHEREOF, I have hereunto subscribed my hand this 2nd day of March, 1981.

Louis Breimhurst
LOUIS J. BREIMHURST
Executive Director

Subscribed to and Sworn to
before me this 2nd day
of March, 1981.

Maryanne Gibbons
Notary Public

MARYANNE GIBBONS
NOTARY PUBLIC - MINNESOTA
RAMSEY COUNTY
My Commission Expires Sept 26, 1985

STATE OF MINNESOTA

COUNTY OF RAMSEY

MINNESOTA POLLUTION

CONTROL AGENCY

In the Matter of the Proposed
Adoption of a Rule for the
Administration of the Minnesota
Solid Waste Management Demonstration
Program for Waste Reduction and
Source Separation, Minnesota Rule
6 MCAR §4.6086

CERTIFICATE OF
COMPLIANCE WITH
RULEMAKING PROCEDURES

- - - - - - - - - - - - - - - - - - - -

I, Special Assistant Attorney General Lisa R. Tiegel, do hereby declare that I have examined the proposed rule and all related documents and that, based on them and my personal familiarity with the applicable requirements, all rulemaking procedures required by statute and rule have been followed.

Lisa R. Tiegel
Special Assistant
Attorney General

DATED: MARCH 1, 1981

STATE OF MINNESOTA

COUNTY OF RAMSEY

MINNESOTA POLLUTION

CONTROL AGENCY

In the Matter of the Proposed Adoption of a Rule for the Administration of the Minnesota Solid Waste Management Demonstration Program for Waste Reduction and Source Separation, Minnesota Rule 6 MCAR §4.6086

AFFIDAVIT REGARDING COMMENTS SUBMITTED TO AGENCY

Donald J. Kyser, being duly sworn on oath deposes and says:

1. That he is an employee of the Solid Waste Division, Minnesota Pollution Control Agency, State of Minnesota;

2. That he was named in the Notice of Rulemaking as the person to be contacted as to comments on the above-referenced rule;

3. That the Agency received no written responses or comments to the Agency's Notice of Intent to Adopt a Rule Without a Public Hearing with respect to the above-reference rule;

4. That, accordingly, there are no such written responses or comments to submit to the Office of the Attorney General.

FURTHER AFFIANT SAYETH NOT.

Donald J. Kyser

Donald J. Kyser

Subscribed to and Sworn to before me this 3rd day of March, 1981.

Patricia Schwarz

Notary Public

PATRICIA SCHWARZ
NOTARY PUBLIC—MINNESOTA
ANOKA COUNTY
My Commission Expires Aug. 6, 1987

STATE OF MINNESOTA

COUNTY OF RAMSEY

MINNESOTA POLLUTION CONTROL AGENCY

In the Matter of the Proposed Adoption of a Rule for the Administration of the Minnesota Solid Waste Management Demonstration Program for Waste Reduction and Source Separation, Minnesota Rule 6 MCAR §4.6086

AFFIDAVIT OF NOTIFICATION OF TRANSMITTAL

Donald J. Kyser, being duly sworn on oath deposes and says:

1. That he is an employee of the Solid Waste Division, Minnesota Pollution Control Agency, State of Minnesota;

2. That he was named in the Notice of Rulemaking as the person to be contacted regarding the above-referenced rule;

3. That no person requested, either orally or in writing, that he or she be notified of the transmittal by the Minnesota Pollution Control Agency of the above-referenced rule to the Office of the Attorney General; and,

4. That, accordingly, no such notice need be made.

FURTHER AFFIANT SAYETH NOT.

Donald J. Kyser

Subscribed to and Sworn to before me this 3rd day of March, 1981.

Patricia Schwarz

Notary Public

PATRICIA SCHWARZ
NOTARY PUBLIC—MINNESOTA
ANOKA COUNTY
My Commission Expires Aug. 6, 1987