

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

Our File No. 1045

RULE REVIEW CHECKLIST

DATE RULE RECEIVED 7-2-84
DATE FOR REVIEW
DATE DUE 7-~~18~~17-84

Adopted w/a hearing
Adopted w/o hearing
Temporary rule (EMERGENCY Rule) ✓

Approved July 17, 1984 (CDS) Disapproved Returned to Agency

Resubmitted Due
Approved Disapproved Returned to Agency

Date filed w/Secretary of State 7-18-84 Revisor approved 7.3.84 disapproved

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✓ Rule as Adopted

✓ Rule as Proposed

✓ Order Adopting 6.29.84 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
5.15.84 At least ~~30~~ 25 days prior to ~~hearing~~/adoption

✓ Mailing list Certificate

✓ Publication in State Register
5.28.84 At least ~~30~~/25 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
Labeled "Authorizing Resolution"

N/A Order Approving Incorporation by Reference

Statement of Need and Reasonableness

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

Notice of Submission to the Attorney General

SF-00006-02

STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL

Office Memorandum

TO : ROBERT G. DUNN
Chairperson/Waste Management Board
Attn: ALLAN C. WILLIAMS/Special Assist. Att. General

DATE: 7//7/84

FROM : LARRY D. STARNS
Special Assistant
Attorney General

PHONE: 297-3493

LDS

SUBJECT: In the Matter of the Proposed Adoption of the Emergency Rules of the Waste Management Board Governing the Hazardous Waste Processing and Collection Facilities and Services Development Grants.

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.

cc: Ms. Kathy Burek
Mr. Duane Harves

LDS: sa

STATE OF MINNESOTA
WASTE MANAGEMENT BOARD
123 THORSON COMMUNITY CENTER
7323 58TH AVENUE NORTH
CRYSTAL, MINNESOTA 55428

ROBERT G. DUNN
CHAIRMAN

TELEPHONE:
METRO AREA (612) 536-0816
TOLL FREE 1-800-652-9747

July 2, 1984

J. Michael Miles
Assistant Attorney General
204 Administration Building
50 Sherburne Ave.
St. Paul, MN 55155

Dear Mr. Miles:

The Minnesota Waste Management Board has adopted emergency rules for the hazardous waste processing and collection facilities and services development grants. The following documents are provided for review.

* certificate of the Board's authorizing resolution to adopt the rules
* certificate of the Board's authorizing resolution ordering publication
* written comments on the proposed rules
* certificate of compliance with rulemaking procedures
* order for publication
* findings of fact and conclusions
* emergency rule as proposed
* four copies of emergency rule as adopted
* two copies of order adopting emergency rules
* affidavit of mailing
* certificate of current list

Please contact me or Special Assistant Attorney General Alan Williams (296-7347) if you have any questions concerning the enclosed documents.

Sincerely,

Jerry Johnson
Community Representative

JJ:sm

Enclosure

BOARD MEMBERS:
DISTRICT 1 LAURENCE HUNTER, Hastings
DISTRICT 2 KEITH KUITERS, Clarks Grove
DISTRICT 3 WILLIAM KIRCHNER, Richfield
DISTRICT 4 MILTON KNOLL, JR, White Bear Lake
DISTRICT 5 LOUISE KUDERLING, Minneapolis
DISTRICT 6 THOMAS RENNER, Elk River
DISTRICT 7 ALLAN EIDE, Hitterdal
DISTRICT 8 DAVID HARTLEY, Hermantown

STATE OF MINNESOTA
WASTE MANAGEMENT BOARD
123 THORSON BUILDING
7323 58TH AVENUE NORTH
CRYSTAL, MINNESOTA 55428

ROBERT G. DUNN
CHAIRMAN

TELEPHONE:
METRO AREA (612) 536-0816
OUTSTATE 1-800-652-9747

June 27, 1984

Waste Management Board
Jerry Johnson
123 Thorson Building
7323 - 58th Avenue North
Crystal, Minnesota 55428

Dear Mr. Johnson:

As you know, the Waste Management Board's proposed emergency rules on Hazardous Waste Processing and Collection Facilities and Services Development Grants have been drafted to coordinate with another program of the Board, the Request for Proposal (RFP) program. Under the RFP program the Board is soliciting proposals for the development of hazardous waste processing facilities and a statewide hazardous waste collection and transportation system. With regard to the collection and transportations system, Minn. Laws 1984, chapter 644, section 13, requires the Board to evaluate the collection and transportation system proposals submitted in response to the Board's RFP before making a development grant for such a system.

At the time that the emergency rules for development grants were proposed, it was anticipated that the deadline for all responses to the Board's RFP's would be November 1, 1984 and that, for this reason, the deadline for applications for the collection and transportation development grant should also be November 1, 1984. However, on May 24, 1984, when the Board approved the issuance of the RFP's, the Board set August 31, 1984 as the deadline for responses to the RFP for the statewide collection and transportation system (the RFP's were published in the State Register on June 4, 1984, at pages 2625 to 2631). The Board will have all of the information needed to evaluate applicants for the development grant for the collection and transportation system by September 1, 1984.

Therefore, the provision in proposed emergency rule 9200.6008.B., which allows applications to be submitted for the collection and transportation development grant until November 1, 1984 is no longer needed or desirable. Changing the application deadline to September 1, 1984 will also give the Board a greater opportunity to meet the objective set by the 1984 legislation to have the first phase of the collection and transportation system in operation by July 1, 1985. Item B of proposed emergency rule 9200.6008 should therefore be deleted so that proposed emergency

BOARD MEMBERS:
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DISTRICT 7 ALLAN EIDE, Hitterdal
DISTRICT 8 DAVID HARTLEY, Hermantown

rule 9200.6004, subpart 1, will provide a deadline of September 1, 1984 for all grant applications under the development grant program.

Very truly yours,

Tom Johnson
Assistant to Chairman
Waste Management Board

AG copy.

Waste Management Board

Adopted Emergency Rules Governing Hazardous Waste Processing and Collection Facilities and Services Development Grants

Emergency Rules as Adopted

9200.6000 [Emergency] SCOPE AND AUTHORITY.

Parts 9200.6000 to 9200.6009 [Emergency] govern the administration of development grants for waste processing and collection facilities and services as provided under Laws of Minnesota 1984, chapter 644, section 11 and the administration of development grants for requests for proposals for development of collection and transportation services as provided under Laws of Minnesota 1984, chapter 644, section 13.

9200.6001 [Emergency] DEFINITIONS.

Subpart 1. **Scope.** For the purposes of parts 9200.6000 [Emergency] to 9200.6009 [Emergency], the following terms have the meanings given them unless the context requires otherwise.

Subp. 2. **Board.** "Board" means the Minnesota Waste Management Board established in Minnesota Statutes, section 115A.04.

Subp. 3. **Chairperson.** "Chairperson" means the chairperson of the board.

Subp. 4. **Collection.** "Collection" has the meaning given it in Minnesota Statutes, section 115A.03, subdivision 5.

Subp. 5. **Commercial.** "Commercial" has the meaning given it in Minnesota Statutes, section 115A.03, subdivision 6.

Subp. 6. **Generator.** "Generator" means a person who produces a hazardous waste listed in rules as proposed 6 MCAR SS 4.9128-4.9137 published in the State Register, volume 8, page 732 (October 24, 1983) as corrected in errata and amended in the State Register, volume 8, page 1579 (January 2, 1984).

Subp. 7. **Person.** "Person" means a natural person or a corporation, association, operation, firm, partnership, trust, or other form of organization.

Subp. 8. **Processing.** "Processing" has the meaning given it in Minnesota Statutes, section 115A.03, subdivision 25.

Subp. 9. **Proposal.** "Proposal" means the work that is intended to be conducted with the grant funds.

Subp. 10. **Service.** "Service" means work done or duty performed for others.

9200.6002 [Emergency] ELIGIBILITY CRITERIA.

Subpart 1. **Eligible applicants.** The following are eligible to apply for a development grant:

A. a person who proposes to develop and operate specific commercial collection and processing facilities or services to serve generators of hazardous waste in the state;

B. an association of two or more Minnesota generators who propose to develop and operate specific commercial collection and processing facilities or services to serve generators of hazardous waste in the state; or

C. a person who responds to the request for proposals for development of commercial hazardous waste collection and transportation services as specified in part 9200.6008 [Emergency].

Subp. 2. **Eligible proposals.** Proposals for the following types of work to determine the feasibility of developing and operating specific types of commercial facilities and services for collecting and processing hazardous waste are eligible:

A. market assessment, including generator surveys;

B. conceptual design and preliminary engineering;

C. financial and business planning necessary to address sources of funding, financial security, liability, pricing structure, and related matters required for the development and proper operation of a facility or service;

D. environmental impact and site analysis, preparation of permit applications, and environmental and permit reviews;

E. analysis of methods to overcome identified technical, institutional, legal, regulatory, market, or other problems in developing or operating a facility or service; and

F. analysis of other factors affecting development, operation, and use of the proposed facility or service.

Subp. 3. **Eligible costs.** Eligible costs are limited to the costs of conducting studies and analyses consistent with subpart 2.

Subp. 4. **Ineligible costs.** Grant money awarded through this program may not be spent for capital improvements or equipment.

Subp. 5. **Matching funds.** To be eligible to receive a grant under this program a recipient shall agree to provide matching funds as specified in part 9200.6007 [Emergency].

9200.6003 [Emergency] GRANT APPLICATION.

An applicant shall submit an application in the form specified by the board. An application must include the following information:

A. A description of the applicant's financial, managerial, and technical ability to carry out the work described in the proposal, including the applicant's experience in carrying out similar work.

B. A description of the applicant's financial, managerial, and technical ability to develop and operate the proposed facility or service.

C. A statement as to whether the applicant will or is planning to apply for future grants under this program, or whether the applicant has submitted or is planning to submit a response to the board's requests for proposals (RFP) for hazardous waste processing and collection and transportation services or has applied or is planning to apply for a hazardous waste processing facility loan administered by the Minnesota Energy and Economic Development Authority.

D. An applicant shall review the evaluation factors in Laws of Minnesota 1984, chapter 644, section 11, subdivision 3, and those factors listed in part 9200.6006 [Emergency] and provide the information needed by the board when it considers those factors.

9200.6004 [Emergency] APPLICATION PROCESS.

Subpart 1. **Deadline.** An application for a development grant must be received by the board on or before September 1, 1984.

Subp. 2. **Additional applications.** The board may solicit additional applications at a later date by notification in the State Register.

9200.6005 [Emergency] INITIAL APPLICATION REVIEW.

Subpart 1. **Application review.** The chairperson or his or her designee shall review all applications.

Subp. 2. **Eligibility and documentation review.** The chairperson or his or her designee shall review each application to determine the eligibility of the applicant, the eligibility of the costs specified in the application, the eligibility of the proposal specified in the application, and the adequacy of the supporting documentation. Documentation is considered adequate if it enables the board to determine whether:

A. the proposal is feasible at the costs indicated in the application;

B. the applicant has the financial, managerial, and technical ability and experience to carry out the proposal;

C. the applicant has the financial, managerial, and technical ability to develop and operate the proposed facility or service; and

D. the proposal meets the evaluation factors listed in part 9200.6006 [Emergency].

Subp. 3. **Notice of determination.** Within 14 days after receiving the application, the chairperson shall notify each applicant of the chairperson's determinations. If the chairperson determines that the applicant, project, and costs are eligible and that the documentation in the application is adequate, the application is considered final and the applicant shall be so notified. The application must then be referred to the board to be evaluated as provided in part 9200.6006 [Emergency]. If the chairperson determines that any of the costs or any part of the proposals are not eligible or that the

documentation in the application is inadequate, the application must be returned with a statement of the reasons for rejecting the application. The applicant has 14 days after receipt of the rejection to correct the inadequacies. If the inadequacies are corrected within the time allowed, the application is considered final and the applicant shall be so notified. The application must then be referred to the board to be evaluated as provided in part 9200.6006 [Emergency].

9200.6006 [Emergency] EVALUATION OF PROPOSALS.

Subpart 1. **Evaluation schedule.** Within 60 days of the completion of the eligibility and documentation review, the board shall evaluate the proposal and set a date for action.

Subp. 2. **Evaluation factors.** In evaluating each proposal the board shall consider the following factors:

A. The factors listed in Laws of Minnesota 1984, chapter 644, section 11, subdivision 3.

B. The importance of the proposal to the eventual development and operation of the proposed facility or service.

C. The likelihood that the proposed facility or service will be developed.

D. Whether an applicant is submitting a proposal under the board's RFP programs. In considering this factor, the board may give preference to an applicant who is also submitting a proposal under the RFPs.

E. Whether an applicant is an association of two or more generators. In considering this factor, the board may give preference to an association of two or more generators if the board determines that the association significantly contributes to cooperation among generators in solving hazardous waste management problems.

9200.6007 [Emergency] AWARD OF GRANTS.

Subpart 1. **General procedure.** The board shall award grants for those proposals which in the board's judgment best meet the factors identified in part 9200.6006 [Emergency].

Subp. 2. **Amount of grants.** The board shall determine the

amount of a grant based on a review of the factors identified in this part and based upon the availability of funds. Grants are limited to $50,000 per study.

Subp. 3. **Matching funds required.** A recipient other than an association of generators in the state shall agree to provide at least 50 percent of the cost of the proposal. An association of two or more generators in the state shall agree to provide at least 20 percent of the cost of the proposal.

9200.6008 [Emergency] APPLICATION FOR ~~DEVELOPMENT~~ GRANT FOR RFP ~~FOR~~ DEVELOPMENT OF COLLECTION AND TRANSPORTATION SERVICES.

The board may award a grant to a respondent to the RFP for the development and operation of a statewide collection and transportation system which may include temporary storage and transfer facilities. The following requirements apply only to a development grant application submitted in conjunction with the RFP:

A. An applicant shall submit both the RFP and a development grant application.

B. ~~Applications are due on or before November 1, 1984.~~ F&F 6

~~C.~~ An applicant may apply for a grant up to $350,000.

~~B.~~ C. An applicant may be required to provide up to ten percent of the grant amount.

~~E.~~ D. The board's evaluation of the grant application must be based on information provided in both the grant application and the proposal in response to the RFP.

9200.6009 [Emergency] GRANT AGREEMENT.

Subpart 1. **Grant contents.** The board and a grant recipient shall enter into a grant agreement. The grant agreement must:

A. Establish the term of the grant. Unless otherwise determined by the board, all grants awarded under this part must have a maximum term of one year, except grants awarded under the RFP program for development of collection and transportation services that will have a maximum term of two years.

B. Provide that the recipient is authorized to enter

into contracts to complete the work specified in the agreement.

C. Identify the product of the proposal and provide that the results of all studies or analyses performed under this agreement are made available to the board.

Subp. 2. **Cancellation of grants.** The board shall cancel a grant that is not completed in accordance with the terms and conditions of the respective agreements, including time schedules, unless the board determines that variances from the respective agreements are in order.

Subp. 3. **Termination.** The board may terminate a grant upon 30 days notice if it determines that the project is not feasible. A request for termination may be initiated by either the board or a grant recipient. The procedure for determining that a proposal is not feasible shall be specified in the grant agreement.

Subp. 4. **Disbursement.** The board shall disburse grants in accordance with the payment schedule set out in the grant agreement. At the discretion of the board, this may include a phased disbursement or final holdback of a percentage of funds.

Subp. 5. **Return of unspent funds.** Upon completion of the proposal, cancellation of the grant, or termination of the proposal the applicant shall return the state's share of the unspent funds. The procedure for determining the amount of funds returned shall be specified in the grant agreement.

APPROVED AS TO LEGALITY

July 17, 19 84

HUBERT H. HUMPHREY, III
ATTORNEY GENERAL

BY
SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
JUL 18 1984
Joan Anderson Growe
Secretary of State

2:10 P.M.

STATE OF MINNESOTA
WASTE MANAGEMENT BOARD

In the Matter of the Proposed Adoption of the Emergency Rules of the Waste Management Board Governing the Hazardous Waste Processing and Collection Facilities and Services Development Grants.

ORDER ADOPTING EMERGENCY RULES

The above-entitled matter was published in the State Register on Monday, May 28, 1984, as proposed emergency rules pursuant to Minnesota Statutes, sections 14.29 to 14.36. After affording interested and affected persons an opportunity to submit written data and views within 25 days of the publication date, reviewing and considering the data and views, and determining that the above-captioned rules are needed and reasonable,

NOW, THEREFORE, IT IS ORDERED that, pursuant to authority vested in the Board by Laws of Minnesota 1984, chapter 644, section 11, these rules identified as Rules of the Waste Management Board Governing the Hazardous Waste Processing and Collection Facilities and Services Development Grants as published at 8 State Register 2567 to 2570(May 28, 1984) are adopted this 29th day of June, 1984, with the following modifications:

Proposed emergency rule 9200.6008 is amended to read as follows:

9200.6008 [Emergency] APPLICATION FOR DEVELOPMENT GRANT FOR RFP FOR DEVELOPMENT OF COLLECTION AND TRANSPORTATION SERVICES.

The board may award a grant to a respondent to the RFP for the development and operation of a statewide collection and transportation system which may include temporary storage and transfer facilities. The following requirements apply

only to a development grant application submitted in conjunction with the RFP:

A. An applicant shall submit both the RFP and a development grant application.

~~B. Applications are due on or before November 1, 1984.~~

~~C.~~ B. An applicant may apply for a grant up to $350,000.

~~D.~~ C. An applicant may be required to provide up to ten percent of the grant amount.

~~E.~~ D. The board's evaluation of the grant application must be based on information provided in both the grant application and the proposal in response to the RFP.

STATE OF MINNESOTA

ROBERT G. DUNN
CHAIRPERSON
WASTE MANAGEMENT BOARD

STATE OF MINNESOTA

WASTE MANAGEMENT BOARD

In the Matter of the Proposed Adoption of the Emergency Rules of the Waste Management Board Governing the Hazardous Waste Processing and Collection Facilities and Services Development Grants.

FINDINGS OF FACT AND CONCLUSIONS

The above-entitled matter came on for decision before the Minnesota Waste Management Board on the 28th day of June, 1984, after publication and notice of the proposed rules was provided as required by Minn. Stat. 1984, section 14.30, as amended. After affording all interested persons an opportunity to submit written comment on the proposed emergency rule for 25 days following the publication date, having considered the written comments submitted to the Agency, and having considered all of the evidence adduced upon the records, files and proceedings herein, the Board makes the following:

FINDINGS OF FACT

1. On May 10, 1984, the Order for Publication authorizing publication of the proposed emergency rule was executed by the Chairperson of the Board under authority of Waste Management Board Resolution WMB-014-84 (May 10, 1984).

2. On May 15, 1984, the Notice of Intent to Adopt Emergency Rules was mailed to all persons and associations who had requested that their names be placed on file with the Board for

the purpose of receiving notice of the proposed adoption of rules by the agency.

3. On May 28, 1984, the Notice of Intent to Adopt Emergency Rules and the Proposed Emergency Rules were published at 8 State Register 2567 to 2570.

4. The public comment period of 25 days after publication of the proposed rules expired June 23, 1984.

5. No written data or views were received within the 25 day comment period. One written comment was received after the 25 day comment period from Mr. Tom Johnson, Assistant to the Chairperson of the Waste Management Board (dated June 27, 1984).

6. The Board finds that the written comment of Mr. Johnson supports the modification of the proposed emergency rules by the deletion of item B. of proposed emergency rule 9200.6008. ✓p.6

The comment states that the application deadline of November 1, 1984, for a development grant for a statewide hazardous waste collection and transportation system is no longer needed or desirable because applicants for this grant are now required to submit their response to the Board's Request for Proposal (RFP) for such a system by August 31, 1984. By law, the Board must evaluate this response before making a grant for development of such a system (Minn. Laws 1984, Chapter 644,

Section 13). In proposing the November 1, 1984 application deadline, the Board anticipated that it would have to wait until November 1 for the response to the RFP and thus would be unable to evaluate applications until after November 1. Since the Board has now set the deadline for responses to the transportation and collection RFP at August 31, 1984 (for the deadline for submission of the RFP, see 8 State Register 2628, item VI), it is no longer necessary to wait until November 1 for submission of grant applications. The Board agrees that September 1, 1984 is a preferable deadline for grant applications for the collection and transportation system grant because it is consistent with the deadline for other grant applications and because it enhances the Board's ability to meet the legislature's July 1, 1985 deadline for beginning operation of the first phase of the system (see Minn. Laws 1984, Chapter 644, section 13).

Changing the application deadline will not have any material adverse effect on potential applicants because the applicants' responses to the Board's RFP will provide most of the information needed to satisfy the application requirement. The deadline for this response is August 31, 1984. Only a minor amount of additional information will be required on the application due on September 1.

For these reasons, proposed emergency rule 9200.6008 is amended to read as follows:

9200.6008 [Emergency] APPLICATION FOR DEVELOPMENT GRANT FOR RFP FOR DEVELOPMENT OF COLLECTION AND TRANSPORTATION SERVICES.

The board may award a grant to a respondent to the RFP for the development and operation of a statewide collection and transportation system which may include temporary storage and transfer facilities. The following requirements apply only to a development grant application submitted in conjunction with the RFP:

A. An applicant shall submit both the RFP and a development grant application.

~~B. Applications are due on or before November 1, 1984.~~

~~C.~~ B. An applicant may apply for a grant up to $350,000.

~~D.~~ C. An applicant may be required to provide up to ten percent of the grant amount.

~~E.~~ D. The board's evaluation of the grant application must be based on information provided in both the grant application and the proposal in response to the RFP.

With this amendment, the deadline for all grant applications under the rules is September 1, 1984, as provided in proposed emergency rule 9200.0004, Subpart 1.

CONCLUSIONS

A. The Board duly acquired and has jurisdiction over this matter.

B. The Board has statutory authority to adopt the proposed emergency rule.

C. All relevant substantive and procedural requirements of statutes and rules have been properly complied with.

D. All of the modifications to the proposed rules are supported by the data and views submitted to the Board.

Dated: June 28, 1984

MINNESOTA WASTE MANAGEMENT BOARD

ROBERT G. DUNN
CHAIRPERSON

CERTIFICATE OF BOARD'S

AUTHORIZING RESOLUTION

I, Robert G. Dunn, do hereby certify that I am a member and the Chairperson 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 28th day of June, 1984, that a quorum was present at said meeting, that a majority of those present voted for the resolution and that said resolution will be set forth in the minutes of said meeting and has not been rescinded or modified.

> BE IT RESOLVED that the Waste Management Board adopts the proposed Findings of Fact, Conclusions, and Order Adopting Emergency Rules attached hereto with respect to Emergency Rules Governing Hazardous Waste Processing and Collection Facilities and Services Development Grants, Minn. Rules Parts 9200.6000 to 9200.6009 [Emergency].
>
> BE IT FURTHER RESOLVED that the Chairperson of the Board is authorized to sign the above-described documents.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 29th day of June, 1984.

Robert G. Dunn
Chairperson

Attest by one other Board member

STATE OF MINNESOTA
WASTE MANAGEMENT BOARD

In the Matter of the Proposed
Adoption of the Emergency Rules of
the Waste Management Board Governing
the Hazardous Waste Processing and
Collection Facilities and Services
Development Grants.

ORDER FOR PUBLICATION
OF EMERGENCY RULES

IT IS ORDERED this 10th day of May, 1984 that the proposed emergency rules in the above-entitled matter be published in the State Register.

STATE OF MINNESOTA

CHAIRMAN OF WASTE MANAGEMENT BOARD

In the Matter of the Proposed
Adoption of the Emergency Rules of
the Waste Management Board Governing
the Hazardous Waste Processing and
Collection Facilities and Services
Development Grants.

AFFIDAVIT OF
MAILING

STATE OF MINNESOTA)
) ss.
COUNTY OF HENNEPIN)

Jerry Johnson, being first duly sworn deposes and says:

That on the 15th day of May, 1984, at the City of Crystal, County of Hennepin, State of Minnesota, he served the attached Notice of Intent to Adopt Emergency Rules by depositing in the United States mail at said City of Crystal, 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 State Waste Management Board for the purpose of receiving notice of the proposed adoption of the rules by this agency.

Jerry Johnson

Jerry Johnson

Subscribed and sworn to before me
this 29th day of June, 1984.

Doris E. Krause

DORIS E. KRAUSE
NOTARY PUBLIC - MINNESOTA
HENNEPIN COUNTY
My Commission Expires June 21, 1987

STATE OF MINNESOTA

WASTE MANAGEMENT BOARD

COUNTY OF HENNEPIN

In the Matter of the Proposed
Adoption of the Emergency Rules of
the Waste Management Board Governing
the Hazardous Waste Processing and
Collection Facilities and Services
Development Grants.

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 Waste Management Board for the purpose of receiving notice of the proposed adoption of rules by this Agency was accurate and complete as of 4 o'clock P.M. this 15th day of May, 1984.

Jerry Johnson

Jerry Johnson

Waste Management Board

Proposed Emergency Rules Governing Hazardous Waste Processing and Collection Facilities and Services Development Grants

Notice of Intent to Adopt Emergency Rules

Notice is hereby given that the Minnesota Waste Management Board proposes to adopt the above entitled emergency rules. The Chairman of the Waste Management Board will follow the procedures set forth in Minnesota Statutes, sections 14.29-14.36 in adopting these rules.

Persons interested in these emergency rules shall have 25 days from the date the rules are published in the *State Register* 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 department.

Persons who wish to submit oral or written comments should submit the comments to:

Waste Management Board
Jerry Johnson
123 Thorson Building
7323 - 58 Avenue North
Crystal, MN 55428
(612) 536-0816

Authority to adopt these rules is contained in laws of Minnesota 1984, chapter 644, section 11. The Board is authorized by these sections to adopt emergency rules for the administration of the hazardous waste processing and collection facilities and services development grants. The grants are intended to help determine the feasibility of developing and operating specific types of commercial facilities and services for collecting and processing hazardous waste. Accordingly, the proposed emergency rules include eligibility criteria, information which shall be included with an application, procedures for initial review of applications, procedures and criteria for evaluating grant applications, provisions related to the awarding of grants, procedures for applying for a development grant relating to the request for proposals for development of collection and transportation services and required content of grant agreements.

Upon adoption of the emergency rules, the proposed rules, this Notice, all written comments received, and the emergency Rules as Adopted, will be delivered to the Attorney General for review as to form and legality.

In accordance with laws of Minnesota 1984, chapter 644, section 11, these emergency rules will be effective for 360 days or until permanent rules are adopted, whichever occurs first.

One free copy of this Notice, the proposed emergency rules or notice of the date of submission of the proposed emergency rule to the attorney general may be obtained by contacting Mr. Johnson. Persons who wish to receive a copy of the emergency rules as adopted should also request it from Mr. Johnson.

May 14, 1984

Robert G. Dunn, Chairman
Waste Management Board

Emergency Rules as Proposed (all new material)

9200.6000 [Emergency] SCOPE AND AUTHORITY.

Parts 9200.6000 to 9200.6009 [Emergency] govern the administration of development grants for waste processing and collection facilities and services as provided under Laws of Minnesota 1984, chapter 644, section 11 and the administration of development grants for requests for proposals for development of collection and transportation services as provided under Laws of Minnesota 1984, chapter 644, section 13.

9200.6001 [Emergency] DEFINITIONS.

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.

Subpart 1. Scope. For the purposes of parts 9200.6000 [Emergency] to 9200.6009 [Emergency], the following terms have the meanings given them unless the context requires otherwise.

Subp. 2. Board. "Board" means the Minnesota Waste Management Board established in Minnesota Statutes, section 115A.04.

Subp. 3. Chairperson. "Chairperson" means the chairperson of the board.

Subp. 4. Collection. "Collection" has the meaning given it in Minnesota Statutes, section 115A.03, subdivision 5.

Subp. 5. Commercial. "Commercial" has the meaning given it in Minnesota Statutes, section 115A.03, subdivision 6.

Subp. 6. Generator. "Generator" means a person who produces a hazardous waste listed in rules as proposed 6 MCAR §§ 4.9128-4.9137 published in the *State Register*, volume 8, page 732 (October 24, 1983) as corrected in errata and amended in the *State Register*, volume 8, page 1579 (January 2, 1984).

Subp. 7. Person. "Person" means a natural person or a corporation, association, operation, firm, partnership, trust, or other form of organization.

Subp. 8. Processing. "Processing" has the meaning given it in Minnesota Statutes, section 115A.03, subdivision 25.

Subp. 9. Proposal. "Proposal" means the work that is intended to be conducted with the grant funds.

Subp. 10. Service. "Service" means work done or duty performed for others.

9200.6002 [Emergency] ELIGIBILITY CRITERIA.

Subpart 1. Eligible applicants. The following are eligible to apply for a development grant:

A. a person who proposes to develop and operate specific commercial collection and processing facilities or services to serve generators of hazardous waste in the state;

B. an association of two or more Minnesota generators who propose to develop and operate specific commercial collection and processing facilities or services to serve generators of hazardous waste in the state; or

C. a person who responds to the request for proposals for development of commercial hazardous waste collection and transportation services as specified in part 9200.6008 [Emergency].

Subp. 2. Eligible proposals. Proposals for the following types of work to determine the feasibility of developing and operating specific types of commercial facilities and services for collecting and processing hazardous waste are eligible:

A. market assessment, including generator surveys;

B. conceptual design and preliminary engineering;

C. financial and business planning necessary to address sources of funding, financial security, liability, pricing structure, and related matters required for the development and proper operation of a facility or service;

D. environmental impact and site analysis, preparation of permit applications, and environmental and permit reviews;

E. analysis of methods to overcome identified technical, institutional, legal, regulatory, market, or other problems in developing or operating a facility or service; and

F. analysis of other factors affecting development, operation, and use of the proposed facility or service.

Subp. 3. Eligible costs. Eligible costs are limited to the costs of conducting studies and analyses consistent with subpart 2.

Subp. 4. Ineligible costs. Grant money awarded through this program may not be spent for capital improvements or equipment.

Subp. 5. Matching funds. To be eligible to receive a grant under this program a recipient shall agree to provide matching funds as specified in part 9200.6007 [Emergency].

9200.6003 [Emergency] GRANT APPLICATION.

An applicant shall submit an application in the form specified by the board. An application must include the following information:

A. A description of the applicant's financial, managerial, and technical ability to carry out the work described in the proposal, including the applicant's experience in carrying out similar work.

B. A description of the applicant's financial, managerial, and technical ability to develop and operate the proposed facility or service.

C. A statement as to whether the applicant will or is planning to apply for future grants under this program, or whether the

applicant has submitted or is planning to submit a response to the board's requests for proposals (RFP) for hazardous waste processing and collection and transportation services or has applied or is planning to apply for a hazardous waste processing facility loan administered by the Minnesota Energy and Economic Development Authority.

D. An applicant shall review the evaluation factors in Laws of Minnesota 1984, chapter 644, section 11, subdivision 3, and those factors listed in part 9200.6006 [Emergency] and provide the information needed by the board when it considers those factors.

9200.6004 [Emergency] APPLICATION PROCESS.

Subpart 1. Deadline. An application for a development grant must be received by the board on or before September 1, 1984.

Subp. 2. Additional applications. The board may solicit additional applications at a later date by notification in the *State Register*.

9200.6005 [Emergency] INITIAL APPLICATION REVIEW.

Subpart 1. Application review. The chairperson or his or her designee shall review all applications.

Subp. 2. Eligibility and documentation review. The chairperson or his or her designee shall review each application to determine the eligibility of the applicant, the eligibility of the costs specified in the application, the eligibility of the proposal specified in the application, and the adequacy of the supporting documentation. Documentation is considered adequate if it enables the board to determine whether:

A. the proposal is feasible at the costs indicated in the application;

B. the applicant has the financial, managerial, and technical ability and experience to carry out the proposal;

C. the applicant has the financial, managerial, and technical ability to develop and operate the proposed facility or service; and

D. the proposal meets the evaluation factors listed in part 9200.6006 [Emergency].

Subp. 3. Notice of determination. Within 14 days after receiving the application, the chairperson shall notify each applicant of the chairperson's determinations. If the chairperson determines that the applicant, project, and costs are eligible and that the documentation in the application is adequate, the application is considered final and the applicant shall be so notified. The application must then be referred to the board to be evaluated as provided in part 9200.6006 [Emergency]. If the chairperson determines that any of the costs or any part of the proposals are not eligible or that the documentation in the application is inadequate, the application must be returned with a statement of the reasons for rejecting the application. The applicant has 14 days after receipt of the rejection to correct the inadequacies. If the inadequacies are corrected within the time allowed, the application is considered final and the applicant shall be so notified. The application must then be referred to the board to be evaluated as provided in part 9200.6006 [Emergency].

9200.6006 [Emergency] EVALUATION OF PROPOSALS.

Subpart 1. Evaluation schedule. Within 60 days of the completion of the eligibility and documentation review, the board shall evaluate the proposal and set a date for action.

Subp. 2. Evaluation factors. In evaluating each proposal the board shall consider the following factors:

A. The factors listed in Laws of Minnesota 1984, chapter 644, section 11, subdivision 3.

B. The importance of the proposal to the eventual development and operation of the proposed facility or service.

C. The likelihood that the proposed facility or service will be developed.

D. Whether an applicant is submitting a proposal under the board's RFP programs. In considering this factor, the board may give preference to an applicant who is also submitting a proposal under the RFPs.

E. Whether an applicant is an association of two or more generators. In considering this factor, the board may give preference to an association of two or more generators if the board determines that the association significantly contributes to cooperation among generators in solving hazardous waste management problems.

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.

9200.6007 [Emergency] AWARD OF GRANTS.

Subpart 1. General procedure. The board shall award grants for those proposals which in the board's judgment best meet the factors identified in part 9200.6006 [Emergency].

Subp. 2. Amount of grants. The board shall determine the amount of a grant based on a review of the factors identified in this part and based upon the availability of funds. Grants are limited to $50,000 per study.

Subp. 3. Matching funds required. A recipient other than an association of generators in the state shall agree to provide at least 50 percent of the cost of the proposal. An association of two or more generators in the state shall agree to provide at least 20 percent of the cost of the proposal.

9200.6008 [Emergency] APPLICATION FOR DEVELOPMENT GRANT FOR RFP FOR DEVELOPMENT OF COLLECTION AND TRANSPORTATION SERVICES.

The board may award a grant to a respondent to the RFP for the development and operation of a statewide collection and transporatation system which may include temporary storage and transfer facilities. The following requirements apply only to a development grant application submitted in conjunction with the RFP:

A. An applicant shall submit both the RFP and a development grant application.

B. Applications are due on or before November 1, 1984.

C. An applicant may apply for a grant up to $350,000.

D. An applicant may be required to provide up to ten percent of the grant amount.

E. The board's evaluation of the grant application must be based on information provided in both the grant application and the proposal in response to the RFP.

9200.6009 [Emergency] GRANT AGREEMENT.

The board and a grant recipient shall enter into a grant agreement. The grant agreement must:

A. Establish the term of the grant. Unless otherwise determined by the board, all grants awarded under this part must have a maximum term of one year, except grants awarded under the RFP program for development of collection and transportation services that will have a maximum term of two years.

B. Provide that the recipient is authorized to enter into contracts to complete the work specified in the agreement.

C. Identify the product of the proposal and provide that the results of all studies or analyses performed under this agreement are made available to the board.

Subp. 2. Cancellation of grants. The board shall cancel a grant that is not completed in accordance with the terms and conditions of the respective agreements, including time schedules, unless the board determines that variances from the respective agreements are in order.

Subp. 3. Termination. The board may terminate a grant upon 30 days notice if it determines that the project is not feasible. A request for termination may be initiated by either the board or a grant recipient. The procedure for determining that a proposal is not feasible shall be specified in the grant agreement.

Subp. 4. Disbursement. The board shall disburse grants in accordance with the payment schedule set out in the grant agreement. At the discretion of the board, this may include a phased disbursement or final holdback of a percentage of funds.

Subp. 5. Return of unspent funds. Upon completion of the proposal, cancellation of the grant, or termination of the proposal the applicant shall return the state's share of the unspent funds. The procedure for determining the amount of funds returned shall be specified in the grant agreement.

Emergency Rules as Proposed (all new material)

9200.6000 [Emergency] SCOPE AND AUTHORITY.

Parts 9200.6000 to 9200.6009 [Emergency] govern the administration of development grants for waste processing and collection facilities and services as provided under Laws of Minnesota 1984, chapter 644, section 11 and the administration of development grants for requests for proposals for development of collection and transportation services as provided under Laws of Minnesota 1984, chapter 644, section 13.

9200.6001 [Emergency] DEFINITIONS.

Subpart 1. Scope. For the purposes of parts 9200.6000 [Emergency] to 9200.6009 [Emergency], the following terms have the meanings given them unless the context requires otherwise.

Subp. 2. Board. "Board" means the Minnesota Waste Management Board established in Minnesota Statutes, section 115A.04.

Subp. 3. Chairperson. "Chairperson" means the chairperson of the board.

Subp. 4. Collection. "Collection" has the meaning given it in Minnesota Statutes, section 115A.03, subdivision 5.

Subp. 5. Commercial. "Commercial" has the meaning given it in Minnesota Statutes, section 115A.03, subdivision 6.

Subp. 6. Generator. "Generator" means a person who produces a hazardous waste listed in rules as proposed 6 MCAR SS 4.9128-4.9137 published in the State Register, volume 8, page 732 (October 24, 1983) as corrected in errata and amended in the State Register, volume 8, page 1579 (January 2, 1984).

Subp. 7. Person. "Person" means a natural person or a corporation, association, operation, firm, partnership, trust, or other form of organization.

Subp. 8. Processing. "Processing" has the meaning given it in Minnesota Statutes, section 115A.03, subdivision 25.

Subp. 9. Proposal. "Proposal" means the work that is intended to be conducted with the grant funds.

Subp. 10. Service. "Service" means work done or duty

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performed for others.

9200.6002 [Emergency] ELIGIBILITY CRITERIA.

Subpart 1. **Eligible applicants.** The following are eligible to apply for a development grant:

A. a person who proposes to develop and operate specific commercial collection and processing facilities or services to serve generators of hazardous waste in the state;

B. an association of two or more Minnesota generators who propose to develop and operate specific commercial collection and processing facilities or services to serve generators of hazardous waste in the state; or

C. a person who responds to the request for proposals for development of commercial hazardous waste collection and transportation services as specified in part 9200.6008 [Emergency].

Subp. 2. **Eligible proposals.** Proposals for the following types of work to determine the feasibility of developing and operating specific types of commercial facilities and services for collecting and processing hazardous waste are eligible:

A. market assessment, including generator surveys;

B. conceptual design and preliminary engineering;

C. financial and business planning necessary to address sources of funding, financial security, liability, pricing structure, and related matters required for the development and proper operation of a facility or service;

D. environmental impact and site analysis, preparation of permit applications, and environmental and permit reviews;

E. analysis of methods to overcome identified technical, institutional, legal, regulatory, market, or other problems in developing or operating a facility or service; and

F. analysis of other factors affecting development, operation, and use of the proposed facility or service.

Subp. 3. **Eligible costs.** Eligible costs are limited to the costs of conducting studies and analyses consistent with subpart 2.

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Subp. 4. Ineligible costs. Grant money awarded through this program may not be spent for capital improvements or equipment.

Subp. 5. Matching funds. To be eligible to receive a grant under this program a recipient shall agree to provide matching funds as specified in part 9200.6007 [Emergency].

9200.6003 [Emergency] GRANT APPLICATION.

An applicant shall submit an application in the form specified by the board. An application must include the following information:

A. A description of the applicant's financial, managerial, and technical ability to carry out the work described in the proposal, including the applicant's experience in carrying out similar work.

B. A description of the applicant's financial, managerial, and technical ability to develop and operate the proposed facility or service.

C. A statement as to whether the applicant will or is planning to apply for future grants under this program, or whether the applicant has submitted or is planning to submit a response to the board's requests for proposals (RFP) for hazardous waste processing and collection and transportation services or has applied or is planning to apply for a hazardous waste processing facility loan administered by the Minnesota Energy and Economic Development Authority.

D. An applicant shall review the evaluation factors in Laws of Minnesota 1984, chapter 644, section 11, subdivision 3, and those factors listed in part 9200.6006 [Emergency] and provide the information needed by the board when it considers those factors.

9200.6004 [Emergency] APPLICATION PROCESS.

Subpart 1. Deadline. An application for a development grant must be received by the board on or before September 1, 1984.

Subp. 2. Additional applications. The board may solicit

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additional applications at a later date by notification in the State Register.

9200.6005 [Emergency] INITIAL APPLICATION REVIEW.

Subpart 1. Application review. The chairperson or his or her designee shall review all applications.

Subp. 2. Eligibility and documentation review. The chairperson or his or her designee shall review each application to determine the eligibility of the applicant, the eligibility of the costs specified in the application, the eligibility of the proposal specified in the application, and the adequacy of the supporting documentation. Documentation is considered adequate if it enables the board to determine whether:

A. the proposal is feasible at the costs indicated in the application;

B. the applicant has the financial, managerial, and technical ability and experience to carry out the proposal;

C. the applicant has the financial, managerial, and technical ability to develop and operate the proposed facility or service; and

D. the proposal meets the evaluation factors listed in part 9200.6006 [Emergency].

Subp. 3. Notice of determination. Within 14 days after receiving the application, the chairperson shall notify each applicant of the chairperson's determinations. If the chairperson determines that the applicant, project, and costs are eligible and that the documentation in the application is adequate, the application is considered final and the applicant shall be so notified. The application must then be referred to the board to be evaluated as provided in part 9200.6006 [Emergency]. If the chairperson determines that any of the costs or any part of the proposals are not eligible or that the documentation in the application is inadequate, the application must be returned with a statement of the reasons for rejecting the application. The applicant has 14 days after receipt of the rejection to correct the inadequacies. If the inadequacies are corrected within the time allowed, the application is considered

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final and the applicant shall be so notified. The application must then be referred to the board to be evaluated as provided in part 9200.6006 [Emergency].

9200.6006 [Emergency] EVALUATION OF PROPOSALS.

Subpart 1. Evaluation schedule. Within 60 days of the completion of the eligibility and documentation review, the board shall evaluate the proposal and set a date for action.

Subp. 2. Evaluation factors. In evaluating each proposal the board shall consider the following factors:

A. The factors listed in Laws of Minnesota 1984, chapter 644, section 11, subdivision 3.

B. The importance of the proposal to the eventual development and operation of the proposed facility or service.

C. The likelihood that the proposed facility or service will be developed.

D. Whether an applicant is submitting a proposal under the board's RFP programs. In considering this factor, the board may give preference to an applicant who is also submitting a proposal under the RFPs.

E. Whether an applicant is an association of two or more generators. In considering this factor, the board may give preference to an association of two or more generators if the board determines that the association significantly contributes to cooperation among generators in solving hazardous waste management problems.

9200.6007 [Emergency] AWARD OF GRANTS.

Subpart 1. General procedure. The board shall award grants for those proposals which in the board's judgment best meet the factors identified in part 9200.6006 [Emergency].

Subp. 2. Amount of grants. The board shall determine the amount of a grant based on a review of the factors identified in this part and based upon the availability of funds. Grants are limited to $50,000 per study.

Subp. 3. Matching funds required. A recipient other than an association of generators in the state shall agree to provide

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at least 50 percent of the cost of the proposal. An association of two or more generators in the state shall agree to provide at least 20 percent of the cost of the proposal.

9200.6008 [Emergency] APPLICATION FOR DEVELOPMENT GRANT FOR RFP FOR DEVELOPMENT OF COLLECTION AND TRANSPORTATION SERVICES.

The board may award a grant to a respondent to the RFP for the development and operation of a statewide collection and transportation system which may include temporary storage and transfer facilities. The following requirements apply only to a development grant application submitted in conjunction with the RFP:

A. An applicant shall submit both the RFP and a development grant application.

~~B. Applications are due on or before November 1, 1984.~~

C. An applicant may apply for a grant up to $350,000.

D. An applicant may be required to provide up to ten percent of the grant amount.

E. The board's evaluation of the grant application must be based on information provided in both the grant application and the proposal in response to the RFP.

9200.6009 [Emergency] GRANT AGREEMENT.

The board and a grant recipient shall enter into a grant agreement. The grant agreement must:

A. Establish the term of the grant. Unless otherwise determined by the board, all grants awarded under this part must have a maximum term of one year, except grants awarded under the RFP program for development of collection and transportation services that will have a maximum term of two years.

B. Provide that the recipient is authorized to enter into contracts to complete the work specified in the agreement.

C. Identify the product of the proposal and provide that the results of all studies or analyses performed under this agreement are made available to the board.

Subp. 2. Cancellation of grants. The board shall cancel a grant that is not completed in accordance with the terms and

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conditions of the respective agreements, including time schedules, unless the board determines that variances from the respective agreements are in order.

Subp. 3. Termination. The board may terminate a grant upon 30 days notice if it determines that the project is not feasible. A request for termination may be initiated by either the board or a grant recipient. The procedure for determining that a proposal is not feasible shall be specified in the grant agreement.

Subp. 4. Disbursement. The board shall disburse grants in accordance with the payment schedule set out in the grant agreement. At the discretion of the board, this may include a phased disbursement or final holdback of a percentage of funds.

Subp. 5. Return of unspent funds. Upon completion of the proposal, cancellation of the grant, or termination of the proposal the applicant shall return the state's share of the unspent funds. The procedure for determining the amount of funds returned shall be specified in the grant agreement.

APPROVED IN THE
REVISOR OF STATUTES
OFFICE BY:

CERTIFICATE OF BOARD'S AUTHORIZING RESOLUTION

I, Robert G. Dunn, do hereby certify that I am a member and the Chairperson 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 10th day of May, 1984, 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 Chairperson of the Waste Management Board is authorized and directed to sign an order in the name of the Board directing the publication of proposed emergency rules in the State Register governing the administration of the Development Grant Program for Hazardous Waste Processing and Collection Facilities and Services, and to perform any and all acts incidental to issuing the order. The proposed rules shall be published in the form in which the Board approved them at its meeting of May 10, 1984, except that the chairperson may make any changes in the form of the proposed rules required in order to obtain the approval of the Revisor of Statutes under Minn. Stat. § 14.07.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 29th day of June, 1984.

Robert G. Dunn
Chairperson

Attest by one other Board member

In the Matter of the Proposed
Adoption of the Emergency Rules of
the Waste Management Board Governing
the Hazardous Waste Processing and
Collection Facilities and Services
Development Grants.

STATEMENT OF
COMPLIANCE WITH
RULEMAKING PROCEDURES

I, Alan C. Williams, Special Assistant Attorney General, do hereby declare that I have examined the rules and all related documents and that, based on my examination and my personal familiarity with the applicable procedures, the Administrative Procedures Act, the rules of the Office of Administrative Hearings, and the rules of the Attorney General have been followed.

Alan C. Williams

ALAN C. WILLIAMS
SPECIAL ASSISTANT ATTORNEY GENERAL

Dated: June 29, 1984