

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

HUBERT H. HUMPHREY, III
ATTORNEY GENERAL

STATE OF MINNESOTA

OFFICE OF THE ATTORNEY GENERAL

ST. PAUL 55155

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

October 3, 1984

RECEIVED
OCT 03 1984
ATTORNEY GENERAL
ADMINISTRATIVE AGENCIES

Mr. Mike Miles
Assistant Attorney General
Office of the Attorney General
Administration Building
St. Paul, MN 55155

Re: Proposed Minnesota Rules Parts 9200.9500-.9508, Hazardous Waste Reduction Grants Rules

Dear Mr. Miles:

On September 27, 1984, the Waste Management Board adopted the Hazardous Waste Reduction Grants Rules. Enclosed for your review are the following:

1. Rules as adopted (original and three copies).

2. Order Adopting Rules (two copies).

3. Certificate of Board's Resolution adopting rules.

4. Order for Notice of Intent to Adopt Rules Without a Public Hearing.

5. Certificate of Board's Authorizing Resolution.

6. Notice of Intent to Adopt Rules Without A Public Hearing and rules as proposed (9 S.R. 328, Aug. 13, 1984).

7. No written comments were received during the N.A. comment period.

8. Affidavit of Mailing, Notice of Intent to Adopt Rules Without a Public Hearing, as mailed, and mailing list.

9. Certificate concerning mailing list.

10. Rules as proposed.

11. Statement of Need and Reasonableness.

12. Statement of Compliance with Rulemaking Procedures.

13. Affidavit Regarding Notification of Submission to Attorney General

Very truly yours,

LEROY C. PADDOCK
Special Assistant
Attorney General

LCP:jh
enclosures

Our File No. 1082

RULE REVIEW CHECKLIST

DATE RULE RECEIVED 10-3-84
DATE FOR REVIEW 10-12-84
DATE DUE 10-17-84

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

Approved 10/17/84 (COS) Disapproved _____ Returned to Agency _____

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

Date filed w/Secretary of State 10-18-84 Revisor approved 10/5/84
disapproved _____

✓ Rule as Adopted

✓ Rule as Proposed

✓ Order Adopting 9.27 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 check if copy of rules was mailed w/ notice rules were not mailed out.

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

✓ Mailing list Certificate

✓ Publication in State Register
8.13.84 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

_____ LCRAR Report or agency Affidavit

✓ Certificate of Board's Resolution Adopting Rules

✓ Order Approving Incorporation by Reference

✓ Statement of Need and Reasonableness no small biz statement.

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 with 14.115, "small biz". Rules affect small biz only if biz. applies for grant

SF-00006-02

STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL

Office Memorandum

TO : Robert G. Dunn, Chairperson
Waste Management Board

DATE: October 18, 1984

ATTN: LeRoy C. Paddock
Special Assistant Attorney General

FROM : Larry D. Starns LDS
Special Assistant Attorney General

PHONE: 297-3493

SUBJECT: Proposed Minnesota Rules Parts 9200.9500 - 9508, Hazardous Waste Reduction Grants Rules.

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.

LDS:slz

Encs.

cc: Ms. Kathy Burek
Mr. Duane Harves

AG copy

Waste Management Board

Adopted Rules Governing the Hazardous Waste Reduction Grants Program

Rules as Adopted

9200.9500 SCOPE AND AUTHORITY.

Parts 9200.9500 to 9200.9508 govern the administration of grants for hazardous waste reduction under Laws of Minnesota 1984, chapter 644, section 10.

9200.9501 DEFINITIONS.

Subpart 1. **Scope.** For the purposes of parts 9200.9500 to 9200.9508, 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. **Generation.** "Generation" means the act or process of producing waste.

Subp. 5. **Generator.** "Generator" means a person or a local government unit who produces a hazardous waste in Minnesota.

Subp. 6. **Hazardous waste.** "Hazardous waste" means those wastes identified and listed in the rules of the Minnesota Pollution Control Agency, parts 7045.0100 to 7045.0141.

Subp. 7. **Intrinsic hazard.** "Intrinsic hazard" of a waste means the propensity of the waste to migrate in the environment, and thereby to become exposed to the public, and the significance of the harm or damage likely to result from exposure of natural resources or the public to the waste, as a result of inherent or induced attributes of the waste such as its chemical and physical stability, solubility, bioconcentratability, toxicity, flammability, and corrosivity.

Subp. 8. **Local government unit.** "Local government unit"

means a city, town, county, school district, or other political subdivision or public corporation.

Subp. 9. **Person.** "Person" means a natural person or a corporation, association, operation, firm, partnership, trust, or other form of organization.

Subp. 10. **Recipient.** "Recipient" means an applicant who has received a grant under the hazardous waste reduction grants program.

Subp. 11. **Reduction.** "Reduction" means action by a generator that:

A. decreases the total quantity of hazardous waste generated by the generator; or

B. decreases the quantity of one or more types of hazardous waste that results in a decrease in risk to the public health and safety and the environment, but does not decrease the total quantity of hazardous wastes generated by the generator.

9200.9502 ELIGIBILITY CRITERIA.

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

A. a generator; or

B. an association that consists of or represents two or more generators generating similar hazardous wastes in Minnesota.

Subp. 2. **Eligible projects.** Only projects designed to determine the feasibility of applying specific methods and technologies to reduce the generation of hazardous waste are eligible to receive a hazardous waste reduction grant. Projects to study the specific application of a method or technology already developed and projects to analyze a method or technology for which additional research is necessary to establish the feasibility of the method or technology are eligible. Examples of possible methods and technologies which may be studied include process modification and material substitution.

Application or research projects currently under development by the applicant and new projects are eligible.

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.

9200.9503 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 managerial and technical ability to undertake a hazardous waste reduction feasibility study, including any consultant help that may be anticipated.

B. A statement outlining the method or technology that will be studied by the applicant and the waste reduction that may result from application of the method or technology. This statement must include a discussion of the following items:

(1) a description of the method or technology to be studied;

(2) whether the study involves the application of an existing method or technology, or original or continuing research on a method or technology for which additional research is necessary to determine the feasibility of the method or technology;

(3) the applicability of the method or technology to generators of similar wastes;

(4) a description of the hazardous waste affected by the proposed project that is generated by the applicant, including the quantity generated in calendar year 1983 and the quantities generated during each of the calendar years from 1980 through 1982, if available and applicable;

(5) an estimate of the decrease in the quantity of hazardous waste generated and any decrease in risk that results from the application of the method or technology to be studied;

(6) a projection of the quantity of hazardous

waste generated in calendar years 1984 through 2000 with and without the application of the method or technology being studied;

(7) the importance to the applicant of achieving the estimated reduction, such as a discussion of liability, treatment, management, disposal, and transportation costs;

(8) the relationship of the hazardous waste reduction estimated by the applicant to the hazardous waste reduction goals of the Waste Management Board as stated in the board's Hazardous Waste Management Report of December 1983 and the Draft Certificate of Need of February 1984, particularly the goal of minimizing the quantity of hazardous wastes that are difficult to manage or can be managed only through final disposal;

(9) the current method used to manage the hazardous waste generated by the applicant, and any anticipated change in management occurring after the reduction; and

(10) estimated increased or decreased annual operating and maintenance costs that will be realized if the proposed method or technology is implemented.

C. A statement of financial feasibility for the project must be included with the application, and must include a discussion of the following items:

(1) A statement explaining the need for the grant amount requested.

(2) The amount of grant funds requested.

(3) An estimate of the total amount of funds needed to complete the study. This section should include a discussion of any financial support that might be available to the applicant from other sources, including both external and internal sources.

(4) A description of any previous requests for funds from other sources that would have been used to conduct a study similar to that proposed by the applicant under this grant program.

9200.9504 APPLICATION PROCESS.

Subpart 1. **Deadline.** A letter of intent to apply for a hazardous waste reduction grant must be received by the board on or before 30 days after the effective date of these parts. An application for a hazardous waste reduction grant must be received by the board on or before 60 days after the effective date of these parts.

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

9200.9505 INITIAL APPLICATION REVIEW.

Subpart 1. **Application review.** The chairperson or a designee shall review all applications. Applications received after the close of business (4:30 p.m.) on the last business day of the application period will be returned to the applicant.

Subp. 2. **Eligibility and documentation review.** The chairperson or a 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 appears to be feasible;

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

C. the proposal meets the evaluation factors listed in part 9200.9506.

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 9200.9506. 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 9200.9506.

9200.9506 EVALUATION OF PROPOSALS.

Subpart 1. **Evaluation schedule.** Within 45 days of the completion of the eligibility and documentation review, the board shall evaluate eligible proposals and set a date for action.

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

A. The relationship of the proposed hazardous waste reduction to the goals and policies of the Waste Management Board.

B. The significance of the proposed waste reduction measured by:

(1) the decrease in total hazardous waste generated in Minnesota as a result of the waste reduction and the potential future decrease as a result of application of the waste reduction method by other generators; or

(2) the decrease in risk to the public health and safety and the environment resulting from the waste reduction including:

(a) the decrease in the quantity of waste with a high degree of intrinsic hazard;

(b) the decrease in the quantity of untreatable waste requiring land disposal; or

(c) the effect of waste reduction on the subsequent management of any remaining waste, including the need for and risk associated with further processing and disposal steps to properly manage the waste.

C. The merits of the specific method or technology

proposed by the applicant which will be based on the following factors:

(1) the percentage decrease in the quantity of hazardous waste affected by the reduction;

(2) the percentage increase or decrease in the total quantity of hazardous wastes generated by the applicant;

(3) the general applicability of the hazardous waste reduction method or technology to other generators located in Minnesota; and

(4) the likelihood of the success of the specific method or technology to reduce hazardous wastes, the estimated reliability of the proposed method or technology, and capital, operating, and maintenance costs required to operate and maintain the proposed method or technology if it is implemented.

D. Consideration by the board with respect to the following factors:

(1) 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 reducing hazardous waste generation.

(2) The recommendations of the board's technical assistance program advisory committee.

(3) An evaluation of the feasibility of the project by an independent consultant if such evaluation is requested by the board.

(4) Whether, in the board's view, alternative sources of financial and technical support are available to the applicant and whether, in the board's view, the method or technology will be developed without state financial assistance.

9200.9507 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 in part 9200.9506.

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 a maximum of $30,000 per agreement. Multiple awards to a single applicant are allowed.

9200.9508 GRANT AGREEMENT.

Subpart 1. **Contents of 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.

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 and to the general public. All information and techniques developed through a project assisted by a board grant will be made available to all generators in the state through the technical assistance program established by 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. If the board gives notice to terminate a grant, the board may also require that no additional grant funds be spent by the applicant effective as of the date of the termination notice. The procedure for determining that a project 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. **Audit.** Since this program involves the expenditure of public funds, the books, records, documents, and accounting procedures and practices of the recipient of grant funds that are only relevant to this program are subject to examination at any time by the chairperson of the board and other appropriate state officials. Any audit exceptions identified by the board must be reimbursed at the board's discretion.

Subp. 6. **Return of unspent funds.** Upon completion of the project, cancellation of the grant, or termination of the project the applicant shall return the state's share of the unspent funds. The procedure for determining the amount of funds returned must be specified in the grant agreement.

APPROVED AS TO LEGALITY
October 17, 1984
HUBERT H. HUMPHREY, III
ATTORNEY GENERAL
BY Jerry D. Jones
SPECIAL ASSISTANT ATTORNEY GENERAL

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

3:07 PM

Rules as Proposed (all new material)

9200.9500 SCOPE AND AUTHORITY.

Parts 9200.9500 to 9200.9508 govern the administration of grants for hazardous waste reduction under Laws of Minnesota 1984, chapter 644, section 10.

9200.9501 DEFINITIONS.

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

Subp. 4. **Generation.** "Generation" means the act or process of producing waste.

Subp. 5. **Generator.** "Generator" means a person or a local government unit who produces a hazardous waste in Minnesota.

Subp. 6. **Hazardous waste.** "Hazardous waste" means those wastes identified and listed in the rules of the Minnesota Pollution Control Agency, parts 7045.0100 to 7045.0141.

Subp. 7. **Intrinsic hazard.** "Intrinsic hazard" of a waste means the propensity of the waste to migrate in the environment, and thereby to become exposed to the public, and the significance of the harm or damage likely to result from exposure of natural resources or the public to the waste, as a result of inherent or induced attributes of the waste such as its chemical and physical stability, solubility, bioconcentratability, toxicity, flammability, and corrosivity.

Subp. 8. **Local government unit.** "Local government unit" means a city, town, county, school district, or other political subdivision or public corporation.

Subp. 9. **Person.** "Person" means a natural person or a corporation, association, operation, firm, partnership, trust, or other form of organization.

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

MVH

Subp. 10. **Recipient.** "Recipient" means an applicant who has received a grant under the hazardous waste reduction grants program.

Subp. 11. **Reduction.** "Reduction" means action by a generator that:

A. decreases the total quantity of hazardous waste generated by the generator; or

B. decreases the quantity of one or more types of hazardous waste that results in a decrease in risk to the public health and safety and the environment, but does not decrease the total quantity of hazardous wastes generated by the generator.

9200.9502 ELIGIBILITY CRITERIA.

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

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B. an association that consists of or represents two or more generators generating similar hazardous wastes in Minnesota.

Subp. 2. **Eligible projects.** Only projects designed to determine the feasibility of applying specific methods and technologies to reduce the generation of hazardous waste are eligible to receive a hazardous waste reduction grant. Projects to study the specific application of a method or technology already developed and projects to analyze a method or technology for which additional research is necessary to establish the feasibility of the method or technology are eligible. Examples of possible methods and technologies which may be studied include process modification and material substitution.

Application or research projects currently under development by the applicant and new projects are eligible.

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.

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

9200.9503 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 managerial and technical ability to undertake a hazardous waste reduction feasibility study, including any consultant help that may be anticipated.

B. A statement outlining the method or technology that will be studied by the applicant and the waste reduction that may result from application of the method or technology. This statement must include a discussion of the following items:

(1) a description of the method or technology to be studied;

(2) whether the study involves the application of an existing method or technology, or original or continuing research on a method or technology for which additional research is necessary to determine the feasibility of the method or technology;

(3) the applicability of the method or technology to generators of similar wastes;

(4) a description of the hazardous waste affected by the proposed project that is generated by the applicant, including the quantity generated in calendar year 1983 and the quantities generated during each of the calendar years from 1980 through 1982, if available and applicable;

(5) an estimate of the decrease in the quantity of hazardous waste generated and any decrease in risk that results from the application of the method or technology to be studied;

(6) a projection of the quantity of hazardous waste generated in calendar years 1984 through 2000 with and without the application of the method or technology being studied;

(7) the importance to the applicant of achieving the estimated reduction, such as a discussion of liability

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treatment, management, disposal, and transportation costs;

(8) the relationship of the hazardous waste reduction estimated by the applicant to the hazardous waste reduction goals of the Waste Management Board as stated in the board's Hazardous Waste Management Report of December 1983 and the Draft Certificate of Need of February 1984, particularly the goal of minimizing the quantity of hazardous wastes that are difficult to manage or can be managed only through final disposal;

(9) the current method used to manage the hazardous waste generated by the applicant, and any anticipated change in management occurring after the reduction; and

(10) estimated increased or decreased annual operating and maintenance costs that will be realized if the proposed method or technology is implemented.

C. A statement of financial feasibility for the project must be included with the application, and must include a discussion of the following items:

(1) A statement explaining the need for the grant amount requested.

(2) The amount of grant funds requested.

(3) An estimate of the total amount of funds needed to complete the study. This section should include a discussion of any financial support that might be available to the applicant from other sources, including both external and internal sources.

(4) A description of any previous requests for funds from other sources that would have been used to conduct a study similar to that proposed by the applicant under this grant program.

9200.9504 APPLICATION PROCESS.

Subpart 1. **Deadline.** A letter of intent to apply for a hazardous waste reduction grant must be received by the board on or before 30 days after the effective date of these parts. An application for a hazardous waste reduction grant must be received by the board on or before 60 days after the effective

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

date of these parts.

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

9200.9505 INITIAL APPLICATION REVIEW.

Subpart 1. **Application review.** The chairperson or a designee shall review all applications. Applications received after the close of business (4:30 p.m.) on the last business day of the application period will be returned to the applicant.

Subp. 2. **Eligibility and documentation review.** The chairperson or a 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 appears to be feasible;

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

C. the proposal meets the evaluation factors listed in part 9200.9506.

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 9200.9506. 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

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applicant shall be so notified. The application must then be referred to the board to be evaluated as provided in part 9200.9506.

9200.9506 EVALUATION OF PROPOSALS.

Subpart 1. **Evaluation schedule.** Within 45 days of the completion of the eligibility and documentation review, the board shall evaluate eligible proposals and set a date for action.

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

A. The relationship of the proposed hazardous waste reduction to the goals and policies of the Waste Management Board.

B. The significance of the proposed waste reduction measured by:

(1) the decrease in total hazardous waste generated in Minnesota as a result of the waste reduction and the potential future decrease as a result of application of the waste reduction method by other generators; or

(2) the decrease in risk to the public health and safety and the environment resulting from the waste reduction including:

(a) the decrease in the quantity of waste with a high degree of intrinsic hazard;

(b) the decrease in the quantity of untreatable waste requiring land disposal; or

(c) the effect of waste reduction on the subsequent management of any remaining waste, including the need for and risk associated with further processing and disposal steps to properly manage the waste.

C. The merits of the specific method or technology proposed by the applicant which will be based on the following factors:

(1) the percentage decrease in the quantity of hazardous waste affected by the reduction;

(2) the percentage increase or decrease in the

DRAFTED IN THE REVISOR OF STATUTES OFFICE BY:

total quantity of hazardous wastes generated by the applicant;

(3) the general applicability of the hazardous waste reduction method or technology to other generators located in Minnesota; and

(4) the likelihood of the success of the specific method or technology to reduce hazardous wastes, the estimated reliability of the proposed method or technology, and capital, operating, and maintenance costs required to operate and maintain the proposed method or technology if it is implemented.

D. Consideration by the board with respect to the following factors:

(1) 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 reducing hazardous waste generation.

(2) The recommendations of the board's technical assistance program advisory committee.

(3) An evaluation of the feasibility of the project by an independent consultant if such evaluation is requested by the board.

(4) Whether, in the board's view, alternative sources of financial and technical support are available to the applicant and whether, in the board's view, the method or technology will be developed without state financial assistance.

9200.9507 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 in part 9200.9506.

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 a maximum of $30,000 per agreement. Multiple awards to a single applicant are allowed.

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

9200.9508 GRANT AGREEMENT.

Subpart 1. **Contents of 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.

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 and to the general public. All information and techniques developed through a project assisted by a board grant will be made available to all generators in the state through the technical assistance program established by 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. If the board gives notice to terminate a grant, the board may also require that no additional grant funds be spent by the applicant effective as of the date of the termination notice. The procedure for determining that a project 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. **Audit.** Since this program involves the expenditure of public funds, the books, records, documents, and

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

accounting procedures and practices of the recipient of grant funds that are only relevant to this program are subject to examination at any time by the chairperson of the board and other appropriate state officials. Any audit exceptions identified by the board must be reimbursed at the board's discretion.

Subp. 6. **Return of unspent funds.** Upon completion of the project, cancellation of the grant, or termination of the project the applicant shall return the state's share of the unspent funds. The procedure for determining the amount of funds returned must be specified in the grant agreement.

APPROVED IN THE
REVISOR OF STATUTES
OFFICE BY:

OFFICE OF THE REVISOR OF STATUTES

Proposed Rule

RD586

Agency: Waste Management Board

Division:

Agency Contact: Ken Stabler 536-0816

Minnesota Rules: Parts 9200.9500 to 9200.9508

Title: Proposed Rules Governing the Hazardous Waste Reduction Grant Program

Type of Rules: Permanent

Incorporations by Reference:

Rule Number:	Material Incorporated:
9200.9503	Hazardous Waste Management Report, Dec., 1983
9200.9503	Draft Certificate of Need, Feb., 1984

Steven C. Cross
Revisor of Statutes

Maryanne V. Hruby
Assistant Revisor
Phone: 297-2948

Date: July 30, 1984

STATE OF MINNESOTA

WASTE MANAGEMENT BOARD

Proposed Minnesota Rules Parts 9200.9500-.9508, Hazardous Waste Reduction Grants Rules

ORDER ADOPTING RULES

Notice of the Minnesota Waste Management Board's intent to adopt the above-entitled rules without a public hearing was published in the State Register on August 13, 1984, and was sent by United States mail to all persons on the list maintained by the Waste Management Board pursuant to Minn. Stat. § 14.14 (Supp. 1983) on August 13, 1984. After affording interested and affected persons an opportunity to submit comments for 30 days after Notice, after reviewing and considering the comments, and after determining the need for and reasonableness of the above-captioned rules,

NOW, THEREFORE, IT IS ORDERED, that Minnesota Rules Parts 9200.9500-.9508, entitled "Hazardous Waste Reduction Grants Rules," are adopted pursuant to the authority vested in the Minnesota Waste Management Board by Minn. Laws 1984, ch. 644, § 10.

Dated this 27th of September, 1984.

ROBERT G. DUNN
Chairperson

STATE OF MINNESOTA

WASTE MANAGEMENT BOARD

In the Matter of the Proposed Adoption of Rules Governing Waste Reduction Grants	)))	ORDER

IT IS ORDERED this 26th day of July, 1984, that a Notice of Intent to Adopt Rules Without a Public Hearing in the above-titled matter be given to all persons and associations who have registered their names with the Waste Management Board for that purpose and be published in the state register.

STATE OF MINNESOTA

ROBERT G. DUNN
Chairperson
Waste Management Board

STATE OF MINNESOTA

WASTE MANAGEMENT BOARD

CERTIFICATE OF BOARD'S AUTHORIZING RESOLUTION

I, Robert G. Dunn, do hereby certify that I am a member and the Chairperson of the Minnesota Waste Management 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 Minnesota Waste Management Board duly and properly called and held on the 27th day of September, 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.

> RESOLVED, that the Minnesota Waste Management Board hereby approves and adopts the attached Minnesota Rules Parts 9200.9500-.9508, Hazardous Waste Reduction Grants Rules, pursuant to the authority vested in the Board by Minn. Laws 1984, ch. 644, § 10.
>
> BE IT FURTHER RESOLVED, that prior to publishing the rules as adopted in the State Register, the Chairperson is authorized to make any form changes in the rules that the Revisor of Statutes requires the Board to make in order to obtain the Revisor's Certificate of Approval as required by Minn. Laws 1984, ch. 640, § 4.
>
> BE IT FURTHER RESOLVED, that the Chairperson is hereby authorized to sign an order of the Board adopting the above-named rules, and to perform any acts incidental thereto.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 27th day of September, 1984.

Robert G. Dunn
ROBERT G. DUNN
Chairperson

Laurene E. Hunter
Attest by one other Board member

STATE OF MINNESOTA
WASTE MANAGEMENT BOARD

AFFIDAVIT OF MAILING

Irene Seery, being first duly sworn deposes

That on the 13 day of August, 1984, 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:

Irene Seery

Subsribed and sworn to before
me this 13 day of August 19 84.

Raymond E. Olson

RAYMOND E. OLSON
NOTARY PUBLIC-MINNESOTA
HENNEPIN COUNTY
My Commission Expires Oct. 11, 1986

STATE OF MINNESOTA

WASTE MANAGEMENT BOARD

Proposed Rules Governing the Hazardous Waste Reduction Grants Program

Notice of Intent to
Adopt Rules Without
a Public Hearing

NOTICE IS HEREBY GIVEN that the Minnesota 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 non-controversial in nature and has elected to follow the procedures set forth in Minnesota Statutes 1982, sections 14.22 to 14.28 (as amended).

Persons interested in these rules have 30 days to submit comments in support of or in opposition to the proposed rules. The Board encourages public comment on these proposed rules. Each comment should identify the portion of the proposed rule addressed by the comment, the reason for the comment, and any change that is proposed. 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.

If twenty-five (25) or more persons submit written requests for a public hearing on the proposed rules within the 30-day comment period, a public hearing will be held. Persons requesting a hearing are encouraged to identify the reasons for their request, the portion of the proposed rules that the hearing should address, and any changes proposed. In the event a public hearing is required, the agency will proceed according to the provisions of Minnesota Statutes 1982, sections 14.14 to 14.20 (as amended).

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

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

Authority to adopt these rules is contained in Laws of Minnesota 1984, Chapter 644, Section 10. The Board is authorized by this section to adopt rules for the administration of hazardous waste reduction grants. The grants are intended to fund studies to determine the feasibility of applying specific methods and technologies to reduce the generation of hazardous waste. The proposed rules include eligibility criteria, information required to be included in the application, procedures and criteria for evaluating grant applications, and provisions related to the award of a grant.

Upon adoption of the final rules without a public hearing, the proposed rules, this notice, 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 Mr. Stabler. Persons who wish to receive a copy of the rules as adopted should also request a copy from Mr. Stabler.

Dated: August 8, 1984

STATE OF MINNESOTA

Robert G. Dunn, Chairman
Waste Management Board

Make any changes on copy kept in Solid Waste file (Dist. Prgm.)

Update ~~5/10/83~~ 5/10/83 30

DISTRIBUTION LIST FOR NOTIFICATION OF RULEMAKING ~~3/20/81~~

Joseph D. Bizzano, Jr.
J[redacted] McGuire
North. States Power Law Dept.
414 Nicollet Mall
Minneapolis, MN 55401

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

Floyd J. Forsberg
City of St. Paul,
Department of Public Works
600 City Hall Annex
St. Paul, MN 55102

Ms. Leslie Smith
Env. Research Group, Inc.
135 State Street
St. Paul, MN 55107

W. J. Langlois
3M
3M Center, 225-2N-6
St. Paul, MN 55144

~~Edward L. Kuhlney
Region 10, Southern MN RDC
301 Marquette Bank Bldg.
Rochester, MN 55901~~ Deleted 4/20/83

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

**Scott Schuler
Environmental Specialist
Cooperative Power Assoc.
8020 Mitchell Road
Eden Prairie, MN 55344**

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

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

Carol Propotnik
MPIRG
2412 University Avenue S.E.
Minneapolis, MN 55414

[redacted]

R. A. Garvey
North Star Steel Co.
P[redacted] Box 43189,
1[redacted] Red Rock Road
St. Paul, MN 55164

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

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

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

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

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

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

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

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

Broeker, Hartfeldt, Hedges & Grant
2850 Metro Dr.-Suite 800
Bloomington, MN 55420

Richard P. Cox
Metro Inter-County Association
2305 Ford Parkway, Suite 103
St. Paul, MN 55116

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

Charles R. Jacoby
Senior Chemical Engineer
The Gillette Company
St[redacted] Paul Manufacturing Center
F[redacted]h at Broadway
St. Paul, MN 55101

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

M[redacted] Hugunin
T[redacted]s, Inc.
[redacted]

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

Dave Gurney
Environmental Engineer
Dakota County Highway Department
Dakota County Government Center
1560 West Highway 55

Bonnie M. Spencer
Federal-State Reports, Inc.
5203 Leesburg Pike, Suite 1201
Falls Church, Virginia 22041

DISTRIBUTION LIST FOR NOTIFICA[illegible]N OF RULEMAKING - ~~3/20/81~~ - P[illegible] 2

Update 7/7/83
5/10/83
~~update 11/30/81~~

General Mills, Inc.
A[illegible]: Dr. J.W. Haun-45W
P. O. Box 1113
Minneapolis, MN 55440

Barb Kelly
Minnesota 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

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

Frank Altman
Governor's Office
Room 130 - State Capitol
St. Paul, MN 55155

Becky A. Comstock
2200 1st Bank Place E.
Minneapolis, MN 55402

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

Ms. Mary Stanton
Staff Associate/Finance
State University System
407 Capitol Square Building
550 Cedar St.
St. Paul, MN 55101

Craig Waldron
R[illegible]ion Nine Dev.Com.
[illegible] S. 5th St.
P.O. Box 3367
Mankato, MN 56001

Jerry Modeen
Flour City Architectural Metals
2637 27 Ave. So.
Mpls., MN 55406

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
Minnesota COACT
[illegible]16 So. 6th Street
[illegible]inerd, MN 56401

Joseph S. Hensel
Rochester Public Utilities
506 First Ave. NE Box 6057

STATE OF MINNESOTA

WASTE MANAGEMENT BOARD

In the Matter of the Proposed Adoption of Rules Governing Waste Reduction Grants	)))	CERTIFICATE

I hereby certify that the list of persons and associations who have requested, pursuant to Minn. Stat. § 14.14, 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 Board is accurate and complete as of 8:00 A.M., this 13TH day of August, 1984.

Kenneth E. Stubler

Waste Management Board

Proposed Rules Governing the Hazardous Waste Reduction Grants Program

Notice of Intent to Adopt Rules without a Public Hearing

Notice is hereby given that the Minnesota 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 1982, sections 14.22 to 14.28 (as amended).

Persons interested in these rules have 30 days to submit comments in support of or in opposition to the proposed rules. The Board encourages public comment on these proposed rules. Each comment should identify the portion of the proposed rule addressed by the comment, the reason for the comment, and any change that is proposed. 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.

If twenty-five (25) or more persons submit written requests for a public hearing on the proposed rules within the 30-day comment period, a public hearing will be held. Persons requesting a hearing are encouraged to identify the reasons for their request, the portion of the proposed rules that the hearing should address, and any changes proposed. In the event a public hearing is required, the agency will proceed according to the provisions of Minnesota Statutes 1982, sections 14.14 to 14.20 (as amended).

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

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

Authority to adopt these rules is contained in Laws of Minnesota 1984, Chapter 644, Section 10. The Board is authorized by this section to adopt rules for the administration of hazardous waste reduction grants. The grants are intended to fund studies to determine the feasibility of applying specific methods and technologies to reduce the generation of hazardous waste. The proposed rules include eligibility criteria, information required to be included in the application, procedures and criteria for evaluating grant applications, and provisions related to the award of a grant.

Upon adoption of the final rules without a public hearing, the proposed rules, this notice, 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 Mr. Stabler. Persons who wish to receive a copy of the rules as adopted should also request a copy from Mr. Stabler.

Robert G. Dunn, Chairman
Waste Management Board

Rules as Proposed (all new material)

9200.9500 SCOPE AND AUTHORITY.

Parts 9200.9500 to 9200.9508 govern the administration of grants for hazardous waste reduction under Laws of Minnesota 1984, chapter 644, section 10.

9200.9501 DEFINITIONS.

Subpart 1. Scope. For the purposes of parts 9200.9500 to 9200.9508, the following terms have the meanings given them unless the context requires otherwise.

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

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

Subp. 4. Generation. "Generation" means the act or process of producing waste.

Subp. 5. Generator. "Generator" means a person or a local government unit who produces a hazardous waste in Minnesota.

Subp. 6. Hazardous waste. "Hazardous waste" means those wastes identified and listed in the rules of the Minnesota Pollution Control Agency, parts 7045.0100 to 7045.0141.

Subp. 7. Intrinsic hazard. "Intrinsic hazard" of a waste means the propensity of the waste to migrate in the environment, and thereby to become exposed to the public, and the significance of the harm or damage likely to result from exposure of natural resources or the public to the waste, as a result of inherent or induced attributes of the waste such as its chemical and physical stability, solubility, bioconcentratability, toxicity, flammability, and corrosivity.

Subp. 8. Local government unit. "Local government unit" means a city, town, county, school district, or other political subdivision or public corporation.

Subp. 9. Person. "Person" means a natural person or a corporation, association, operation, firm, partnership, trust, or other form of organization.

Subp. 10. Recipient. "Recipient" means an applicant who has received a grant under the hazardous waste reduction grants program.

Subp. 11. Reduction. "Reduction" means action by a generator that:

A. decreases the total quantity of hazardous waste generated by the generator; or

B. decreases the quantity of one or more types of hazardous waste that results in a decrease in risk to the public health and safety and the environment, but does not decrease the total quantity of hazardous wastes generated by the generator.

9200.9502 ELIGIBILITY CRITERIA.

Subpart. 1. Eligible applicants. The following are eligible to apply for a hazardous waste reduction grant:

A. a generator; or

B. an association that consists of or represents two or more generators generating similar hazardous wastes in Minnesota.

Subp. 2. Eligible projects. Only projects designed to determine the feasibility of applying specific methods and technologies to reduce the generation of hazardous waste are eligible to receive a hazardous waste reduction grant. Projects to study the specific application of a method or technology already developed and projects to analyze a method or technology for which additional research is necessary to establish the feasibility of the method or technology are eligible. Examples of possible methods and technologies which may be studied include process modification and material substitution.

Application or research projects currently under development by the applicant and new projects are eligible.

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.

9200.9503 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 managerial and technical ability to undertake a hazardous waste reduction feasibility study, including any consultant help that may be anticipated.

B. A statement outlining the method or technology that will be studied by the applicant and the waste reduction that may result from application of the method or technology. This statement must include a discussion of the following items:

(1) a description of the method or technology to be studied;

(2) whether the study involves the application of an existing method or technology, or original or continuing research on a method or technology for which additional research is necessary to determine the feasibility of the method or technology;

(3) the applicability of the method or technology to generators of similar wastes;

(4) a description of the hazardous waste affected by the proposed project that is generated by the applicant, including

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.

the quantity generated in calendar year 1983 and the quantities generated during each of the calendar years from 1980 through 1982, if available and applicable;

(5) an estimate of the decrease in the quantity of hazardous waste generated and any decrease in risk that results from the application of the method or technology to be studied;

(6) a projection of the quantity of hazardous waste generated in calendar years 1984 through 2000 with and without the application of the method or technology being studied;

(7) the importance to the applicant of achieving the estimated reduction, such as a discussion of liability, treatment, management, disposal, and transportation costs;

(8) the relationship of the hazardous waste reduction estimated by the applicant to the hazardous waste reduction goals of the Waste Management Board as stated in the board's Hazardous Waste Management Report of December 1983 and the Draft Certificate of Need of February 1984, particularly the goal of minimizing the quantity of hazardous wastes that are difficult to manage or can be managed only through final disposal;

(9) the current method used to manage the hazardous waste generated by the applicant; and any anticipated change in management occurring after the reduction; and

(10) estimated increased or decreased annual operating and maintenance costs that will be realized if the proposed method or technology is implemented.

C. A statement of financial feasibility for the project must be included with the application, and must include a discussion of the following items:

(1) A statement explaining the need for the grant amount requested.

(2) The amount of grant funds requested.

(3) An estimate of the total amount of funds needed to complete the study. This section should include a discussion of any financial support that might be available to the applicant from other sources, including both external and internal sources.

(4) A description of any previous requests for funds from other sources that would have been used to conduct a study similar to that proposed by the applicant under this grant program.

9200.9504 APPLICATION PROCESS.

Subpart 1. Deadline. A letter of intent to apply for a hazardous waste reduction grant must be received by the board on or before 30 days after the effective date of these parts. An application for a hazardous waste reduction grant must be received by the board on or before 60 days after the effective date of these parts.

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

9200.9505 INITIAL APPLICATION REVIEW.

Subpart 1. Application review. The chairperson or a designee shall review all applications. Applications received after the close of business (4:30 p.m.) on the last business day of the application period will be returned to the applicant.

Subp. 2. Eligibility and documentation review. The chairperson or a 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 appears to be feasible;

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

C. the proposal meets the evaluation factors listed in part 9200.9506.

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 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 9200.9506. 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 9200.9506.

9200.9506 EVALUATION OF PROPOSALS.

Subpart 1. Evaluation schedule. Within 45 days of the completion of the eligibility and documentation review, the board shall evaluate eligible proposals and set a date for action.

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

A. The relationship of the proposed hazardous waste reduction to the goals and policies of the Waste Management Board.

B. The significance of the proposed waste reduction measured by:

(1) the decrease in total hazardous waste generated in Minnesota as a result of the waste reduction and the potential future decrease as a result of application of the waste reduction method by other generators; or

(2) the decrease in risk to the public health and safety and the environment resulting from the waste reduction including:

(a) the decrease in the quantity of waste with a high degree of intrinsic hazard;

(b) the decrease in the quantity of untreatable waste requiring land disposal; or

(c) the effect of waste reduction on the subsequent management of any remaining waste, including the need for and risk associated with further processing and disposal steps to properly manage the waste.

C. The merits of the specific method or technology proposed by the applicant which will be based on the following factors:

(1) the percentage decrease in the quantity of hazardous waste affected by the reduction;

(2) the percentage increase or decrease in the total quantity of hazardous wastes generated by the applicant;

(3) the general applicability of the hazardous waste reduction method or technology to other generators located in Minnesota; and

(4) the likelihood of the success of the specific method or technology to reduce hazardous wastes, the estimated reliability of the proposed method or technology, and capital, operating, and maintenance costs required to operate and maintain the proposed method or technology if it is implemented.

D. Consideration by the board with respect to the following factors:

(1) 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 reducing hazardous waste generation.

(2) The recommendations of the board's technical assistance program advisory committee.

(3) An evaluation of the feasibility of the project by an independent consultant if such evaluation is requested by the board.

(4) Whether, in the board's view, alternative sources of financial and technical support are available to the applicant and whether, in the board's view, the method or technology will be developed without state financial assistance.

9200.9507 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 in part 9200.9506.

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 a maximum of $30,000 per agreement. Multiple awards to a single applicant are allowed.

9200.9508 GRANT AGREEMENT.

Subpart 1. Contents of agreement. The board and a grant recipient shall enter into a grant agreement. The grant agreement must:

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

A. 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.

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 and to the general public. All information and techniques developed through a project assisted by a board grant will be made available to all generators in the state through the technical assistance program established by 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. If the board gives notice to terminate a grant, the board may also require that no additional grant funds be spent by the applicant effective as of the date of the termination notice. The procedure for determining that a project 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. Audit. Since this program involves the expenditure of public funds, the books, records, documents, and accounting procedures and practices of the recipient of grant funds that are only relevant to this program are subject to examination at any time by the chairperson of the board and other appropriate state officials. Any audit exceptions identified by the board must be reimbursed at the board's discretion.

Subp. 6. Return of unspent funds. Upon completion of the project, cancellation of the grant, or termination of the project the applicant shall return the state's share of the unspent funds. The procedure for determining the amount of funds returned must be specified in the grant agreement.

ADOPTED RULES

The adoption of a rule becomes effective after the requirements of Minn. Stat. § 14.14-14.28 have been met and five working days after the rule is published in *State Register*, unless a later date is required by statutes or specified in the rule.

If an adopted rule is identical to its proposed form as previously published, a notice of adoption and a citation to its previous *State Register* publication will be printed.

If an adopted rule differs from its proposed form, language which has been deleted will be printed with strikeouts and new language will be underlined. The rule's previous *State Register* publication will be cited.

An emergency rule becomes effective five working days after the approval of the Attorney General as specified in Minn. Stat. § 14.33 and upon the approval of the Revisor of Statutes as specified in § 14.36. Notice of approval by the Attorney General will be published as soon as practicable, and the adopted emergency rule will be published in the manner provided for adopted rules under § 14.18.

State Board of Education
(State Board for Vocational Education)
Department of Education
Vocational-Technical Division

Adopted Rules Governing Post-Secondary Vocational Instructional Personnel Licensure—Robotics Technician 5 MCAR § 1.0790 C

The rules proposed and published at *State Register*, Volume 8, Number 11, pages 428-429, September 12, 1983 (8 S.R. 428) and Volume 8, Number 30, pages 1715-1717, January 23, 1984 (8 S.R. 1715) are adopted with the following modifications:

STATE OF MINNESOTA

WASTE MANAGEMENT BOARD

In the Matter of the Proposed Adoption of Rules Governing Waste Reduction Grants	)))	CERTIFICATE OF BOARD'S 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 26th day of July, 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.

RESOLVED, that the Waste Management Board determines that the adoption of the proposed rules governing Waste Reduction Grants will not be controversial in nature and that the Chairperson of the Board is authorized and directed to sign an order in the name of the Board directing the publication and mailing of notice of the Board's intent to adopt without public hearing Rules Governing Waste Reduction Grants. The Chairperson may perform any and all acts incidental to issuing the order and may make changes in the form of the proposed rules prior to giving notice to the extent required to obtain the approval of the Revisor of Statutes under Minn. Stat. § 14.20. In the event a public hearing on these rules is required, the chairperson is authorized and directed to call a public hearing for this purpose and to perform all acts necessary and incidental to calling the hearing, including signing an order for and notice of public hearing and acting as the representative of the Board at the hearing.

IN WITNESS WHEREOF, I have hereunto subscribed my name, this 26th day of July, 1984.

ROBERT G. DUNN
Chairman, Waste Management Board

Attest by one other Board member

8/13/84

STATE OF MINNESOTA

WASTE MANAGEMENT BOARD

In the Matter of the Proposed Adoption of Rules to Evaluate Applicants for Hazardous Waste Reduction Grants

Statement of Need and Reasonableness

I. INTRODUCTION

The subject of this rulemaking procedure is a set of proposed rules governing the hazardous waste reduction grants program. The Board is authorized by Laws of Minnesota 1984, Chapter 644, Section 10, to adopt rules to evaluate applicants and administer the program.

The proposed rules contain guidelines for applicants who wish to apply for hazardous waste reduction grants. Other items also covered by the rules include eligibility criteria, procedures and criteria to evaluate grant applications, and provisions related to the award of a grant.

II. NEED FOR THE PROPOSED RULES

The Waste Management Board is directed by Laws of Minnesota 1984, Chapter 644, Section 10, to make grants to generators of hazardous waste for studies to determine the feasibility of applying specific methods and technologies to reduce the generation of hazardous wastes. The rules are needed to establish the eligibility of both applicants and projects and to set forth criteria to be used to evaluate applications. The rules are necessary to enable the Waste Management Board to administer the program of grants for waste reduction and thus to fulfill a statutory obligation of the Board.

III. REASONABLENESS OF THE PROPOSED RULES

9200.9500 Scope and Authority

This section specifies the section of the Laws of Minnesota 1984 under which the grant program has been authorized.

9200.9501 Definitions

The terms defined in Section 9200.9501 are used throughout the rules. The definitions are provided for clarity and consistency, and include "board," "chairperson," "generation," "generator," "hazardous waste," "intrinsic hazard," "local government unit," "person," "recipient," and "reduction." Most of the definitions are either taken from existing relevant Minnesota laws or are common definitions. However, two terms warrant further discussion:

"Generation" is defined as "the act or process of producing waste." The intent of the definition is to limit eligible projects to changes in production or manufacturing processes which reduce the quantity of hazardous waste generated during the production or manufacturing process. Treatment processes which also "generate" hazardous wastes are not eligible for hazardous waste reduction grants since the reduction would occur in a treatment versus a manufacturing or production process.

"Reduction" specifically means an action which reduces the quantity of one or more types of hazardous waste generated by a generator. However, the definition is broad enough to permit not only a reduction in the total quantity of wastes generated by a generator but also a reduction in one type of waste which may actually result in an overall increase in the total amount of waste generated by the generator. In this latter case, an increase in the total quantity of all hazardous wastes generated by the generator would be offset by the production of

a lesser quantity of a hazardous waste which is considered to have a particularly high degree of intrinsic hazard. Consequently, risk to the public health and safety and the environment would be reduced.

9200.9502 Eligibility Criteria

Section 9200.9502 Subpart 1

This subpart identifies two categories of eligible applicants. Persons and local government units which generate hazardous waste in Minnesota are eligible to apply for a grant. Since the hazardous waste reduction grant program is designed to reduce the quantity of hazardous waste generated in Minnesota, only those generators who produce hazardous waste as a direct result of business activity conducted in the state are eligible. A firm which has an office or headquarters in Minnesota but generates hazardous waste only outside the state is not eligible.

In addition to individual generators, associations which consist of or represent two or more generators are also eligible to apply for grants. Information developed under the grant program will be made available to all generators in the state. Associations may be in an excellent position to disseminate information developed by the funded study due to their membership network.

Section 9200.9502 Subpart 2

This subpart identifies two general types of projects which are eligible for consideration under the hazardous waste reduction grants program. The first type of study would examine the specific application of a method or technology which has already been developed through prior research. This type of project would involve studying the applicability of the method or technology to a manufacturing or production process to determine the effectiveness of the method in

reducing hazardous waste generation.

The second type of eligible project is research oriented and would involve an evaluation of the feasibility of a reduction method of technology about which additional information is required. The primary purpose of this type of project is to determine whether the method or technology would be appropriate for application purposes.

By allowing both types of projects to be potentially eligible, the Board is able to consider a wide range of potential projects. It is likely that some projects will involve elements of both types, requiring study of the applicability of existing technologies as well as investigation into new technologies.

Section 9200.9502 Subpart 3

This subpart notes that eligible costs are limited to those necessary to conduct the analyses identified in Subpart 2.

Section 9200.9502 Subpart 4

This subpart identifies costs which are not eligible for reimbursement under the grant program and responds to the legislative mandate with respect to expenditures for capital improvements or equipment. The purchase of monitoring and testing equipment necessary for the study is not prohibited by the subpart. However, the purchase of equipment which significantly changes the production or manufacturing process would not qualify as an eligible cost.

9200.9503 Grant Application

This section identifies the types of information that must be provided by the applicant in order to allow the Board to evaluate and act upon the grant application.

Item 9200.9503A

This item asks for a description of the applicant's managerial and technical ability to undertake a hazardous waste reduction feasibility study. In those situations where a generator intends to use a consultant to complete the study, the technical qualifications of the consultant will be considered in addition to the applicant's ability to manage and, if applicable, implement the study results. This information will enable the Board to determine if the applicant is capable of completing the proposed study.

Item 9200.9503B

This item outlines and describes the types of information that must be submitted by the applicant with respect to the particular method or technology to be studied. This information is necessary to permit the Board to evaluate the potential feasibility of the project, the applicability of the method or technology to other generators located in Minnesota, and the possible impact the method or technology may have on reducing the total quantity of hazardous waste generated in the state.

The types of information requested include a description of the method or technology to be studied, whether the project is a research project or the application of a previously developed method or technology, and a description of the hazardous waste generated by the applicant which would be affected by the proposed project. Also requested is the quantity of the hazardous waste generated

in calendar year 1983 as well as in calendar years 1980 through 1982, if available. This information will permit a determination of any trend in waste generation by the applicant. The applicant is also required to estimate the reduction in hazardous waste which could be expected if the method or technology under study is implemented. This will permit the Board to determine the percentage reduction which may be expected for the applicant and will assist in determining the effectiveness of the method or technology on the generation of hazardous waste in the entire state.

The applicant is also required to provide a projection of hazardous waste generation for calendar years 1984 through 2000 with and without the proposed reduction. This will allow the Board to evaluate the long-term impact potential of the proposed project. This information will also be helpful to the Board in assessing its estimates of hazardous waste generation as presented in the Board's Hazardous Waste Management Report (Dec. 1983), Draft Hazardous Waste Management Plan (Feb. 1984), and Draft Certificate of Need (Feb. 1984).

Additional information requested of the applicant includes a discussion of the importance to the applicant of achieving the waste reduction. Among the issues which should be discussed are potential liability due to mismanagement, as well as treatment, management, disposal and transportation costs. Discussion of these items by the applicant will assist the Board in evaluating and ranking applications in terms of a funding priority.

Other items to be discussed by the applicant include the current method used by the applicant to manage his/her hazardous wastes and any increase or decrease in operating or maintenance costs which may be realized due to use of the proposed method or technology. A discussion of the method used to manage wastes at pre-

sent should include information on the technologies and location of the treatment and/or disposal and will help the Board to determine the level of risk associated with the waste generated by the applicant. A discusion of costs, especially increased costs, is necessary to determine the likelihood that other generators, particularly small businesses, will use the waste reduction technique developed under the grant program.

Item 9200.9503C

This item solicits information on the financial feasibility of the proposed project. In addition to stating the amount of funds requested, the applicant is also asked to provide a statement of need for grant funds. This statement will include a discussion of the total amount of funds required to complete the study and whether financial support is available from either external sources or internal funds. The applicant must also identify any previous requests for funds to conduct studies similar to the one proposed by the applicant. This information responds to the legislative mandate contained in Laws of Minnesota 1984, Chapter 644, Section 10, Subdivision 1, which states that the Board may consider the extent of any financial support available from other sources.

9200.9504 Application Process

Section 9200.9504 Subpart 1

This subpart requires that the applicant submit a letter of intent to apply for a grant within 30 days after the effective date of the rules. The letter of intent is not binding and in no way will it influence the evaluation of the applicant's request for grant funds. The letter of intent is necessary in order to permit the Board to determine the number of potential applicants and to determine if an extended application period is required. Additional deadlines

for letters of intent and applications may be set under Section 9200.9504 subpart 2.

A complete application is required within 60 days of the effective date of the rules. Due to planned advanced notice and publicity of the grant program, a 60 day application period is reasonable and will be sufficient time to permit interested parties to prepare an application.

Section 9200.9504 Subpart 2

This subpart allows the board to extend or reopen the application period. This provision gives the Board flexibility if the proposed 60 day application period proves to be inadequate. The lack of an extension might prevent qualified applicants who are unable to meet the other deadlines from submitting an application.

9200.9505 Initial Application Review

Section 9200.9505 Subpart 1

This subpart establishes a specific time by which an application must be received and identifies the chairperson or his designee as the authorized representative to make an initial review of the application. This provides greater specificity to applicants and allows the chairperson or designee to review all applications at the same time and compare the merit of the applications.

Section 9200.9505 Subpart 2

This subpart specifies that the chairperson or his designee will be authorized to make an initial review of each application to determine the eligibility of the proposed project. The factors to be considered with respect to this initial review are the feasibility of the project, the managerial and technical ability

of the applicant to conduct the study, and whether the proposal meets minimally evaluation criteria established in part 9200.9506 of the rules. This procedure establishes a clear method of initial review and provides the basis on which applicants will be notified of the adequacy of their application.

Section 9200.9505 Subpart 3

This subpart specifies the procedure to be used by the board to notify applicants of the eligibility status of their applications. No determination of the award of a grant is made at this time. For those applications found deficient in some way, the application is returned. The applicant must return the revised application within 14 days to be considered an eligible applicant. The time requirements are considered reasonable since the same amount of time is provided to both the Board and the applicant in making their respective responses. This procedure gives applicants a reasonable opportunity to correct deficiencies in their applications.

9200.9506 Evaluation of Proposals

Section 9200.9506 Subpart 1

This subpart specifies that within 45 days of completing the eligibility and documentation review, the Board will establish a date on which grants will be awarded. The 45-day period is reasonable in that it provides sufficient time for the Board to review applications taking into account any consultation that may be necessary. The time limit also provides greater predictability of the process to the Board and applicant. The Board, at its discretion, may complete the review in less than 45 days.

Section 9200.9506 Subpart 2

This subpart contains the evaluation factors to be used by the Board in evaluating eligible projects and selecting those projects to be funded. This provides a clear understanding to all parties of what criteria the Board will consider in its evaluation and establishes a basis for the decisions.

Section 9200.9506 Subpart 2(A)

This item requires the board to consider the relationship between the proposed waste reduction and the goals and policies of the board. It is reasonable and consistent with the Act to give preference to those projects which contribute most to the Board's overall policy of reducing the quantity of hazardous waste which would otherwise require disposal.

Section 9200.9506 Subpart 2(B)

This item involves a quantitative and qualitative evaluation of the proposed reduction. The Board's primary goal is to reduce the total quantity of hazardous waste generated in Minnesota and thus reduce the potential risk to the public health, safety, and the environment. Those proposals which offer the greatest opportunity to reduce the quantity of a hazardous waste which represents a significant proportion of all hazardous wastes generated in the state or which offer an opportunity to reduce hazardous wastes which are highly toxic, difficult to manage, or must be ultimately managed through land disposal, will be preferred.

Section 9200.9506 Subpart 2(C)

This item refers primarily to the effectiveness of the specific method or technology proposed by the applicant. Since the grant funds are designed to produce new and useful knowledge to reduce hazardous waste, it is reasonable to consider the effectiveness of the project as it relates to the applicant and to use the

information to estimate the overall effectiveness of the project for generators in the state. The likelihood of success, reliability, and whether or not a significant increase in capital, operating and maintenance costs will be required are reasonable concerns of the Board if the project is to be useful to the greatest number of generators in the state.

Section 9200.9506 Subpart 2(D)

This item lists other factors which will be used by the Board in the selection of eligible projects. An association, as a group of generators and presumably formed for the benefit of its members, will be better able to disseminate information developed under this grant program. Since disseminating the information gained by the funded studies is a goal of this program, it is reasonable for the Board to give special consideration to associations in awarding grants. This responds in part to the legislative intent of Secton 10, Subdivision 2, that the information developed under this program be made available to all generators in the state.

This item also notes that the recommendations of the Board's Technical Assistance Program Advisory Committee, established to provide guidance in the technical assistance and research program developed as a result of the legislative mandate contained in the Laws of Minnesota 1984, Chapter 644, Section 9, be considered in selecting eligible projects. One purpose of the technical assistance program is to disseminate the information developed by the hazardous waste reduction grants program. This advisory committee is composed of individuals representing a wide variety of backgrounds. Their advice on the applications will be useful to the Board in providing a greater balance to the evaluation process.

In addition, the Board may choose to have the technical aspects of an eligible project evaluated by a consultant to provide some input on the technical feasibility of a proposal. This again will help the Board to make a more careful and thorough evaluation of the applications.

The Board will also consider whether alternative sources of funds may be available to the applicant and to determine whether the project would proceed without state financial support. This factor responds in part to conditions set forth in Section 10, Subdivision 1 of the Laws of Minnesota 1984, Chapter 644, and represents a reasonable concern on the part of the Board to fund those applicants who might otherwise be unable to finance a waste reduction study.

9200.9507 Award of Grants

9200.9507 Subpart 1

This subpart notes that those proposals which best meet the criteria established by the Board will be awarded grants.

9200.9507 Subpart 2

This subpart gives the Board the authority to determine the amount of a grant up to a maximum. The amount requested by the application will be an important factor in determining the amount of the grant. Based on previous studies done for the Board it is reasonable to assume that most studies proposed could be adequately funded within the $30,000 limit. However, if a study requires additional funding and is determined to be eligible by the Board, additional grants could be considered.

9200.9508 Grant Agreement

Section 9200.9508 Subpart 1

This part specifies that the Board and a recipient will enter into a grant agreement and sets forth specific conditions which will govern the administration of the grant.

Section 9200.9508 Subpart 1(A)

This item specifies that unless otherwise stated, the maximum term of the grant agreement is one year. The period will provide sufficient time for the recipient to complete the study and provide the Board with timely results.

Section 9200.9508 Subpart 1(B)

This item establishes that the recipient is authorized to enter into contracts to complete the types of work specified in the agreement. Since many generators may not have the expertise to carry out the proposed study it is reasonable to assume that such a study could be undertaken by another party under a contractual agreement with the recipient.

Section 9200.9508 Subpart 1(C)

This item specifies that a product will be required of each recipient. Since the type of product may differ for each recipient, specification of the product to be delivered will be made in each grant agreement.

Laws of Minnesota 1984, Chapter 644, Section 10, Subdivision 2 requires that all information developed through the hazardous waste reduction grant program be made available to all generators in the state. Therefore, the requirement that the information developed by a recipient will be considered public information is a necessary and reasonable requirement.

Section 9200.9508 Subpart 2

The Board is authorized to cancel a grant not completed in accordance with the terms of the agreement. This is necessary to protect the Board's interest in assuring that the work for which the grant was awarded is undertaken according to the terms of the grant agreement.

Section 9200.9508 Subpart 3

The Board is authorized to terminate a grant upon 30 days notice and to require that no additional funds be spent by a recipient after a termination notice has been issued. A recipient may also give notice to terminate a grant. This is necessary to provide a clear method to terminate a grant and to provide the Board with the authority to halt all further expenditures of the grant funds immediately upon notice. This gives the Board specific authority over its grant funds through the time of product delivery and helps to assure the proper management of public funds.

Section 9200.9508 Subpart 4

The Board and recipient will develop a disbursement schedule in the grant agreement. Phased disbursement and final holdback provisions, if deemed appropriate by the Board, are necessary to provide greater control of public funds to be used in these grants.

Section 9200.9508 Subpart 5

The Board is authorized to conduct an audit of a recipient's records as they relate to a grant agreement. This audit, if conducted, would cover the expenditure of grant funds only. No other aspects of a recipient's business would be covered by the audit. Since public funds are being spent, this is a reasonable requirement to protect both the public's and the Board's interest in the proper

use of public funds.

Section 9200.9508 Subpart 6

This subpart requires that unspent funds following completion of the project, cancellation of the grant or termination of the project be returned to the Board. This is a reasonable requirement to protect the public's and the Board's interest in the proper use of public funds.

STATE OF MINNESOTA

WASTE MANAGEMENT BOARD

Proposed Minnesota rules Parts
9200.9500-.9508, Hazardous Waste
Reduction Grants Rules

STATEMENT OF COMPLIANCE WITH
RULEMAKING PROCEDURES

I, Special Assistant Attorney General LeRoy C. Paddock, 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.

LeRoy C. Paddock

LEROY C. PADDOCK
Special Assistant
Attorney General

Dated: October 3, 1984

STATE OF MINNESOTA

WASTE MANAGEMENT BOARD

In the Matter of the
Proposed Adoption of
Rules to Evaluate
Applicants for Hazardous
Waste Reduction Grants

AFFIDAVIT REGARDING
NOTIFICATION OF SUBMISSION
TO ATTORNEY GENERAL

STATE OF MINNESOTA)
) ss.
COUNTY OF HENNEPIN)

Kenneth E. Stabler, being duly sworn on oath, deposes and says:

1. That he is the person named in Notice of Interest to Adopt Rules Without a Public Hearing as published in the State Register (9 S.R.328, August 13, 1984) and as mailed to interested persons on August 13, 1984, as the person to receive requests for notification on the date the Board submits the above-entitled rules to the Attorney General for review.

2. That no person requested to be notified of the date that the Board submits the rules to the Attorney General for review.

Kenneth E. Stabler

Subscribed and Sworn to before me
this 3rd day of October, 1984.

Katherine M. Borisevich

KATHERINE M. BORISEVICH
NOTARY PUBLIC - MINNESOTA
HENNEPIN COUNTY
My Commission Expires July 31, 1990

Notary Public