

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

Our File No. 948

RULE REVIEW CHECKLIST

DATE RULE RECEIVED 1-54-84
DATE FOR REVIEW 1-13-84
DATE DUE 1-18-84

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

Approved 1-17-84 mjc Disapproved _____ Returned to Agency _____

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

Date filed w/Secretary of State _____ Revisor approved 1/5/84 disapproved _____

✓ Rule as Adopted

_____ Rule as Proposed

✓ Order Adopting 12.15.83 Date

_____ Notice of Intent to Solicit Outside Opinion

✓ Order for rulemaking
N/A date of Hearing

✓ Certificate of Board's Authorizing Resolution

✓ Notice of rulemaking
_____ Sufficiency

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

✓ Mailing list Certificate

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

N/A Hearing Examiner's Report

_____ 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

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

N/A Compliance of Ch. 188 — see Minn. Stat § 115A.50

SF-00006-03

STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL'S OFFICE/WMB **Office Memorandum**

TO: ATTORNEY GENERAL'S OFFICE
ADMINISTRATION DIVISION

DATE: 1/4/84

FROM: ALAN W. KOWALCHYK AK
SPECIAL ASSISTANT ATTORNEY GENERAL

PHONE: 6-7347

SUBJECT: ADOPTED AMENDMENTS TO RULES OF THE STATE WASTE MANAGEMENT BOARD GOVERNING THE SOLID WASTE PROCESSING FACILITIES DEMONSTRATION PROGRAM

Attached for your review are the original and three copies of the above-mentioned rules as adopted. Also attached is the documentation related to adoption of these rules. No changes were made in the rules subsequent to publication of the proposed rules in the State Register. No written comments were received on the rules.

If you have any questions, feel free to call me.

AWK:kso

RECEIVED
JAN 4 1984
ATTORNEY GENERAL
ADMINISTRATIVE AGENCIES

SF-00006-02

STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL

Office Memorandum

TO : Robert G. Dunn, Chairman

DATE: 1/17/84

Attn: ALAN W. KOWALCHYK, Special Assistant Attorney General

FROM : MARTHA J. CASSERLY MJC
Special Assistant
Attorney General

PHONE: 296-4692

SUBJECT: In the Matter of the Proposed Amendments to the Rules of the State Waste Management Board Governing the Solid Waste Processing Facilities Demonstration Program

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;

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.

Encs.

MJC/ls

cc: Ms. Kathy Burek
Mr. Duane Harves

AG copy

Waste Management Board

Adopted Adoption of Amendments to Rules Governing the Solid Waste Processing Facilities Demonstration Program

Rule as Adopted

6 MCAR S 8.403 Eligibility criteria.

A. [Unchanged.]

B. Eligible projects. Only projects which demonstrate feasible and prudent alternatives to disposal are eligible for loans and grants. To qualify as a demonstration project, a project must be conceptually and technically feasible but not now in operation in the state or not now in operation in a geographical area of the state with demonstrably different characteristics from those of the area where a facility is now in operation. A conceptually and technically feasible project may also qualify as a demonstration project if it involves institutional arrangements not previously utilized in the state, or not previously utilized in a geographical area of the state with demonstrably different characteristics from those in the area where a facility is now in operation. Six types of projects are eligible for loans and grants: waste to energy; materials recovery; chemical, physical, or biological modifications; transfer stations; special waste streams; and waste incineration with resource recovery.

C.-D. [Unchanged.]

6 MCAR S 8.404 Information required on the grant and loan application.

Applications for grants and loans for waste processing facilities shall include the following information as required in the application forms supplied by the board:

1.-10. [Unchanged.]

11. the type of waste processing facility for which a grant or loan is being applied for: waste to energy; materials recovery; chemical, physical, or biological modification;

transfer stations; special waste stream; or waste incineration with resource recovery.

6 MCAR S 8.408 Project type evaluation.

A.-G. [Unchanged.]

H. Waste incineration with resource recovery factors. Waste incineration with resource recovery other than energy recovery is eligible if a substantial level of resource recovery is a component of the overall solid waste management of the applicant. For incineration with resource recovery the board will consider:

1. the percent of the total waste stream subjected to resource recovery;

2. the percent and types of materials recovered from the total waste stream;

3. the revenue derived from recovered materials;

4. the relationship of the recovered materials to the waste incinerated; and

5. the economic evaluation of all potentially recoverable materials.

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
JAN 18 1984
Joan Anderson Growe
Secretary of State
2:10 PM

APPROVED AS TO FORM AND LEGALITY
January 17 1984
HUBERT H. HUMPHREY, III
ATTORNEY GENERAL
BY Martha J Cassedy
SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA

WASTE MANAGEMENT BOARD

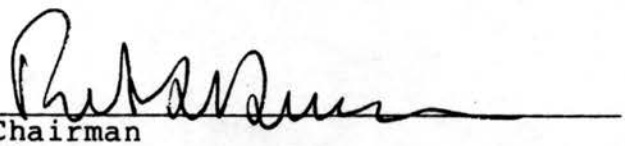
In the Matter of the Proposed Amendments to the Rules of the State Waste Management Board Governing the Solid Waste Processing Facilities Demonstration Program

ORDER ADOPTING RULES

Notice of the Board's intent to adopt the above-entitled rules without a public hearing was published in the State Register on October 31, 1983, and was sent by United States mail to all persons on the list maintained by the agency pursuant to Minnesota Statutes, Section 14.14, subdivision 1 on October 25, 1983. 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 Proposed Amendments to the Rules of the State Waste Management Board Governing the Solid Waste Processing Facilities Demonstration Program are adopted this 15th day of December, 1983 pursuant to authority vested in the Board by Minnesota Statutes, Section 115A.49.

STATE OF MINNESOTA



Chairman
Minnesota Waste Management Board

In the Matter of the Proposed)
Adoption of Amendments to Rules)
Governing the Solid Waste) ORDER
Processing Facilities)
Demonstration Program)

IT IS HEREBY ORDERED this 11th day of October, 1983, that a Notice of Intent to Adopt Rules Without a Public Hearing in the above-entitled matter be given to all persons who have registered their names with the State Waste Management Board for that purpose and be published in the State Register.

STATE OF MINNESOTA

ROBERT G. DUNN
Chairman
Waste Management Board

STATE OF MINNESOTA

WASTE MANAGEMENT BOARD

In the Matter of the Proposed Adoption of Amendments to Rules Governing the Solid Waste Processing Facilities Demonstration Program	)))))	CERTIFICATE OF BOARD'S RESOLUTION

I, Robert G. Dunn, do hereby certify that I am a member and the Chairman of the Waste Management Board, a board 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 Waste Management Board duly and properly called and held on the 22nd day of September, 1983, 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.

> RESOLVED, that Robert G. Dunn, Chairman of the Waste Management Board, be and hereby is granted authority and directed to sign an Order of the Board directing that Notice be given of the Board's intent to adopt without a public hearing amendments to rules Governing the Solid Waste Processing Facilities Demonstration Program, to sign the Notice thereof, to make such changes in form required by the Revisor of Statutes, and to perform any and all acts incidental thereto. In the event a public hearing becomes necessary, he 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 Board's representative at all hearings.

IN WITNESS WHEREOF, I have hereunto subscribed my name, this 22nd day of September, 1983.

ROBERT G. DUNN
Chairman, Waste Management Board

Attest: Louise Kunderling

WASTE MANAGEMENT BOARD

IN THE MATTER OF THE PROPOSED
ADOPTION OF AMENDMENTS TO RULES
GOVERNING THE SOLID WASTE
PROCESSING FACILITIES
DEMONSTRATION PROGRAM

NOTICE OF INTENT TO ADOPT
RULES WITHOUT A PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the State Waste Management Board proposes to adopt the above-entitled rules without a public hearing. The Waste Management Board has determined that the proposed adoption of these rules will be noncontroversial in nature and has elected to follow the procedures set forth in Minnesota Statutes sections 14.21 to 14.28 (1982).

Persons interested in these rules shall have 30 days to submit comments on the proposed rules. The proposed rules may be modified if the modifications are supported by the data and views submitted to the agency and do not result in a substantial change in the proposed language.

Unless seven or more persons submit written requests for a public hearing on the proposed rules within the 30-day comment period, a public hearing will not be held. In the event a public hearing is required, the agency will proceed according to the provisions of Minnesota Statutes sections 14.13 to 14.20 (1982).

Persons who wish to submit comments or a written request for a public hearing should submit such comments or request to:

Waste Management Board
Attn: Ed Welsch
123 Thorson Building
7323 - 58th Avenue North
Crystal, Minnesota 55428
(612) 536-0816

Authority for the adoption of these rules is contained in Minnesota Statutes section 115A.49. Additionally, a Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rules and identifies the data and information relied upon to support the proposed rules has been prepared and is available from the Waste Management Board, Attn: Ed Welsch, 123 Thorson Building, 7323 - 58th Avenue North, Crystal, Minnesota, upon request.

Upon adoption of the final rules without a public hearing, the proposed rules, this Notice, the Statement of Need and Reasonableness, all written comments received, and the final Rules 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 the Waste Management Board, Attn: Ed Welsch, 123 Thorson Building, 7323 - 58th Avenue North, Crystal, Minnesota 55428.

A copy of the proposed rules is attached to this notice. Additional copies may be obtained by contacting the Waste Management Board, Attn: Ed Welsch, 123 Thorson Building, 7323 - 58th Avenue North, Crystal, Minnesota 55428.

Dated: October 11, 1983.

STATE OF MINNESOTA

ROBERT G. DUNN, Chairman
Waste Management Board

STATE OF MINNESOTA

WASTE MANAGEMENT BOARD

AFFIDAVIT OF MAILING

Edward A. Welsch, being first duly sworn deposes

That on the 25th day of October, 1983, at the City of Crystal, County of Hennepin, State of Minnesota, he mailed the attached material to those persons on the attached mailing list by deposition in the United States mail at said City of Crystal, a copy, thereof, properly enveloped, with postage prepaid.

Edward A. Welsch

Subscribed and sworn to before me
this 25th day of October, 1983.

Notary Public

DISTRIBUTION LIST FOR

NOTIFICATION OF RULEMAKING 3/[redacted]1

Joseph D. Bizzano, Jr.
JoAnn McGuire
North. States Power Law Dept.
414 Nicollet Mall
Minneapolis, MN 55401

Dr. Roger V. Blomquist
Environ. Research Group, Inc.
4663 W. Chatsworth Street
St. Paul, MN 55112

Bernard L. Brommer
Executive Vice President
Minnesota AFL-CIO
175 Aurora Avenue
St. Paul, MN 55103

Charles A. Schaffer
MN Dept of Economic Dev.
480 Cedar Street
St. Paul, MN 55101

R. A. Garvey
North Star Steel Co.
P.O. Box 43189,
1678 Red Rock Road
St. Paul, MN 55164

Dr. Robert A. Reid, Manager
Corporate Environ. Health
Honeywell Plaza (MN12-3175)
Minneapolis, MN 55408

W. C. Viitala
Director of Public Affairs
Honeywell, Inc.
Honeywell Plaza (MN12-5215)
Minneapolis, MN 55408

Broeker, Hartfeldt, Hedges & Grant
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Bloomington, MN 55420

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Senior Chemical Engineer
The Gillette Company
St. Paul Manufacturing Center
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St. Paul, MN 55101

Minnesota Petroleum Council
300 Northern Federal Bldg.
St. Paul, MN 55102

Dr. Daryl A. Thingvold
Serco Laboratories
1931 West County Road C2
Roseville, MN 55113

Vern Tate
Legislative Research 3-M
3-M Center
St. Paul, MN 55101

Scott Schuler
Environmental Specialist
Cooperative Power Assoc.
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Eden Prairie, MN 55344

Carol Propotnik
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Minneapolis, MN 55414

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Larkin, Hoffman, Daly & Lindgren
1500 Northwestern Financial Cntr
7900 Xerxes Avenue So.
Minneapolis, MN 55431

Susan Robertson
Director of LCWM
B-46 State Capitol
St. Paul, MN 55155

R. G. Kirkham, Exec. Dir.
Minnesota Municipal Utilities
P. O. Box B
10 Central Avenue
Buffalo, MN 55313

Metro Inter-County Assoc.
114 Metro Square Bldg.
7th and Robert Street
St. Paul, MN 55101

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Assistant County Attorney
Dakota County Attorney's Office
Dakota County Government Center
1560 West Highway 55
Hastings, MN 55033

[redacted] Gurney
[redacted]tment
Dako[redacted]er
[redacted]

Floyd L. Forsberg
[redacted]Works
[redacted]ex

Edward L. Kuhlney
Region 10, Southern MN RDC
301 Marquette Bank Bldg.
Rochester, MN 55901

Arlene Farver
Donohue & Associates, Inc.
7400 Metro Blvd. Suite 310
Minneapolis, MN 55435

Susan J. Strand
Legal Dept., Land O'Lakes
P. O. Box 116
Minneapolis, MN 55440

I. V. Fordyce
Manager Environmental Contro
Am. Crystal Sugar Company
101 North Third Street
Moorhead, MN 56560

Kevin C. Jones
George A. Hormel & Co.
P. O. Box 800
Austin, MN 55912

Norma Schumacher, Leg. Consu
O'Connor & Hannan
38th Floor - IDS Tower
Minneapolis, MN 55402

Archie D. Chelseth
Manager Public Affairs
Potlatch Corporation
Box 510
Cloquet, MN 55720

[redacted]ies, Inc.
[redacted]Rd.
[redacted]5

Bonnie M. Spencer
Federal-State Reports, Inc.
5203 Leesburg Pike, Suite 12(
Falls Church, Virginia 2204

General Mills, Inc.
ATTN: Dr. J.W. Haun-45W
P. O. Box 1113
Minneapolis, MN 55440

Barb Kelly
MN Waste Association
Suite 600
6 West 5th Street
St. Paul, MN 55102

MN Department of Transporta.
ATTN: Cheryl Heide
Rm 807, Transportation Bldg.
John Ireland Boulevard
St. Paul, MN 55155

Patricia Jensen
Governor's Office
Room 130 - State Capitol
St. Paul, MN 55155

Mike Robertson
Assistant Exec. Director
MPCA
1935 West County Road B2
Roseville, MN 55113

Craig Waldron
Region Nine Dev.Com.
410 S. 5th St.
P.O. Box 3367
Mankato, MN 56001

John A. Knapp
Hessian, McKasy & Soderberg
1500 Midwest Plaza Building
Minneapolis, MN 55402

G. Robert Johnson
4344 IDS Center
Minneapolis, MN 55402

Robert S. Burk
4344 IDS Center
Minneapolis, MN 55402

Holly Rodin
MN COACT
1216 South 6th Street
Brainerd, MN 56401

Joseph S. Hensel
Rochester Public Utilities
506 First Avenue NE, Box 6057
Rochester, MN 55901

Solid Waste Division
1935 W. Co. Rd. B2
Roseville, MN 55113

DEMO PROGRAM

James Shipmen
MN Assoc of Counties
2305 Ford Parkway
St. Paul, MN 55116

James H. Johnson- Exec. Dir.
West. Lake Sup. Sanit. Dist.
27th Ave. West & the Waterfrnt
Duluth MN 55806

John Stark
Rubber Research Elastomerics, Inc.
824 Ninth Ave. SE
Mpls., Minn. 55414

Susan Robertson LCWM Director
B-46 State Capitol Bldg.
St. Paul, MN 55155

Dave Locey
MSD Recycle
2353 Rice St. North
Roseville, MN 55113

Dick Reis
Planning Director
City of Moorhead
500 Center Av.
Moorhead, MN 56560

Dean Massett
Box 34
Red Wing,MN 55066

Duke Addicks LMC
League of Minnesota Cities
300 Hanover Bldg.
480 Cedar
St. Paul, MN 55101

Tom Todd
House Research
17 State Capitol Bldg.
St. Paul, MN 55155

Ronald Visness
Ronald Sundberg MEA
Minn. Energy Agcy. AM.
150 E. Kellogg Blvd. Center
St. Paul, MN 55101 Bldg.

Ken Hopke
Stearns County Planning Dept.
Stearns County Courthouse
St. Cloud, MN 56301

Arthur Persons
Planning Director
Winona County Courthouse
Winona, MN 55987

Dept. of Administration
Paul Cummings Administra.
50 Sherburn Ave. Building
St. Paul, MN 55155

Doug Wood
Ramsey Co.-Div. of Env. Health
1910 West Co. Road B
Roseville, MN 55113

Mike Robertson
Assistant Executive Director
MPCA
1935 West County Road B2
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Rick Person-Dept. of Public
Solid Waste Division Works
600 City Hall Annex
25 West 4th St.
St. Paul, MN 55102

W. L. Hofeling, President
Research, Inc.
10 North 5th Avenue
Hopkins, MN 55343

Viet Ngo, P.E., Vice President
McCombs-Knutson-Associates, I
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Plymouth, MN 55441

Barb Kelly
Minnesota Waste Association
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6 West 5th Street
St. Paul, MN 55102

Bill Buckley
Environmental Health
Mower County Courthouse
Austin, MN 55912

Joan Nelson
Recycling Unlimited
1352 Summit Avenue
St. Paul, MN 55105

Henry T. Rauenhorst
FPR Asso. Inc.
Northwestern Office Bldg.
Mankato, MN 56001

[redacted]

Tom Foley
East Central Regional Dev. Comm.
119 South Lake Street
Mora, MN 55051

Metro Council-Environmental
Paul Smith Planner
300 Metro Sq. Bldg.
7th & Robert
St. Paul, MN 55101

Michael Moodie
Trinity Engineering
5615 Woodstock
Golden Valley, MN 55422

Dave Winter
Environment and Energy
Hennepin County BPS
320 Washington Av. So.
Hopkins, MN 55343

Victor Miller
Metro-Inter Co. Assoc.
114 Metro Square Bldg.
7th & Robert St.
St. Paul, MN 55101

Marilyn Lundberg SMRBB
600 American Center Bldg.
150 East Kellogg Blvd.
St. Paul, MN 55101

Mark Spurr
Resource Management & Assoc.
333 Sibley St., Suite 111
St. Paul, MN 55101

Dave Cote
Resource Management & Assoc.
333 Sibley St., Suite 111
St. Paul, MN. 55101

INTERESTED AGENCIES

DEMO PROGRAM original

Charles Smith
Winona County Board
Winona County Courthouse
Winona, MN 55987

Floyd J. Forsberg, P.E.
Henningson, Durham & Richardso
300 Parkdale 1 Bldg.
5401 Gamble Drive
Minneapolis, Mn 55416

Sam VanTassel
Planning Engineer
9401 Fernbrook Lane
Maple Grove, MN 55369

Sharon Bailey
RCM
P.O. Box 130
Hopkins, MN 55343

Dick Overmier
Environment and Energy
Hennepin County BPS
320 Washington Avenue South
Hopkins, MN 55343

Mr. Neal Seldman
Institute for Local Self
Reliance
1717 18th Street NW
Washington, D.C. 20009

Rule as Proposed

6 MCAR S 8.403 Eligibility criteria.

A. [Unchanged.]

B. Eligible projects. Only projects which demonstrate feasible and prudent alternatives to disposal are eligible for loans and grants. To qualify as a demonstration project, a project must be conceptually and technically feasible but not now in operation in the state or not now in operation in a geographical area of the state with demonstrably different characteristics from those of the area where a facility is now in operation. A conceptually and technically feasible project may also qualify as a demonstration project if it involves institutional arrangements not previously utilized in the state, or not previously utilized in a geographical area of the state with demonstrably different characteristics from those in the area where a facility is now in operation. ~~Five~~ Six types of projects are eligible for loans and grants: waste to energy; materials recovery; chemical, physical, or biological modifications; transfer stations; and special waste streams; and waste incineration with resource recovery.

C.-D. [Unchanged.]

6 MCAR S 8.404 Information required on the grant and loan application.

Applications for grants and loans for waste processing facilities shall include the following information as required in the application forms supplied by the board:

1.-10. [Unchanged.]

11. the type of waste processing facility for which a grant or loan is being applied for: waste to energy; materials recovery; chemical, physical, or biological modification; transfer stations; or special waste stream; or waste incineration with resource recovery.

6 MCAR S 8.408 Project type evaluation.

A.-G. [Unchanged.]

H. Waste incineration with resource recovery factors. [illegible]

incineration with resource recovery other than energy recovery is eligible if a substantial level of resource recovery is a component of the overall solid waste management of the applicant. For incineration with resource recovery the board will consider:

1. the percent of the total waste stream subjected to resource recovery;

2. the percent and types of materials recovered from the total waste stream;

3. the revenue derived from recovered materials;

4. the relationship of the recovered materials to the waste incinerated; and

5. the economic evaluation of all potentially recoverable materials.

STATE OF MINNESOTA

WASTE MANAGEMENT BOARD

In the Matter of the Proposed)
Adoption of Amendments to Rules)
Governing the Solid Waste)
Demonstration Program)

CERTIFICATE

I hereby certify that the list of persons, associations, and other interested groups who have requested, pursuant to Minn. Stat. § 14.14, subd. 1, that their names be placed on file with and maintained by the State Waste Management Board for the purpose of receiving notice of the proposed adoption of rules by this board is accurate and complete as of 4:00 P.M., this 25th day of October, 1983.

Edward A. Nelson

2. Threatened: *Lobaria quercizans* Michx.
3. Of special concern:
   a. *Cetraria aurescens* Tuck.;
   b. *Cetraria oakesiana* Tuck.;
   c. *Cladonia pseudorangiformis* Asah.;
   d. *Coccocarpia cronia* (Tuck.) Vain.;
   e. *Parmelia stuppea* Tayl.;
   f. *Sticta fuliginosa* (Dicks.) Ach.;
   g. *Umbilicaria torrefacta* (Lightf.) Schrad.

B. Mosses. The scientific names in B. are according to A New List of Mosses of North America North of Mexico, H.A. Crum, et al., 1973. The following species of mosses are designated as:

1. Endangered: *Schistostegia pennata* (Hedw.) Web. & Mohr.
2. Threatened: none.
3. Of special concern:
   a. *Bryoxiphium norvegicum* (Brid.) Mitt.;
   b. *Tomenthypnum falcifolium* (Ren ex. nich.) Tuom.

Waste Management Board

Proposed Adoption of Amendments to Rules Governing the Solid Waste Processing Facilities Demonstration Program

Notice of Intent to Adopt Rules without a Public Hearing

Notice is hereby given that the State Waste Management Board proposes to adopt the above-entitled rules without a public hearing. The Waste Management Board has determined that the proposed adoption of these rules will be noncontroversial in nature and has elected to follow the procedures set forth in Minnesota Statutes sections 14.21 to 14.28 (1982).

Persons interested in these rules shall have 30 days to submit comments on the proposed rules. The proposed rules may be modified if the modifications are supported by the data and views submitted to the agency and do not result in a substantial change in the proposed language.

Unless seven or more persons submit written requests for a public hearing on the proposed rules within the 30-day comment period, a public hearing will not be held. In the event a public hearing is required, the agency will proceed according to the provisions of Minnesota Statutes sections 14.13 to 14.20 (1982).

Persons who wish to submit comments or a written request for a public hearing should submit such comments or request to:

Waste Management Board
Attn: Ed Welsch
123 Thorson Building
7323-58th Avenue North
Crystal, Minnesota 55428
(612) 536-0816

Authority for the adoption of these rules is contained in Minnesota Statutes section 115A.49. Additionally, a statement of need and reasonableness that describes the need for and reasonableness of each provision of the proposed rules and identifies the data and information relied upon to support the proposed rules has been prepared and is available from the Waste Management Board, Attn: Ed Welsch, 123 Thorson Building, 7323-58th Avenue North, Crystal, Minnesota, upon request.

Upon adoption of the final rules without a public hearing, the proposed rules, this notice, the statement of need and reasonableness, all written comments received, and the final rules 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 the Waste Management Board, Attn: Ed Welsch, 123 Thorson Building, 7323-58th Avenue North, Crystal, Minnesota 55428.

A copy of the proposed rules is attached to this notice. Additional copies may be obtained by contacting the Waste Management Board, Attn: Ed Welsch, 123 Thorson Building, 7323-58th Avenue North, Crystal, Minnesota 55428.

October 11, 1983

Robert G. Dunn, Chairman
Waste Management Board

Rule as Proposed

6 MCAR § 8.403 Eligibility criteria.

A. [Unchanged.]

B. Eligible projects. Only projects which demonstrate feasible and prudent alternatives to disposal are eligible for loans and grants. To qualify as a demonstration project, a project must be conceptually and technically feasible but not now in operation in the state or not now in operation in a geographical area of the state with demonstrably different characteristics from those of the area where a facility is now in operation. A conceptually and technically feasible project may also qualify as a demonstration project if it involves institutional arrangements not previously utilized in the state, or not previously utilized in a geographical area of the state with demonstrably different characteristics from those in the area where a facility is now in operation. ~~Five~~ Six types of projects are eligible for loans and grants: waste to energy; materials recovery; chemical, physical, or biological modifications; transfer stations; ~~and~~ special waste streams; and waste incineration with resource recovery.

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6 MCAR § 8.408 Project type evaluation.

A.-G. [Unchanged.]

H. Waste incineration with resource recovery factors. Waste incineration with resource recovery other than energy recovery is eligible if a substantial level of resource recovery is a component of the overall solid waste management of the applicant. For incineration with resource recovery the board will consider:

1. the percent of the total waste stream subjected to resource recovery;

2. the percent and types of materials recovered from the total waste stream;

3. the revenue derived from recovered materials;

4. the relationship of the recovered materials to the waste incinerated; and

5. the economic evaluation of all potentially recoverable materials.

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.

STATE OF MINNESOTA

WASTE MANAGEMENT BOARD

In the Matter of the Proposed
Amendments to the Rules of the
State Waste Management Board
Governing the Solid Waste
Processing Facilities
Demonstration Program

FINDINGS OF FACT
AND CONCLUSIONS

Notice of the proposed adoption of the above-referenced rules was published in the State Register on October 31, 1983. Notice of the proposed adoption of rules was also served upon all persons, associations, and other interested groups registered with the State Waste Management Board for that purpose.

After affording interested persons an opportunity to comment, having considered all of the evidence adduced upon the records, files, and proceedings herein, the Waste Management Board makes the following:

FINDINGS OF FACT:

1. By an Order dated October 11, 1983, the Chairman of the Waste Management Board directed that a Notice of Intent to Adopt Rules Without Public Hearing in the above-captioned matter be given to all persons who had registered their names with the Board, and that the Notice be published in the State Register.

2. The Notice of Intent to Adopt Rules Without Public Hearing was published in the State Register on October 31, 1983, 8 S.R. 1004-1005.

3. The Notice of Intent to Adopt Rules Without Public Hearing was sent to all persons who had registered their names with the Board.

4. No comments on the rules were received and there were no requests for a public hearing.

5. No modifications have been made in the rules from the version published in the State Register on October 31, 1983.

CONCLUSIONS

1. The rules as adopted are needed and reasonable.

2. The Waste Management Board has complied with the rulemaking procedures for non-controversial rulemaking set out in Minn. Stat. §§ 14.21 - 14.28 (1982).

Dated: December 16, 1983.

ROBERT G. DUNN
Chairman
Waste Management Board

STATE OF MINNESOTA

WASTE MANAGEMENT BOARD

In the Matter of the Proposed Amendments to the Rules of the State Waste Management Board Governing the Solid Waste Processing Facilities Demonstration Program

CERTIFICATE OF BOARD'S RESOLUTION ADOPTING RULES

I, Robert G. Dunn, do hereby certify that I am a member and the Chairman of the Minnesota Waste Management Board, a board 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 Waste Management Board, duly and properly called and held on the 15th day of December, 1983, that a quorum of the Board was present at the meeting, that a majority of those present voted for the resolution, and that the resolution is set forth in the minutes of the meeting and has not been rescinded or modified.

RESOLVED, that the Amendments to the Rules of the State Waste Management Board Governing the Solid Waste Processing Facilities Demonstration Program be and they hereby are approved and adopted, pursuant to authority vested in us by Minnesota Statutes, Section 115A.49, and that Robert G. Dunn, the Chairman of the Waste Management Board, be and hereby is authorized to sign an Order adopting these rules and further is authorized to perform the necessary acts to provide that these rules shall have the force and effect of law.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 15th day of December, 1983.

(Officer of the Board)

Attest by one other Board Member

STATE OF MINNESOTA

WASTE MANAGEMENT BOARD

In the Matter of the Proposed
Amendments to Rules of the
State Waste Management Board
Governing the Solid Waste Processing
Facilities Demonstration Program
6MCAR §§8.401 - 8.412

STATEMENT OF NEED
AND REASONABLENESS

I. INTRODUCTION

The subject of this rulemaking proceeding is the amendment of the adopted rules governing the award of grants and loans for capital costs of solid waste processing facilities. The rules for the Waste Management Board (hereinafter "Board"), 6MCAR §§ 8.401 - 8.412, were adopted to provide an orderly and predictable method to identify eligible projects and project costs; specify grant and loan application procedures; provide application deadlines; establish project review and evaluation criteria; set limitations on grant and loan awards; and specify the contents of grant and loan agreements.

The present rules were drafted to change and in some cases add to the adopted rules in order to make them consistent with the 1983 amendments to the statutory provisions governing the Board's Solid Waste Processing Facilities Demonstration Program. See Minn. Laws 1983, ch. 373, § 38.

These rules will follow the procedure for non-controversial rule making.

II. NEED FOR THE PROPOSED AMENDMENTS

The Board is required by Minnesota Statutes, Section 115A.49 to promulgate rules to govern its activities under the solid waste processing facilities demonstration program. These amendments are necessary to make the adopted rules consistent with Minn. Stat. § 115A.54, subd. 4, as amended by Minn. Laws 1983, Ch. 373, § 38.

incorrect ref.
correct ref is "subd. 2"

III. REASONABLENESS OF THE PROPOSED AMENDMENTS

6MCAR § 8.403 Eligibility Criteria

B. Eligible projects.

This section identifies types of projects which are eligible for grants and loans: waste to energy; materials recovery; chemical, physical, or biological modifications; transfer stations; special waste streams; and waste incineration with resource recovery. The change in 6MCAR § 8.403.B. is needed to conform the rule to statute.

6MCAR § 8.404 Information required on the grant and loan application.

11. This part requests information on the type of waste processing facility for which a grant or loan is being applied for. The eligible types of projects are expanded from five types to six types. The change in 6MCAR § 8.404.11 is needed to conform the rule to the statute.

6MCAR § 8.408 Project type evaluation.

H. Waste incineration with resource recovery factors.

This section identifies factors that will assist the Board in evaluating project proposals for this specific technology type. The specific justification for each factor specified in 6MCAR § 8.408. H. is as follows:

1. The percent of the total waste stream subjected to resource recovery. This factor provides information necessary to ensure that a substantial level of resource recovery is part of the overall solid waste management of the applicant.

2. The percent and types of materials recovered from the total waste stream. This factor provides information necessary to identify quantities by material type recovered from the total waste stream. This information will assist the Board in evaluating the extent to which a proposed facility would be able to solve an area's solid waste management problems. This information will also assist the Board in evaluating the financial feasibility of the proposed project.

3. The revenue derived from recovered materials.

This factor provides information necessary to evaluate the financial feasibility of the project being proposed.

4. The relationship of the recovered materials to the waste incinerated.

This factor will provide information that identifies the source of the recovered materials, i.e. whether or not the materials recovered are extracted from the waste stream to be incinerated.

5. The economic evaluation of all potentially recoverable materials.

This factor will provide information on the economics on the full spectrum of potentially recoverable materials. This information will be useful in evaluating the level of resource recovery proposed and also in determining the feasibility of the proposal.

Dated: October 31, 1983

Robert G. Dunn, Chairman
Waste Management Board

STATE OF MINNESOTA

WASTE MANAGEMENT BOARD

In the Matter of the Proposed Amendments to the Rules of the State Waste Management Board Governing the Solid Waste Processing Facilities Demonstration Program	STATEMENT OF COMPLIANCE WITH RULEMAKING PROCEDURES

I, Special Assistant Attorney General Alan W. Kowalchyk, do hereby declare that I have examined the proposed rules and all related documents and that, based on my examination and my personal familiarity with the applicable procedures, the Administrative Procedure Act, the rules of the Office of Administrative Hearings, and the rules of the Attorney General have been followed. Any exceptions are noted below.

Alan W. Kowalchyk

Special Assistant
Attorney General

Dated: Jan. 3, 1984

In the Matter of the Proposed
Amendments to the Rules of the
State Waste Management Board
Governing the Solid Waste
Processing Facilities
Demonstration Program

AFFIDAVIT OF MAILING
NOTICE OF SUBMISSION
TO THE ATTORNEY GENERAL

STATE OF MINNESOTA)
) ss.
COUNTY OF HENNEPIN)

EDWARD A. WELSCH, being first duly sworn, deposes and says:

That no requests for Notice of Submission to the Attorney General were received in connection with the above-captioned rulemaking proceeding.

Edward A. Welsch
EDWARD A. WELSCH

Subscribed and sworn to before me
this 3RD day of JANUARY 1984.

Beatrice L. Szymik
Notary Public

BEATRICE L. SZYMIK
NOTARY PUBLIC — MINNESOTA
HENNEPIN COUNTY
My commission expires August 1, 1990