

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

Our File No. 1110

RULE REVIEW CHECKLIST

DATE RULE RECEIVED 11-20-84
DATE FOR REVIEW 11-29-84
DATE DUE 12-4-84

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

Approved 11-29-84 RJC Disapproved _____ Returned to Agency _____

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

Date filed w/Secretary of State 12-3-84 Revisor approved 11/21/84 disapproved _____

✓ Rule as Adopted

_____ Rule as Proposed

? Order Adopting 10.25.84 Date part of citation to stat. authority does not exist — 115A.49 not updated in Supp. 83.

_____ 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 same misciteation as above.

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

✓ Mailing list Certificate

✓ Publication in State Register same misciteation as above.
9.24.84 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 but no changes

N/A LCRAR Report or agency Affidavit

? Certificate of Board's Resolution Adopting Rules same misciteation as above.

N/A Order Approving Incorporation by Reference

✓ Statement of Need and Reasonableness

N/A Petition for Adoption of a Rule

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

✓ Certificate of Compliance w/Rulemaking Procedures

✓ Affidavit of Mailing Notice of Submission to Attorney General

N/A Notice of Submission to the Attorney General

HUBERT H. HUMPHREY, III
ATTORNEY GENERAL

STATE OF MINNESOTA

OFFICE OF THE ATTORNEY GENERAL

ST. PAUL 55155

November 20, 1984

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

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

Re: Proposed Amendments to Minnesota Rules Parts 9200.8100-.9200, Solid Waste Processing Facilities Demonstration Program Rules

Dear Mr. Miles:

On October 25, 1984, the Waste Management Board adopted Amendments to the Solid Waste Processing Facilities Demonstration Program Rules. Enclosed for your review are the following:

1. Rule Amendments as adopted (original and three copies).

2. Order Adopting Amendments to Existing Rules (two copies).

3. Certificate of Board's Authorizing Resolution adopting rule amendments.

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

5. Certificate of Board's Authorizing Resolution ordering publication of Notice of Intent.

6. Notice of Intent to Adopt Amendments to Existing Rules Without A Public Hearing and Rules as Proposed (9 S.R. 660, September 24, 1984).

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

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

RECEIVED
NOV 20 1984
ATTORNEY GENERAL
ADMINISTRATIVE AGENCIES

9. Mailing List Certificate.

10. Statement of Need and Reasonableness.

11. Findings of Fact and Conclusions.

12. Statement of Compliance with Rulemaking Procedures.

13. Affidavit Regarding Notification of Submission to Attorney General.

Very truly yours,

PENNY TROOLIN
Special Assistant
Attorney General

PT:cg
Enclosures

S0006-02

STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL

Office Memorandum

TO : Robert G. Dunn
Chairperson, Waste Management Board

DATE: December 3, 1984

ATTN: Penny Troolin

FROM : Special Assistant Attorney General

Martha J. Casserly MJC
Special Assistant Attorney General

PHONE: 296-4692

SUBJECT: In the Matter of the Proposed Amendments to Minnesota Rules Parts 9200.8100-9200.9200, Solid Waste Processing Facilities Demonstration Program 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.

MJC:slz
Encs.

cc: Ms. Kathy Burek
Mr. Duane Harves

Waste Management Board

Adopted Rules Governing the Solid Waste Processing Facilities Demonstration Program

Rules as Adopted

9200.8100 DEFINITIONS.

Subpart 1. to 7. [Unchanged.]

Subp. 8. [See repealer.]

Subp. 9. **Institutional arrangements.** "Institutional arrangements" means methods of financing, marketing, procurement, methods of securing the waste supply, or joint efforts by more than one local government unit.

Subp. 10. to 24. [Unchanged.]

9200.8600 GRANT AND LOAN APPLICATION PROCEDURES.

Subpart 1. [See repealer.]

Subp. 1a. **Applications.** An application may be submitted to the board when the applicant has met the information and documentation requirements in parts 9200.8400 and 9200.8500. The applicant is encouraged to contact the chairperson and request a preapplication review of the proposed project.

Subp. 2. [See repealer.]

Subp. 2a. **Review schedule.** When the chairperson or designee receives an application, he or she shall initially review the application. The board shall evaluate and select projects and award grants and loans.

Subp. 3. [See repealer.]

9200.8700 INITIAL REVIEW.

Subpart 1. **Applications reviewed.** The chairperson or a designee shall review all applications received.

Subp. 2. **Eligibility and completeness review.** Upon receipt of an application, the chairperson or a designee shall determine the eligibility of the applicant, the eligibility of the costs specified in the application, the eligibility of the project specified in the application, and the completeness of

the application.

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 or the project is not eligible, the application shall not be further considered and the applicant shall be notified of the determination. If the chairperson determines that any of the costs or any part of the project is not eligible or that the application is otherwise not complete, the chairperson shall return the application together with a statement of the reasons for rejecting the application. The applicant shall have 14 days after receipt of the rejection of the application to correct any inadequacies identified in the application. If the inadequacies are corrected within the time allowed, the application will be further considered.

Subp. 4. and 5. [Unchanged.]

Subp. 6. **Determination of sufficient documentation.** If the chairperson determines that the documentation in the application is adequate, the application shall be considered final and the applicant shall be so notified. The application shall then be referred to the board to be evaluated as provided in part 9200.8800. If the chairperson determines that the documentation in the application is inadequate, the chairperson shall return the application together with a statement of the reasons for rejecting the application. The applicant shall have 14 days after receipt of the rejection of the application to correct the inadequacies in the documentation.

If the inadequacies in the documentation are corrected within the time allowed, the application shall be considered final and the applicant shall be so notified. The application shall then be referred to the board to be evaluated as provided in part 9200.8800.

9200.8800 EVALUATION OF PROJECTS.

Subpart 1. **Process of evaluation.** Upon completion of the chairperson's initial review of the application as set out in part 9200.8700, the board shall evaluate projects based on the

factors set out in this part.

Subp. 2. **General factors.** In evaluating all six types of projects the board shall, to the extent the factor is relevant to the project, consider:

A. to D. [Unchanged.]

Subp. 3. to 8. [Unchanged.]

Subp. 9. **Legislative priorities.** The board shall give priority to projects where:

A. the natural geologic and soil conditions are unsuitable for land disposal of solid waste;

B. the capacity of existing solid waste disposal facilities is less than five years; or

C. for a project outside of the metropolitan area, the project serves more than one local government unit.

9200.9000 AWARD OF GRANTS AND LOANS.

Subpart 1. **General procedure.** The board shall award a loan, or a grant and loan if the board determines a grant should be awarded under subpart 2, to the projects which in the board's judgment best meet the factors identified in part 9200.8800.

Subp. 2. **Factors in awarding grants.** In making its determination on whether to award grants, the board shall consider whether the project involves a significant risk to the local unit of government; whether the local unit of government has made a substantial commitment of its own funds to the project; and, in view of the applicant's financial capacity, whether a grant would affect the decision or ability to undertake the project.

Subp. 3. **Amount of awards.** The board shall determine the amount of the loans and grants it awards based on a review of the factors set out in part 9200.8800 and the degree to which the project serves to demonstrate the uses of technology involved in Minnesota.

Subp. 4. and 5. [Unchanged.]

9200.9100 GRANT AND LOAN AGREEMENT.

Subpart 1. [Unchanged.]

Subp. 2. **Rescission of grants and loans.** If projects are not completed in accordance with the terms and conditions of the respective agreements, including time schedules, the grants and loans for those projects shall be rescinded, and the entire amount of grants and loans shall be repaid unless the board determines that variances from the respective agreements are justified and that the original objectives of the project will be accomplished.

Subp. 3. to 6. [Unchanged.]

9200.9200 APPORTIONMENT.

Subpart 1. **In general.** For grants and loans to be awarded over the life of this program, the board shall apportion funds allocated to it by the legislature for this program as set out in Article VI of the Waste Management Act, Minnesota Statutes, sections 115A.49 to 115A.54, as follows in subparts 2 and 3.

Subp. 2. [Unchanged.]

Subp. 3. **Applications accepted.** The board shall accept applications for assistance under the demonstration program while funds remain available or until the program is terminated.

Subp. 4. and 5. [See repealer.]

REPEALER. Minnesota Rules, parts 9200.8100, subpart 8; 9200.8600, subparts 1, 2, and 3; 9200.8900; and 9200.9200, subparts 4 and 5 are repealed.

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
DEC 3 1984
Joan Anderson Growe
Secretary of State
11:10 AM

APPROVED AS TO FORM AND LEGALITY
November 29 1984
HUBERT H. HUMPHREY, III
ATTORNEY GENERAL
BY MJ Cassedy
SPECIAL ASSISTANT ATTORNEY GENERAL

Rules as Proposed

9200.8100 DEFINITIONS.

Subpart 1. to 7. [Unchanged.]

Subp. 8. [See repealer.]

Subp. 9. **Institutional arrangements.** "Institutional arrangements" means methods of financing, marketing, procurement, methods of securing the waste supply, or joint efforts ~~between political subdivisions~~ by more than one local government unit.

Subp. 10. to 24. [Unchanged.]

9200.8600 GRANT AND LOAN APPLICATION PROCEDURES.

Subpart 1. [See repealer.]

Subp. 1a. **Applications.** An application may be submitted to the board when the applicant has met the information and documentation requirements in parts 9200.8400 and 9200.8500. The applicant is encouraged to contact the chairperson and request a preapplication review of the proposed project.

Subp. 2. [See repealer.]

Subp. 2a. **Review schedule.** When the chairperson or designee receives an application, he or she shall initially review the application. The board shall evaluate and select projects and award grants and loans.

Subp. 3. [See repealer.]

9200.8700 INITIAL REVIEW.

Subpart 1. **Applications reviewed.** The chairperson or ~~his~~ a designee shall review all applications received ~~during the application segment of each funding round. Applications received after the last day of each application segment shall be returned to the applicant.~~

Subp. 2. **Eligibility and completeness review.** Upon receipt of ~~a timely filed~~ an application, the chairperson or ~~his~~ a designee shall determine the eligibility of the applicant, the eligibility of the costs specified in the application, the eligibility of the project specified in the application, and the completeness of the application.

APPROVED IN THE REVISOR OF STATUTES OFFICE BY: MVH

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 or the project is not eligible, the application shall not be further considered and the applicant shall be notified of the determination. If the chairperson determines that any of the costs or any part of the project is not eligible or that the application is otherwise not complete, the chairperson shall return the application together with a statement of the reasons for rejecting the application. The applicant shall have 14 days after receipt of the rejection of the application ~~or until two weeks following the final day of the application segment, whichever is later,~~ to correct any inadequacies identified in the application. ~~Applications which are not resubmitted within the time period allowed shall not be further considered during the funding round~~ If the inadequacies are corrected within the time allowed, the application will be further considered.

Subp. 4. and 5. [Unchanged.]

Subp. 6. **Determination of sufficient documentation.** If the chairperson determines that the documentation in the application is adequate, the application shall be considered final and the applicant shall be so notified. The application shall then be referred to the board to be evaluated as provided in part 9200.8800. If the chairperson determines that the documentation in the application is inadequate, the chairperson shall return the application together with a statement of the reasons for rejecting the application. The applicant shall have 14 days after receipt of the rejection of the application ~~or two weeks after the final day of the application segment, whichever time period is greater,~~ to correct the inadequacies in the documentation. ~~Applications which are not resubmitted within the time periods allowed shall not be further considered during the funding round.~~

If the inadequacies in the documentation are corrected within the time allowed, the application shall be considered

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

final and the applicant shall be so notified. The application shall then be referred to the board to be evaluated as provided in part 9200.8800.

9200.8800 ~~PROJECT-TYPE~~ EVALUATION OF PROJECTS.

Subpart 1. **Process of evaluation.** Upon completion of the chairperson's initial review of the application as set out in part 9200.8700, the board shall ~~compare~~ evaluate projects ~~of similar technology~~ based on the factors set out in this part ~~and select the top project in each category for further evaluation~~.

Subp. 2. **General factors.** In evaluating all ~~five~~ six types of projects the board shall, to the extent the factor is relevant to the project, consider:

A. to D. [Unchanged.]

Subp. 3. to 8. [Unchanged.]

Subp. 9. **Legislative priorities.** The board shall give priority to projects where:

A. the natural geologic and soil conditions are unsuitable for land disposal of solid waste;

B. the capacity of existing solid waste disposal facilities is less than five years; or

C. for a project outside of the metropolitan area, the project serves more than one local government unit.

9200.9000 AWARD OF GRANTS AND LOANS.

Subpart 1. **General procedure.** The board shall award a loan, or a grant and loan if the board determines a grant should be awarded under subpart 2, to the ~~project which receives the top rating under part 9200.8900. The board shall then award loans and grants, if applicable, to the extent funds remain available, to the other top rated projects in order of preference. If all of the top rated projects identified under part 9200.8900 are funded, the board shall select the second highest rated project in each category identified under part 9200.8800 and shall further evaluate those projects as provided for in part 9200.8900. The board shall then award grants or loans to the projects in the same manner and order as it did for~~

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

~~the-top-rated~~ projects which in the board's judgment best meet the factors identified in part 9200.8800.

Subp. 2. **Factors in awarding grants.** In making its determination on whether to award grants ~~and-loans~~, the board shall consider whether the project involves a significant risk to the local unit of government; whether the local unit of government has made a substantial commitment of its own funds to the project; and, in view of the applicant's financial capacity, whether a grant would affect the decision or ability to undertake the project.

Subp. 3. **Amount of awards.** The board shall determine the amount of the loans and grants it awards based on a review of the factors set out in part ~~9200.8900~~ 9200.8800 and the degree to which the project serves to demonstrate the uses of technology involved in Minnesota.

Subp. 4. and 5. [Unchanged.]

9200.9100 GRANT AND LOAN AGREEMENT.

Subpart 1. [Unchanged.]

Subp. 2. **Rescission of grants and loans.** ~~Grants-and-loans~~ If projects are not completed in accordance with the terms and conditions of the respective agreements, including time schedules, the grants and loans for those projects shall be rescinded, and the entire amount of grants and loans shall be repaid unless the board determines that ~~the~~ variances from the respective agreements are ~~due-to-factors-outside-the-control-of-the-grant-or-loan-recipient~~ justified and that the original objectives of the project will be accomplished.

Subp. 3. to 6. [Unchanged.]

9200.9200 APPORTIONMENT.

Subpart 1. **In general.** For grants and loans to be awarded over the life of this program, the board shall apportion funds allocated to it by the legislature for this program as set out in Article VI of the Waste Management Act, Minnesota Statutes, sections 115A.49 to 115A.54, as follows in subparts 2 ~~to~~ 5 and 3.

Subp. 2. [Unchanged.]

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

Subp. 3. ~~Number-of-funding-rounds~~ Applications accepted. The board shall ~~distribute-the-money-appropriated-for-the purposes-of~~ accept applications for assistance under the demonstration program ~~during-four-funding-rounds-commencing-on January-1,-1983.--Each-funding-round-entails-a-six-month-period of-time~~ while funds remain available or until the program is terminated.

Subp. 4. and 5. [See repealer.]

REPEALER. Minnesota Rules, parts 9200.8100, subpart 8; 9200.8600, subparts 1, 2, and 3; 9200.8900; and 9200.9200, subparts 4 and 5 are repealed.

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

OFFICE OF THE REVISOR OF STATUTES

Proposed Rule

RD612

Agency: Waste Management Board

Division:

Agency Contact: Ed Welsch 536-0816

Minnesota Rules: Parts 9200.8100, 9200.8600, 9200.8700, 9200.8800, 9200.9000, 9200.9100, 9200.9200

Title: Proposed Rules Governing the Solid Waste Processing Facilities Demonstration Program

Type of Rules: Permanent

Incorporations by Reference: None

Rule Number:	Material Incorporated:

Steven C. Cross
Revisor of Statutes

Maryanne V. Hruby
Assistant Revisor
Phone: 297-2948
Date: September 4, 1984

STATE OF MINNESOTA

WASTE MANAGEMENT BOARD

Proposed Amendments to Minnesota Rules Parts 9200.8100-.9200, Solid Waste Processing Facilities Demonstration Program Rules

ORDER ADOPTING AMENDMENTS TO EXISTING RULES

Notice of the Minnesota Waste Management Board's intent to adopt the above-entitled amendments to existing rules without a public hearing was published in the State Register on September 24, 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 September 24, 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 rule amendments,

NOW, THEREFORE, IT IS ORDERED, that amendments to Minnesota Rules Parts 9200.8100-.9200, entitled "Solid Waste Processing Facilities Demonstration Program Rules," are adopted pursuant to the authority vested in the Minnesota Waste Management Board by Minn. Stat. § 115A.49 (Supp. 1983).

Dated this 25th of October, 1984.

ROBERT G. DUNN
Chairperson

STATE OF MINNESOTA

WASTE MANAGEMENT BOARD

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

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

ROBERT G. DUNN
Chairperson

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 25th day of October, 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 amendments to Minnesota Rules Parts 9200.8100-.9200, Solid Waste Processing Facilities Demonstration Program Rules, pursuant to the authority vested in the Board by Minn. Stat. § 115A.49 (Supp. 1983).

BE IT FURTHER RESOLVED, that prior to publishing the rule amendments as adopted in the State Register, the Chairperson is authorized to make any form changes in the rule amendments 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 amendments to existing rules, and to perform any acts incidental thereto.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 25th day of October, 1984.

R M Dunn

ROBERT G. DUNN
Chairperson

Lawrence E. Hunter

Attest by one other Board member

STATE OF MINNESOTA

WASTE MANAGEMENT BOARD

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

I, Robert G. Dunn, do hereby certify that I am a member and the Chairperson of the Waste Management Board, a board duly authorized under the laws of the State of Minnesota, and that the following is a true, complete, and correct copy of a resolution adopted at a meeting of the Waste Management Board duly and properly called and held on the 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 amendments to existing rules governing the Solid Waste Processing Facilities Demonstration Program 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 a public hearing amendments to existing rules governing the Solid Waste Processing Facilities Demonstration Program. The Chairperson may perform any and all acts incidental to issuing the order and may make changes in the form of the proposed amendments to existing 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 rule amendments 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 20th day of July, 1984.

ROBERT G. DUNN
Chairperson

Attest by one other Board member

STATE OF MINNESOTA

WASTE MANAGEMENT BOARD

In the Matter of the Proposed Adoption of Amendments to Existing Rules Governing the Solid Waste Processing Facilities Demonstration Program	NOTICE OF INTENT TO ADOPT AMENDMENTS TO EXISTING RULES WITHOUT A PUBLIC HEARING

Notice is hereby given that the Minnesota Waste Management Board proposes to adopt the above-entitled amendments to existing 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 Minn. Stat. §§ 14.22 - 14.28, as amended by Laws 1984, ch. 640, §§ 12 - 15.

Persons interested in these rules shall have 30 days in which to submit comments in support of or in opposition to the proposed amendments to existing rules. Comment is encouraged. Each comment should identify the portion of the proposed amendment addressed, the reason for the comment, and any change proposed. The proposed amendments to existing rules may be modified if the modifications are supported by the data and views submitted to the Waste Management Board and do not result in a substantial change in the proposed language.

Unless 25 or more persons submit written requests for a public hearing on the proposed amendments within the 30-day comment period, a public hearing will not be held. Any person

requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed amendment addressed, the reason for the request, and any change proposed. In the event a public hearing is required, the Waste Management Board will proceed according to the provisions of Minn. Stat. §§ 14.08 - 14.28, as amended by Laws 1984, ch. 640, §§ 4 - 15.

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

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

Authority for the adoption of these rules is contained in Minn. Stat. § 115A.49 (Supp. 1983). Additionally, a statement of need and reasonableness that describes the need for and reasonableness of each provision of the proposed amendments to existing rules and identifies the data and information relied upon to support the proposed amendments to existing rules has been prepared and is available from the Waste Management Board, Attn: Ed Welsch, 123 Thorson Building, 7323 - 58th Avenue North, Crystal, MN 55428, upon request.

If a hearing is not required, and upon adoption of the final amendments to existing rules without a public hearing, the

proposed amendments to existing rules, this notice, the statement of need and reasonableness, all written comments received, and the final amendments to existing 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 amendments to existing rules as adopted, should submit a written statement of such request to the Waste Management Board, Attn: Ed Welsch, 123 Thorson Building, 7323 - 58th Avenue North, Crystal, MN 55428.

The amendments to existing rules proposed for adoption relate to the following matters: (1) eligibility for loans and grants; (2) procedures for submitting grant and loan applications; (3) procedures for initial review of applications; (4) procedures and criteria for evaluating loan and grant applications and for selecting loan and grant recipients; (5) provisions relating to awarding loans and grants; (6) required contents of loan and grant agreements; and (7) provisions relating to apportioning available funds between loans and grants.

Copies of this notice and the proposed amendments to existing rules are available and may be obtained by contacting the Waste

Management Board, Attn: Ed Welsch, 123 Thorson Building, 7323 - 58th Avenue North, Crystal, MN 55428.

ROBERT G. DUNN
Chairperson

STATE OF MINNESOTA

WASTE MANAGEMENT BOARD

In the Matter of the Proposed Adoption of Amendments to Existing Rules Governing the Solid Waste Processing Facilities Demonstration Program	AFFIDAVIT OF MAILING

Theodore William Troolin, being first duly sworn, hereby deposes and says that on the 24th day of September, 1984, at the City of Crystal, County of Hennepin, State of Minnesota, he served the attached Notice of Intent to Adopt Amendments to Existing Rules Without a Public Hearing by depositing in the United States mail at the City of Crystal, a copy thereof, properly enveloped, with postage prepaid on all persons and associations who have requested that their names be placed on file with the Waste Management Board for the purpose of receiving notice of the proposed adoption of amendments to existing rules by the Board.

Theodore William Troolin

Subscribed and sworn to before me
this 24th day of September, 1984.

Paula M. Mitchell
Notary Public

PAULA M. MITCHELL
NOTARY PUBLIC - MINNESOTA
HENNEPIN COUNTY
My Commission Expires Oct. 23, 1990

STATE OF MINNESOTA

WASTE MANAGEMENT BOARD

In the Matter of the Proposed) Adoption of Amendments to Existing) Rules Governing the Solid Waste) Processing Facilities) Demonstration Program)	MAILING LIST 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 amendments to existing rules by this Board is accurate and complete as of 10:00 A.M., this 24th day of September, 1984.

Theodore W Troolin

SOLID WASTE ISSUES MAILING LIST - INTERESTED PARTIES

Original

r. Larry Beiderman
tate Hospital Complex
t. Peter, MN 56082

s. Linda Bruemmer
N Dept. of Energy, Pl., & Dev.
m. 100, Capitol Square Bldg.
t. Paul, MN 55101

lr. Robert Bystrom
'O Box 5
:entennial Bldg., 658 Cedar St.
;t. Pul, MN 55155

ls. Norma Cameron
1N Dept. of Administration
571 North Robert St.
;t. Pual, MN 55101

ls. Jeanne Crampton
1N League of Women Voters
555 Wabasha, Rm. 212
;t. Paul, MN 55102

Mr. Gary Englund
Env. Health Division
717 Delaware St. SW, PO Box 944
Mpls, MN 55440

Ms. Nancy Grimsby
Recycling Association of MN
5932 Wooddale Ave.
Mpls, MN 55424

Ms. Sue Hess
Whitney House
St. Cloud State University
St. Cloud, MN 56301

Mr. Michael D. Howe
Pope County Courthouse
Glenwood, MN 56334

Mr. Curtis Johnson
Syndicate Bldg.
84 South Sixth Street

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7th and Robert Streets
St. Paul, MN 55101

Mr. David Locey
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Roseville, MN 55113

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New York, NY 10017

Mr. Warren Schuras
Tri-County Sanitarian
Courthouse
Fairmont, MN 56031

Mr. Gary Simonsen
W Lake Superior San. District
27th Ave. West & Waterfront
Duluth, MN 55806

Mr. Ray Thron
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Mr. Lee Williams
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Waseca, MN 56093

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Crookston, MN 56716

Solid Waste Division
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Rochester Public Utilities
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Subp. 3. Plan C.

	Minimum		Maximum	
Clerk I	~~859~~	897	~~1125~~	1175
Clerk II	~~983~~	1026	~~1285~~	1342
Clerk III	~~1101~~	1149	~~1436~~	1499
Clerk-Typist I	~~898~~	938	~~1176~~	1228
Clerk-Typist II	~~983~~	1026	~~1285~~	1342
Clerk-Typist III	~~1101~~	1149	~~1436~~	1499
Clerk-Steno I	~~940~~	981	~~1226~~	1280
Clerk-Steno II	~~1075~~	1122	~~1404~~	1466

Waste Management Board

Proposed Rules Governing the Solid Waste Processing Facilities Demonstration Program

Notice of Intent to Adopt Amendments to Existing Rules without a Public Hearing

Notice is hereby given that the Minnesota Waste Management Board proposes to adopt the above-entitled amendments to existing 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 Minn. Stat. §§ 14.22-14.28, as amended by Laws 1984, ch. 640, §§ 12-15.

Persons interested in these rules shall have 30 days in which to submit comments in support of or in opposition to the proposed amendments to existing rules. Comment is encouraged. Each comment should identify the portion of the proposed amendment addressed, the reason for the comment, and any change proposed. The proposed amendments to existing rules may be modified if the modifications are supported by the data and views submitted to the Waste Management Board and do not result in a substantial change in the proposed language.

Unless 25 or more persons submit written requests for a public hearing on the proposed amendments within the 30-day comment period, a public hearing will not be held. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed amendment addressed, the reason for the request, and any change proposed. In the event a public hearing is required, the Waste Management Board will proceed according to the provisions of Minn. Stat. §§ 14.08-14.28, as amended by Laws 1984, ch. 640, §§ 4-15.

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

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

Authority for the adoption of these rules is contained in Minn. Stat. § 115A.49 (Supp. 1983). Additionally, a statement of need and reasonableness that describes the need for and reasonableness of each provision of the proposed amendments to existing rules and identifies the data and information relied upon to support the proposed amendments to existing rules has been prepared and is available from the Waste Management Board, Attn: Ed Welsch, 123 Thorson Building, 7323 - 58th Avenue North, Crystal, MN 55428, upon request.

If a hearing is not required, and upon adoption of the final amendments to existing rules without a public hearing, the proposed amendments to existing rules, this notice, the statement of need and reasonableness, all written comments received, and the final amendments to existing 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 amendments to existing rules as adopted, should submit a written statement of such request to the Waste Management Board, Attn: Ed Welsch, 123 Thorson Building, 7323 - 58th Avenue North, Crystal, MN 55428.

The amendments to existing rules proposed for adoption relate to the following matters: (1) eligibility for loans and grants; (2) procedures for submitting grant and loan applications; (3) procedures for initial review of applications; (4) procedures and criteria for evaluating loan and grant applications for selecting loan and grant recipients; (5) provisions relating to awarding loans and grants; (6) required contents of loan and grant agreements; and (7) provisions relating to apportioning available funds between loans and grants.

Copies of this notice and the proposed amendments to existing rules are available and may be obtained by contacting the Waste Management Board, Attn: Ed Welsch, 123 Thorson Building, 7323 - 58th Avenue North, Crystal, MN 55428.

Robert G. Dunn
Chairperson

Rules as Proposed

9200.8100 DEFINITIONS.

Subpart 1. to 7. [Unchanged.]

Subp. 8. [See repealer.]

Subp. 9. Institutional arrangements. "Institutional arrangements" means methods of financing, marketing, procurement, methods of securing the waste supply, or joint efforts ~~between political subdivisions~~ by more than one local government unit.

Subp. 10 to 24. [Unchanged.]

9200.8600 GRANT AND LOAN APPLICATION PROCEDURES.

Subpart 1. [See repealer.]

Subp. 1a. Applications. An application may be submitted to the board when the applicant has met the information and documentation requirements in parts 9200.8400 and 9200.8500. The applicant is encouraged to contact the chairperson and request a preapplication review of the proposed project.

Subp. 2. [See repealer.]

Subp. 2a. Review schedule. When the chairperson or designee receives an application, he or she shall initially review the application. The board shall evaluate and select projects and award grants and loans.

Subp. 3. [See repealer.]

9200.8700 INITIAL REVIEW.

Subpart 1. Applications reviewed. The chairperson or ~~his~~ a designee shall review all applications received ~~during the application segment of each funding round. Applications received after the last day of each application segment shall be returned to the applicant~~.

Subp. 2. Eligibility and completeness review. Upon receipt of ~~a timely filed~~ an application, the chairperson or ~~his~~ a designee shall determine the eligibility of the applicant, the eligibility of the costs specified in the application, the eligibility of the project specified in the application, and the completeness of the application.

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 or the project is not eligible, the application shall not be further considered and the applicant shall be notified of the determination. If the chairperson determines that any of the costs or any part of the project is not eligible or that the application is otherwise not complete, the chairperson shall return the application together with a statement of the reasons for rejecting the application. The applicant shall have 14 days after receipt of the rejection of the application ~~or until two weeks following the final day of the application segment, whichever is later,~~ to correct any inadequacies identified in the application. ~~Applications which are not resubmitted within the time period allowed shall not be further considered during the funding round~~ If the inadequacies are corrected within the time allowed, the application will be further considered.

Subp. 4. and 5. [Unchanged.]

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.

Subp. 6. Determination of sufficient documentation. If the chairperson determines that the documentation in the application is adequate, the application shall be considered final and the applicant shall be so notified. The application shall then be referred to the board to be evaluated as provided in part 9200.8800. If the chairperson determines that the documentation in the application is inadequate, the chairperson shall return the application together with a statement of the reasons for rejecting the application. The applicant shall have 14 days after receipt of the rejection of the application ~~or two weeks after the final day of the application segment, whichever time period is greater,~~ to correct the inadequacies in the documentation. ~~Applications which are not resubmitted within the time periods allowed shall not be further considered during the funding round.~~

If the inadequacies in the documentation are corrected within the time allowed, the application shall be considered final and the applicant shall be so notifed. The application shall then be referred to the board to be evaluated as provided in part 9200.8800.

9200.8800 ~~PROJECT TYPE~~ EVALUATION OF PROJECTS.

Subpart 1. Process of evaluation. Upon completion of the chairperson's initial review of the application as set out in part 9200.8700, the board shall ~~compare~~ evaluate projects ~~of similar technology~~ based on the factors set out in this part ~~and select the top project in each category for further evaluation~~.

Subp. 2. General factors. In evaluating all ~~five~~ six types of projects the board shall, to the extent the factor is relevant to the project, consider:

A. to D. [Unchanged.]

Subp. 3. to 8. [Unchanged.]

Subp. 9. Legislative priorities. The board shall give priority to projects where:

A. the natural geologic and soil conditions are unsuitable for land disposal of solid waste;

B. the capacity of existing solid waste disposal facilities is less than five years; or

C. for a project outside of the metropolitan area, the project serves more than one local government unit.

9200.9000 AWARD OF GRANTS AND LOANS.

Subpart 1. General procedure. The board shall award a loan, or a grant and loan if the board determines a grant should be awarded under subpart 2, to the ~~project which receives the top rating under part 9200.8900. The board shall then award loans and grants, if applicable, to the extent funds remain available, to the other top-rated projects in order of preference. If all of the top-rated projects identified under part 9200.8900 are funded, the board shall select the second highest rated project in each category identified under part 9200.8800 and shall further evaluate those projects as provided for in part 9200.8900. The board shall then award grants or loans to the projects in the same manner and order as it did for the top-rated~~ projects which in the board's judgment best meet the factors identified in part 9200.8800.

Subp. 2. Factors in awarding grants. In making its determination on whether to award grants ~~and loans~~, the board shall consider whether the project involves a significant risk to the local unit of government; whether the local unit of government has made a substantial commitment of its own funds to the project; and, in view of the applicant's financial capacity, whether a grant would affect the decision or ability to undertake the project.

Subp. 3. Amount of awards. The board shall determine the amount of the loans and grants it awards based on a review of the factors set out in part ~~9200.8900~~ 9200.8800 and the degree to which the project serves to demonstrate the uses of technology involved in Minnesota.

Subp. 4. and 5. [Unchanged.]

9200.9100 GRANT AND LOAN AGREEMENT.

Subpart 1. [Unchanged.]

Subp. 2. Rescission of grants and loans. ~~Grants and loans~~ If projects are not completed in accordance with the terms and conditions of the respective agreements, including time schedules, the grants and loans for those projects shall be rescinded, and the entire amount of grants and loans shall be repaid unless the board determines that ~~the~~ variances from the respective agreements are ~~due to factors outside the control of the grant or loan recipient~~ justified and that the original objectives of the project will be accomplished.

Subp. 3. to 6. [Unchanged.]

9200.9200 APPORTIONMENT.

Subpart 1. In general. For grants and loans to be awarded over the life of this program, the board shall apportion funds

allocated to it by the legislature for this program as set out in Article VI of the Waste Management Act, Minnesota Statutes, sections 115A.49 to 115A.54, as follows in subparts 2 ~~to 5~~ and 3.

Subp. 2. [Unchanged.]

Subp. 3. Number of funding rounds Applications accepted. The board shall ~~distribute the money appropriated for the purposes of~~ accept applications for assistance under the demonstration program ~~during four funding rounds commencing on January 1, 1983. Each funding round entails a six month period of time~~ while funds remain available or until the program is terminated.

Subp. 4. and 5. [See repealer.]

REPEALER: Minnesota Rules, parts 9200.8100, subpart 8; 9200.8600, subparts 1, 2, and 3; 9200.8900; and 9200.9200, subparts 4 and 5 are repealed.

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.

Department of Labor and Industry
Occupational Safety and Health Division

Adoption by Reference of Occupational Safety and Health Standards

Pursuant to Minn. Stat. § 182.655 (1984) notice was duly published at *State Register*, Volume 9, Number 5, dated July 30, 1984 [9 SR 225] specifying the establishment and modification of certain Occupational Safety and Health Standards; specifically, the lifting of the administrative stay of the effective date for compliance plan requirements for primary and secondary smelting and battery manufacturing industries under the Occupational Exposure to Lead Standard, and the final rule governing Occupational Exposure to Ethylene Oxide.

No objections, comments or written requests for public hearing have been received; therefore, these Occupational Safety and Health Standards are adopted and are identical in every respect to their personal form.

Steve Keefe
Commissioner of Labor & Industry

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

STATE OF MINNESOTA
WASTE MANAGEMENT BOARD

Proposed Amendments to
Minnesota Rules Parts
9200.8100-.9200, Solid
Waste Processing Facilities
Demonstration Program Rules

FINDINGS OF FACT
AND CONCLUSIONS

The above-entitled matter came on for decision before the Minnesota Waste Management Board (Board) on the 25th day of October, 1984. After affording all interested persons the opportunity to present written and oral data, and statements and arguments to the Board, in accordance with statutory requirements regarding the adoption of noncontroversial rules, after considering the Statement of Need and Reasonableness, and after considering all of the evidence adduced upon the records, files and proceedings herein, the Board, being fully advised in the premises, hereby adopts the following Findings of Fact and Conclusions.

FINDINGS OF FACT

1. The Board published its notice of intent to adopt the above-captioned amendments to existing rules without a public hearing, together with the proposed rule amendments, in the State Register on September 24, 1984 (9 S.R. 660).

2. On September 24, 1984, the Board gave the same notice by United States mail to all persons who have registered their names with the Board pursuant to Minn. Stat. §14.14 (Supp. 1983).

3. The notice of the Board's intent to amend the rules afforded all interested persons 30 days to submit data and views on the proposed rule amendments. The notice was in all respects

in compliance with the requirements of Minn. Stat. §14.22 (Supp. 1983).

4. The Board prepared a Statement of Need and Reasonableness and made it available to the public upon the date of mailing the notice of intent to adopt the rule amendments.

5. The 30-day comment period, as set out in the notice, expired on October 24, 1984.

6. During the comment period, the Board received no written comments.

7. The Board finds that no modifications to the proposed rule amendments are supported.

8. The Board adopts the Statement of Need and Reasonableness, in its entirety, as the factual basis for the amendments to the rules. The Board hereby incorporates the Statement of Need and Reasonableness into these Findings.

CONCLUSIONS

1. The Minnesota Waste Management Board has duly acquired and has jurisdiction over this proceeding.

2. The Board has published and served due, timely and adequate notice of its intent to adopt the above-captioned amendments to existing rules without a public hearing.

3. The Board has complied with all relevant legal and procedural requirements of Minnesota statutes and rules.

4. No modifications have been made to the proposed amendments to the rules.

MINNESOTA WASTE MANAGEMENT BOARD

Robert G. Dunn
Chairperson

Dated: 10/25 , 1984

WP/TED/DEMO 9/21/84

STATE OF MINNESOTA

WASTE MANAGEMENT BOARD

In the Matter of the Proposed
Amendments to Rules of the
State Waste Management Board
Governing the Solid Waste Processing
Facilities Demonstration Program
9200.8100 - 9200.9200

STATEMENT OF NEED
AND REASONABLENESS

I. INTRODUCTION

The subject of this rulemaking proceeding is the amendment of the adopted rules governing the award of grants and loans for capital costs of solid waste processing facilities. The rules for the Waste Management Board (hereinafter "Board"), 9200.8100 - 9200.9200, were adopted to provide an orderly and predictable method to identify eligible projects and project costs; specify grant and loan application procedures; provide application deadlines; establish project review and evaluation criteria; set limitations on grant and loan awards; and specify the contents of grant and loan agreements.

The present rules were drafted to modify the adopted rules in order to simplify the Board's application review procedures based upon the Board's past experience with the program.

These rules will follow non-controversial rule-making procedures.

II. NEED FOR THE PROPOSED AMENDMENTS

The Board is required by Minnesota Statutes, Section 115A.49, to promulgate rules to govern its activities under the solid waste processing facilities demonstration program. These amendments are necessary to improve the adopted rules and make the Board's Solid Waste Processing Facilities Demonstration Program more efficient to administer and more accessable to applicants.

III. REASONABLENESS OF THE PROPOSED AMENDMENTS

9200.8100 DEFINITIONS

Subpart 8. This section defines "Funding round." It is proposed for deletion based upon suggested modifications in the rules eliminating the concept of funding rounds. Reasons for the elimination of funding rounds will be included later in this document.

Subpart 9. This section defines "institutional arrangements." In the definition, language defining one type of institutional arrangement as "joint efforts between political subdivisions" is being changed to "joint efforts by more than one local government unit." This change is being made to make the language in the rules consistent with language in the Waste Management Act.

9200.8600 GRANT AND LOAN APPLICATION PROCEDURES

Subparts 1-3. These sections describe the method by which the Board receives and reviews program applications for loans or loans with grants.

When the Board developed the original program rules, a decision to distribute the grant and loan funds over a series of four funding rounds was made based upon the rationale that not all of the eligible applicants would have had enough time to prepare the required documentation to be submitted with an application by the time the program started. To allow communities in different stages of developing resource recovery programs an adequate period of time to prepare the required documentation, the Board felt it was necessary to spread the distribution of available funds over several funding rounds.

The funding rounds were each six months long, and included a three month application period and a three month review period. The original rules were designed to assist the Board in considering numerous and varied applications for

funding assistance.

However, it has been the Board's experience that funding rounds were not necessary for the fair and efficient administration of the program. The Board is currently in the middle of the fourth and final planned funding round, and the numbers and types of funding applications originally anticipated have not materialized.

Because of this, the program rules are being revised to eliminate the concept of funding rounds and substitute an open funding application process where applicants are free to submit applications at any time. In this open application process, each application will be accepted and reviewed on a case-by-case basis, and each application will be reviewed according to an independent timetable.

9200.8700 INITIAL REVIEW

Subparts 1-3,6. These sections describe initial application review procedures. They are being revised to eliminate mention of funding rounds in accordance with revisions made to 9200.8600.

9200.8800 EVALUATION OF PROJECTS

This section (subparts 1-9) describes how the Board shall evaluate projects, and what factors shall be used in that evaluation.

Subpart 1. There are six technology types eligible for funding under the Board's demonstration program. The original program rules were developed anticipating multiple applications within each technology type during each funding round. To efficiently and fairly evaluate these applications, the original rules called for the Board to compare all applications received in a single funding round that utilized the same general technology type and select the top project in each category for further evaluation.

Because the number and variety of applications originally anticipated did not materialize, a procedure for comparing and evaluating projects within technology categories was not needed. It is anticipated that the proposed open funding process will be capable of evaluating all eligible applications without the need for ranking of projects.

Subpart 2. This section describes general factors used to evaluate all technologies. The number of general technology categories has been proposed for change from five to six to conform with 1983 amendments to the Waste Management Act.

Subpart 9. In designing the Board's demonstration program, the Legislature gave specific directions to the Board concerning how it should allocate priority in determining which projects should be funded. These legislative priorities have been moved from one location in the original rules to subpart 9 in the proposed rules. This was neessary because the section that originally contained the legislative priorities, 9200.8900, is proposed for deletion from the rules.

9200.8900. Evaluation of projects selected from each category. This entire section of the past rules has been deleted from the proposed rules. The proposed rules have eliminated the concept of evaluating projects by technology category.

9200.9000 AWARD OF GRANTS AND LOANS

Subpart 1. This section addresses the general procedures to be followed by the Board in awarding grants and loans. It has been revised to eliminate the concepts of funding rounds and project ranking. This change simplifies the application process.

Subpart 2. This section lists factors that the Board will use in making its

determination whether to award grants. It has been revised to remove references to loans to emphasize that these factors are specifically concerned with funding decisions regarding grants.

Subpart 3. The only revision in this section is a change in numbering.

9200.9100 GRANT AND LOAN AGREEMENT

Subpart 2. This section describes the rescission of grants and loans. It has been changed to clarify when grants and loans would have to be repaid in the event that funded projects are not completed .

9200.9200 APPORTIONMENT

Subpart 1. The only change in this section is a change in a reference to the number of subparts in 9200.9200 from five to three. This change reflects the fact that two subparts are being repealed.

Subpart 3. This section describes the period during which applications will be accepted. It is being changed to reflect the adoption of an open application process and the elimination of the concept of funding rounds.

STATE OF MINNESOTA
WASTE MANAGEMENT BOARD

Proposed Amendments to
Minnesota Rules Parts
9200.8100-.9200, Solid
Waste Processing Facilities
Demonstration Program Rules

STATEMENT OF COMPLIANCE
WITH RULEMAKING PROCEDURES

I, Special Assistant Attorney General Penny Troolin, do hereby declare that I have examined the proposed amendments to existing 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.

Penny Troolin

PENNY TROOLIN
Special Assistant
Attorney General

Dated: November 19, 1984

STATE OF MINNESOTA
WASTE MANAGEMENT BOARD

Proposed Amendments to
Minnesota Rules Parts
9200.8100-.9200, Solid
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Demonstration Program Rules

AFFIDAVIT REGARDING
NOTIFICATION OF
SUBMISSION TO
ATTORNEY GENERAL

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

E^d Welsch, being duly sworn on oath deposes and says:

1. That he is the person named in the Notice of Intent to Adopt Amendments to Existing Rules Without a Public Hearing as published in the State Register (9 S.R. 660, September 24, 1984) and as mailed to interested persons on September 24, 1984, as the person to receive requests for notification on the date that the Board submits the above-entitled rule amendments to the Attorney General for review.

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

ED WELSCH

Subscribed and sworn to before me
this 19th day of November, 1984

Carol T. Groppoli
Notary Public

CAROL T. GROPPOLI
NOTARY PUBLIC-MINNESOTA
RAMSEY COUNTY
My Comm. Expires Jun.23, 1987