

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

RULE REVIEW CHECKLIST

File No. 1407 — Docket No. 05.0009. 0696 ~~1408~~

DATE RECEIVED 9/29/87 — ADOPTED W/O HEARING Y

★ REVIEW DATE 10/8/87 — EMERGENCY RULE

DUE DATE 10/12/87

REVISOR APPROVED X

APPROVED 10-9-87 mjc — REVISOR DISAPPROVED

DISAPPROVED V — FIELD W/SEC.STATE

WITHDRAWN — RETURNED TO AGENCY

✓ Rule as adopted (4 copies)

~~Notice to Solicit Outside Information/Opinion~~

~~Date published in State Register~~

~~Comments~~

~~Petition for Adoption of a Rule~~

✓ Board's Authorizing Resolution

✓ Proposed rule

Yes Revisor's Certificate

✓ Notice of Intent to Adopt Rule

115A .49-.54 Statutory Authority

no Small Business Statement

no Expenditure of public money statement

yes Signature

✓ Statement of Need and Reasonableness

yes Small Business Statement

no Fees - § 16A.128

✓ Affidavit of Mailing Notice of Intent to Adopt Rule

7/28/87 Date 30/25 days before adoption

✓ Publication in State Register

7/27/87 Date 30/25 days before adoption

✓ Resolution Adopting

✓ Findings of Fact, Conclusions & Order Adopting

9/10/87 Date

✓ Written requests, submissions or comments

✓ Declaration of attorney

Ann Cohen Name of SAAG representing agency

✓ ~~Notice of Submission to Attorney General~~

~~Affidavit of Mailing Notice to Attorney General~~

SF-00006-05 (4/86)

STATE OF MINNESOTA

Office Memorandum

DEPARTMENT : ATTORNEY GENERAL

DATE : October 12, 1987

TO : ANN E. COHEN
Special Assistant
Attorney General

FROM : JULIE A. LEPPINK

PHONE : 7-3493

SUBJECT : In the Matter of the Adopted Rules Relating to Solid Waste Processing Facility Capital Assistance Program and the Solid Waste Processing Facilities Demonstration Program

The above-referenced rule has been approved as to its legality by the Attorney General on October 9, 1987.

Enclosed is the agency's copy of the approved rule. This office has already filed two copies with the Secretary of State, who will forward one copy to the Revisor of Statutes. The fourth is being retained by this division of the Attorney General's Office for its records.

Also enclosed are any petitions, requests, submission or comments received by the agency and any extra copies of documents which the agency submitted to the Attorney General.

In order for a permanent rule without a hearing to become effective, your agency must publish a notice of adoption in the State Register in accordance with Minn. Stat. § 14.27. An emergency rule becomes effective five working days after approval by the Attorney General; however, the agency must publish a notice in the State Register in accordance with Minn. Stat. § 14.34.

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

JAL:nah

Enclosures

cc: Maryanne Hruby
Executive Director
Legislative Commission to Review
Adminsitrative Rules

Duane Harves
Chief Administrative Law Judge
Office of Administrative Hearings

Waste Management Board

Adopted Permanent Rules Relating to the Solid Waste Processing Facility Capital Assistance Program and the Solid Waste Processing Facilities Demonstration Program

Rules as Adopted

9200.6200 GRANT APPLICATION PROCEDURES.

Subpart 1. to 3. [Unchanged.]

Subp. 4. **Legislative priorities.** The board shall give priority to projects located in cities, counties, or districts in which:

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

B. and C. [Unchanged.]

9200.6300 ELIGIBILITY CRITERIA.

Subpart 1. [Unchanged.]

Subp. 2. **Eligible projects.** Six types of projects are eligible for grants: waste to energy; materials recovery; chemical, physical, or biological modifications; transfer stations; special waste streams; and waste incineration with resource recovery. Eligible projects are limited to those in which the land, buildings, and equipment are publicly owned.

Subp. 3. **Eligible costs.** Except as provided in part ~~9200.8220~~ 9200.6900, eligible costs under parts 9200.6050 to 9200.6800 are limited to the costs of land; waste processing equipment; structures necessary to house the waste processing equipment; transmission facilities; appropriate and necessary on-site utilities; landscaping; on-site roads and parking; structures necessary to concentrate and temporarily store solid waste before transportation to a waste processing facility; trailers, containers, and roll-off boxes necessary to transport wastes from transfer stations to a processing facility, to transport processing facility products to market, or to transport residue from the processing facility to a solid waste

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land disposal facility; and final design and engineering/architectural plans.

Subp. 4. **Ineligible costs.** Except as provided in part ~~9200.8220~~ 9200.6900, ineligible costs include any costs related to solid waste disposal facilities and equipment, structures for housing and maintenance of rolling stock, or any costs related to resource recovery studies, feasibility analyses, or preliminary design and engineering/architectural plans.

9200.6500 SUPPORTING DOCUMENTATION REQUIRED TO BE SUBMITTED WITH GRANT APPLICATION.

Applications for waste processing facilities grants shall include the following supporting documentation:

A. and B. [Unchanged.]

C. A report demonstrating that the project is not financially prudent without state assistance, due to the applicant's financial capacity and the problems inherent in waste management in the area. The report shall include the following documentation:

(1) to (8) [Unchanged.]

(9) other characteristics of waste management in the area that render state assistance important to the financial feasibility of the project.

D. to J. [Unchanged.]

K. If the applicant requests priority under Minnesota Statutes, section 115A.49, documentation:

(1) that the natural geologic and soil conditions are especially unsuitable for land disposal of solid waste;

(2) and (3) [Unchanged.]

L. If the project serves eligible jurisdictions in only a single county, documentation demonstrating that cooperation with jurisdictions in other counties is not needed or not feasible, including:

(1) and (2) [Unchanged.]

9200.6600 REVIEW AND EVALUATION OF APPLICATIONS.

Subpart 1. and 2. [Unchanged.]

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Subp. 3. **Evaluation of need for financial assistance.** In making its evaluation of the application, the board shall first evaluate the information supplied in part 9200.6500, item C to determine whether or not board assistance is important for facility development. If the board determines that assistance is not ~~necessary~~ important, evaluation of the application shall cease and the application shall be returned to the applicant. If the board determines that assistance is ~~necessary~~ important, evaluation will proceed to the second stage. During the second stage, the board shall evaluate documentation submitted under part 9200.6500, items A, B, and D to L.

Subp. 4. **Evaluation of applications.** If the board determines that the project is in need of state assistance, the board shall evaluate the application to determine whether the application demonstrates:

A. to D. [Unchanged.]

E. that for projects serving eligible jurisdictions in only a single county, cooperation with jurisdictions in other counties to develop the project is not needed or not feasible; and

F. that the project is not financially prudent without state assistance, because of the applicant's financial capacity and the problems inherent in the waste management situation in the area, particularily transportation distances and limited waste supply and markets for resources recovered.

Subp. 5. and 6. [Unchanged.]

9200.6700 LIMITATIONS.

Subpart 1. **Maximum grant award.** Except as provided in part ~~9200.8220~~ 9200.6900, the maximum grant award is 25 percent of the eligible capital costs of the project or $2,000,000, whichever is less, unless the project is a recycling project or a project to compost or co-compost waste. A recycling project or a project to compost or co-compost waste may receive grant assistance up to 50 percent of the capital cost of the project or $2,000,000, whichever is less.

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Subp. 2. and 3. [Unchanged.]

9200.6800 GRANT AGREEMENT.

Subpart 1. **Requirements.** A grant agreement shall:

A. to D. [Unchanged.]

E. provide that the board will not accept amendments requesting that additional funds be awarded to the recipient except as provided in part ~~9200.8220~~ 9200.6900;

F. to H. [Unchanged.]

Subp. 2. and 3. [Unchanged.]

~~9200.8210~~ 9200.6890 DEFINITIONS.

The definitions in Minnesota Statutes, section 115A.03, and in parts 9200.6000 to 9200.6800 and 9200.8100 to 9200.9100 apply to part ~~9200.8220~~ 9200.6900 unless the context requires otherwise.

~~9200.8220~~ 9200.6900 ENVIRONMENTAL TESTING GRANTS.

Subpart 1. **Eligible applicants.** Eligible applicants are limited to those eligible under Minnesota Statutes, section 115A.50.

Subp. 2. **Eligible projects.** Eligible projects are limited to those eligible for funding under Minnesota Statutes, section 115A.54.

Subp. 3. **Eligible costs.** Eligible costs under this part are limited to the costs of tests necessary to determine the appropriate pollution control equipment for the project or the environmental effects of the use of any product or material produced by the project. ~~Tests necessary to determine the appropriate pollution control equipment shall be limited to those tests needed to identify pollution control equipment needed to bring the facility into compliance with applicable standards.~~ The cost of routine environmental monitoring ~~required to comply with operating permit conditions~~ is not eligible for funding under this part.

Subp. 4. **Information on grant application.** Applications for environmental testing grants shall include the following

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information as required in the application forms supplied by the board:

A. the name of each applicant making the grant application;

B. the name of each political subdivision affected by the project;

C. the name, qualifications, and address of the project manager;

D. the name, qualifications, and address of the facility operator;

E. the total costs of testing eligible for funding under this part as documented by a proposal from a testing laboratory to perform the testing setting out the costs of the testing that will be performed;

F. the amount of grant funding requested;

G. the type of waste processing facility for which the application is being submitted, and the type of testing that is needed for the facility; and

H. a work plan including a detailed description of the type of testing that will be performed, who will be performing the testing, and a time schedule for the testing. ~~It is recommended that~~ Applicants must contact the Pollution Control Agency ~~or other regulatory agency~~ before developing a ~~test proposal~~ work plan to receive assistance in determining the tests that are needed.

Subp. 5. **Review and approval of applications.** The chair shall review each application for funding under this part for eligibility and completeness. When the chair has determined that the applicant is eligible and that the application is complete, the chair shall forward the application to the Pollution Control Agency, or other appropriate regulatory agencies, for review.

Subp. 6. **Board determination.** The board shall evaluate the application to determine if the proposed testing is necessary to determine the appropriate pollution control equipment for the project or the environmental effects of the

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use of any product or material produced by the project. In making this determination, the board shall consider the comments of the Pollution Control Agency or other regulatory agency that has reviewed the application. If the board determines that the proposed testing is necessary, the board shall determine the amount to be awarded and authorize the chair to enter into an agreement with the applicant governing disbursement of funds.

Subp. 7. **Funding level.** The board shall fund 100 percent of the cost of testing under this part. The maximum grant award per project shall be limited to ~~$100,000~~ $200,000. Grants shall not be awarded to cover any cost associated with tasks performed before the grant award or after the expiration of the grant agreement.

Subp. 8. **Grant agreement.** The grant agreement shall incorporate by reference the final grant application submitted to the board under this part; provide that any cost overruns incurred by the testing program shall be the sole responsibility of the recipient; provide that the board will not accept amendments requesting that additional funds be awarded to the recipient unless the board determines that additional testing is necessary; and require that the recipient make the information developed as a result of the testing available to the state and other persons who request the information.

9200.8300 ELIGIBILITY CRITERIA.

Subpart 1. and 2. [Unchanged.]

Subp. 3. **Eligible costs.** Except as provided in part ~~9200.8220~~ 9200.6900, eligible costs under parts 9200.8100 to 9200.9200 shall be limited to the costs of land, waste processing equipment, structures necessary to house the waste processing equipment, appropriate and necessary on-site utilities, landscaping; on-site roads and parking; trailers, containers, and roll-off boxes necessary to transport products to market, or to transport residue from the processing facility to a solid waste land disposal facility, and final design and engineering/architectural plans.

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Subp. 4. **Ineligible costs.** Except as provided in part ~~9200.8220~~ 9200.6900, ineligible costs include any costs related to solid waste disposal facilities and equipment, structures for housing and maintenance of rolling stock, or any costs related to resource recovery studies, feasibility analyses, or preliminary design and engineering/architectural plans.

9200.8500 SUPPORTING DOCUMENTATION REQUIRED TO BE SUBMITTED WITH APPLICATION.

Applications for grants or loans for waste processing facilities shall include the following supporting documentation:

A. to I. [Unchanged.]

J. if the applicant requests priority under Minnesota Statutes, section 115A.49, documentation:

(1) that the natural geologic and soil conditions are especially unsuitable for land disposal of solid waste;

(2) that the available capacity of existing solid waste disposal facilities is less than five years; or

(3) that the proposed project would serve more than one local government unit.

9200.8600 GRANT AND LOAN APPLICATION PROCEDURES.

Subp. 1a. [Unchanged.]

Subp. 2a. [Unchanged.]

Subp. 4. [Unchanged.]

Subp. 5. **Legislative priorities.** The board shall give priority to projects located in cities, counties, or districts in which:

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

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

C. the project serves more than one local government unit.

9200.9000 AWARD OF GRANTS AND LOANS.

Subp. 4. **Maximum awards.** The maximum loan award shall be

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50 percent of the eligible costs specified in the application or $400,000, whichever is less. Except as provided in part ~~9200.8220~~ 9200.6900, the maximum grant award shall be 50 percent of the eligible costs specified in the application or $400,000, whichever is less. Except as provided in part ~~9200.8220~~ 9200.6900, the maximum combined grant and loan award is $400,000.

Subp. 5. and 6. [Unchanged.]

9200.9100 GRANT, LOAN, OR GRANT AND LOAN AGREEMENT.

Subpart 1. **Requirements.** A grant, loan, or grant and loan agreement shall:

A. to F. [Unchanged.]

G. provide that the board will not accept amendments requesting that additional funds be awarded to the recipient except as provided in part ~~9200.8220~~ 9200.6900;

H. to K. [Unchanged.]

Subp. 2. to 4. [Unchanged.]

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STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
OCT 12 1987

Joan Anderson Growe
Secretary of State

APPROVED AS TO FORM AND LEGALITY
October 9 19 87

HUBERT H. HUMPHREY, III
ATTORNEY GENERAL
BY M J Carsley
SPECIAL ASSISTANT ATTORNEY GENERAL

9:33 AM

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Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to the Solid Waste Processing Facility Capital Assistance Program and the Solid Waste Processing Facilities Demonstration Program

AGENCY: Waste Management Board

MINNESOTA RULES: Chapter 9200

The attached rules are approved for publication
in the State Register

Paul M. Marinac
Assistant Deputy Revisor

Waste Management Board

Proposed Permanent Rules Relating to the Solid Waste Processing Facility Capital Assistance Program and the Solid Waste Processing Facilities Demonstration Program

Rules as Proposed

9200.6200 GRANT APPLICATION PROCEDURES.

Subpart 1. to 3. [Unchanged.]

Subp. 4. **Legislative priorities.** The board shall give priority to projects located in cities, counties, or districts in which:

A. the natural geologic and soil conditions are <u>especially</u> unsuitable for land disposal of solid waste;

B. and C. [Unchanged.]

9200.6300 ELIGIBILITY CRITERIA.

Subpart 1. [Unchanged.]

Subp. 2. **Eligible projects.** Six types of projects are eligible for grants: waste to energy; materials recovery; chemical, physical, or biological modifications; transfer stations; special waste streams; and waste incineration with resource recovery. Eligible projects are limited to those in which the land, buildings, and equipment are publicly owned.

~~Projects that were awarded assistance by the board pursuant to applications submitted under Minnesota Statutes, sections 115A.49 to 115A.54 before July 1, 1985, are eligible for additional assistance under this program, but no project may receive a total amount of grant assistance in excess of the limits in part 9200.6700, subpart 1. Previously funded projects seeking additional funding under this program shall complete the documentation required under part 9200.6500.~~

Subp. 3. **Eligible costs.** <u>Except as provided in part 9200.8220,</u> eligible costs under parts 9200.6050 to 9200.6800 are limited to the costs of land; waste processing equipment; structures necessary to house the waste processing equipment;

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transmission facilities; appropriate and necessary on-site utilities; landscaping; on-site roads and parking; structures necessary to concentrate and temporarily store solid waste before transportation to a waste processing facility; trailers, containers, and roll-off boxes necessary to transport wastes from transfer stations to a processing facility, to transport processing facility products to market, or to transport residue from the processing facility to a solid waste land disposal facility; and final design and engineering/architectural plans.

Subp. 4. **Ineligible costs.** Except as provided in part 9200.8220, ineligible costs include any costs related to solid waste disposal facilities and equipment, structures for housing and maintenance of rolling stock, or any costs related to resource recovery studies, feasibility analyses, or preliminary design and engineering/architectural plans.

9200.6500 SUPPORTING DOCUMENTATION REQUIRED TO BE SUBMITTED WITH GRANT APPLICATION.

Applications for waste processing facilities grants shall include the following supporting documentation:

A. and B. [Unchanged.]

C. A report demonstrating that the project is not financially ~~feasible~~ prudent without state assistance, due to the applicant's financial capacity and the problems inherent in waste management in the area. The report shall include the following documentation:

(1) to (8) [Unchanged.]

(9) other characteristics of waste management in the area that render state assistance ~~necessary~~ important to the financial feasibility of the project.

D. to J. [Unchanged.]

K. If the applicant requests priority under Minnesota Statutes, section 115A.49, documentation:

(1) that the natural geologic and soil conditions are especially unsuitable for land disposal of solid waste;

(2) and (3) [Unchanged.]

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~~L. If the project has previously received funding from the board under the board's solid waste processing facility demonstration program, documentation of how the project has changed since the previous award and why the project is not financially feasible without additional funding. This documentation shall include:~~

~~(1) a description of changes in the scope or design of the project;~~

~~(2) a description of changes in major external factors affecting the project;~~

~~(3) an explanation and demonstration of why the project is no longer financially feasible without additional state assistance; and~~

~~(4) a revised implementation schedule.~~

~~M.~~ If the project serves eligible jurisdictions in only a single county, documentation demonstrating that cooperation with jurisdictions in other counties is not needed or not feasible, including:

(1) and (2) [Unchanged.]

9200.6600 REVIEW AND EVALUATION OF APPLICATIONS.

Subpart 1. and 2. [Unchanged.]

Subp. 3. **Evaluation of need for financial assistance.** In making its evaluation of the application, the board shall first evaluate the information supplied in part 9200.6500, item C to determine whether or not board assistance is ~~necessary~~ important for facility development. If the board determines that assistance is not necessary, evaluation of the application shall cease and the application shall be returned to the applicant. If the board determines that assistance is necessary, evaluation will proceed to the second stage. During the second stage, the board shall evaluate documentation submitted under part 9200.6500, items A, B, and D to ~~M~~ L.

Subp. 4. **Evaluation of applications.** If the board determines that the project is in need of state assistance, the board shall evaluate the application to determine whether the

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application demonstrates:

A. to D. [Unchanged.]

E. that for projects serving eligible jurisdictions in only a single county, cooperation with jurisdictions in other counties to develop the project is not needed or not feasible; and

~~F. that resource recovery facilities that burn waste, convert waste to energy, or convert waste into materials for combustion will not accept recyclable materials except for transfer to a recycler; and~~

~~G.~~ that the project is not financially ~~feasible~~ prudent without state assistance, because of the applicant's financial capacity and the problems inherent in the waste management situation in the area, particularily transportation distances and limited waste supply and markets for resources recovered.

Subp. 5. and 6. [Unchanged.]

9200.6700 LIMITATIONS.

Subpart 1. **Maximum grant award.** Except as provided in part 9200.8220, the maximum grant award is 25 percent of the eligible capital costs of the project or $2,000,000, whichever is less, unless the project is a recycling project or a project to compost or co-compost waste. A recycling project or a project to compost or co-compost waste may receive grant assistance up to 50 percent of the capital cost of the project or $2,000,000, whichever is less.

Subp. 2. and 3. [Unchanged.]

9200.6800 GRANT AGREEMENT.

Subpart 1. **Requirements.** A grant agreement shall:

A. to D. [Unchanged.]

E. provide that the board will not accept amendments requesting that additional funds be awarded to the recipient except as provided in part 9200.8220;

F. to H. [Unchanged.]

Subp. 2. and 3. [Unchanged.]

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9200.8210 DEFINITIONS.

The definitions in Minnesota Statutes, section 115A.03, and in parts 9200.6000 to 9200.6800 and 9200.8100 to 9200.9100 apply to part 9200.8220 unless the context requires otherwise.

9200.8220 ENVIRONMENTAL TESTING GRANTS.

Subpart 1. **Eligible applicants.** Eligible applicants are limited to those eligible under Minnesota Statutes, section 115A.50.

Subp. 2. **Eligible projects.** Eligible projects are limited to those eligible for funding under Minnesota Statutes, section 115A.54.

Subp. 3. **Eligible costs.** Eligible costs under this part are limited to the costs of tests necessary to determine the appropriate pollution control equipment for the project or the environmental effects of the use of any product or material produced by the project. Tests necessary to determine the appropriate pollution control equipment shall be limited to those tests needed to identify pollution control equipment needed to bring the facility into compliance with applicable standards. The cost of monitoring required to comply with operating permit conditions is not eligible for funding under this part.

Subp. 4. **Information on grant application.** Applications for environmental testing grants shall include the following information as required in the application forms supplied by the board:

A. the name of each applicant making the grant application;

B. the name of each political subdivision affected by the project;

C. the name, qualifications, and address of the project manager;

D. the name, qualifications, and address of the facility operator;

E. the total costs of testing eligible for funding

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under this part as documented by a proposal from a testing laboratory to perform the testing setting out the costs of the testing that will be performed;

F. the amount of grant funding requested;

G. the type of waste processing facility for which the application is being submitted, and the type of testing that is needed for the facility; and

H. a work plan including a detailed description of the type of testing that will be performed, who will be performing the testing, and a time schedule for the testing. It is recommended that applicants contact the Pollution Control Agency or other regulatory agency before developing a test proposal to receive assistance in determining the tests that are needed.

Subp. 5. **Review and approval of applications.** The chair shall review each application for funding under this part for eligibility and completeness. When the chair has determined that the applicant is eligible and that the application is complete, the chair shall forward the application to the Pollution Control Agency, or other appropriate regulatory agencies, for review.

Subp. 6. **Board determination.** The board shall evaluate the application to determine if the proposed testing is necessary to determine the appropriate pollution control equipment for the project or the environmental effects of the use of any product or material produced by the project. In making this determination, the board shall consider the comments of the Pollution Control Agency or other regulatory agency that has reviewed the application. If the board determines that the proposed testing is necessary, the board shall determine the amount to be awarded and authorize the chair to enter into an agreement with the applicant governing disbursement of funds.

unconstitutional authority?

Subp. 7. **Funding level.** The board shall fund 100 percent of the cost of testing under this part. The maximum grant award per project shall be limited to $100,000. Grants shall not be awarded to cover any cost associated with tasks performed before

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the grant award or after the expiration of the grant agreement.

Subp. 8. **Grant agreement.** The grant agreement shall incorporate by reference the final grant application submitted to the board under this part; provide that any cost overruns incurred by the testing program shall be the sole responsibility of the recipient; provide that the board will not accept amendments requesting that additional funds be awarded to the recipient unless the board determines that additional testing is necessary; and require that the recipient make the information developed as a result of the testing available to the state and other persons who request the information.

9200.8300 ELIGIBILITY CRITERIA.

Subpart 1. and 2. [Unchanged.]

Subp. 3. **Eligible costs.** Except as provided in part 9200.8220, eligible costs under parts 9200.8100 to 9200.9200 shall be limited to the costs of land, waste processing equipment, structures necessary to house the waste processing equipment, appropriate and necessary on-site utilities, landscaping; on-site roads and parking; trailers, containers, and roll-off boxes necessary to transport products to market, or to transport residue from the processing facility to a solid waste land disposal facility, and final design and engineering/architectural plans.

Subp. 4. **Ineligible costs.** Except as provided in part 9200.8220, ineligible costs include any costs related to solid waste disposal facilities and equipment, structures for housing and maintenance of rolling stock, or any costs related to resource recovery studies, feasibility analyses, or preliminary design and engineering/architectural plans.

9200.8500 SUPPORTING DOCUMENTATION REQUIRED TO BE SUBMITTED WITH APPLICATION.

Applications for grants or loans for waste processing facilities shall include the following supporting documentation:

A. to I. [Unchanged.]

J. if the applicant requests priority under Minnesota

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Statutes, section 115A.49, documentation:

(1) that the natural geologic and soil conditions are <u>especially</u> unsuitable for land disposal of solid waste;

(2) that the available capacity of existing solid waste disposal facilities is less than five years; or

(3) that the proposed project would serve more than one local government unit.

9200.8600 GRANT AND LOAN APPLICATION PROCEDURES.

Subp. 1a. [Unchanged.]

Subp. 2a. [Unchanged.]

Subp. 4. [Unchanged.]

Subp. 5. **Legislative priorities.** The board shall give priority to projects located in cities, counties, or districts in which:

A. the natural geologic and soil conditions are <u>especially</u> unsuitable for land disposal of solid waste;

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

C. the project serves more than one local government unit.

9200.9000 AWARD OF GRANTS AND LOANS.

Subp. 4. **Maximum awards.** The maximum loan award shall be 50 percent of the eligible costs specified in the application or $400,000, whichever is less. <u>Except as provided in part 9200.8220,</u> the maximum grant award shall be 50 percent of the eligible costs specified in the application or $400,000, whichever is less. <u>Except as provided in part 9200.8220,</u> the maximum combined grant and loan award is $400,000.

Subp. 5. and 6. [Unchanged.]

9200.9100 GRANT, LOAN, OR GRANT AND LOAN AGREEMENT.

Subpart 1. **Requirements.** A grant, loan, or grant and loan agreement shall:

A. to F. [Unchanged.]

G. provide that the board will not accept amendments

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requesting that additional funds be awarded to the recipient except as provided in part 9200.8220;

H. to K. [Unchanged.]

Subp. 2. to 4. [Unchanged.]

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by Revisor _____

STATE OF MINNESOTA

WASTE MANAGEMENT BOARD

In the Matter of the Proposed Adoption of Amendments to Existing Rules of the Waste Management Board Governing the Solid Waste Processing Facility Demonstration Program and the Solid Waste Processing Facility Capital Assistance Program	)))))))	NOTICE OF INTENT TO ADOPT AMENDMENTS TO EXISTING RULES WITHOUT A PUBLIC HEARING

3

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 request for a public hearing should submit such comments or request in writing 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-.54 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 that identifies the data and information relied upon to support the proposed amendments to existing rules has been prepared. A copy may be obtained by contacting the Waste Management Board, Attn: Ed Welsch, 123 Thorson Building, 7323 58th Avenue North, Crystal, MN 55428.

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.

A copy of the proposed amendments to the existing rules is attached to this Notice.

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.

JOSEPH M. PAVELICH, CHAIR
Waste Management Board

Waste Management Board

Proposed Permanent Rules Relating to the Solid Waste Processing Facility Capital Assistance Program and the Solid Waste Processing Facilities Demonstration Program

Rules as Proposed

9200.6200 GRANT APPLICATION PROCEDURES.

Subpart 1. to 3. [Unchanged.]

Subp. 4. **Legislative priorities.** The board shall give priority to projects located in cities, counties, or districts in which:

A. the natural geologic and soil conditions are <u>especially</u> unsuitable for land disposal of solid waste;

B. and C. [Unchanged.]

9200.6300 ELIGIBILITY CRITERIA.

Subpart 1. [Unchanged.]

Subp. 2. **Eligible projects.** Six types of projects are eligible for grants: waste to energy; materials recovery; chemical, physical, or biological modifications; transfer stations; special waste streams; and waste incineration with resource recovery. Eligible projects are limited to those in which the land, buildings, and equipment are publicly owned.

~~Projects that were awarded assistance by the board pursuant to applications submitted under Minnesota Statutes, sections 115A.49 to 115A.54 before July 1, 1985, are eligible for additional assistance under this program, but no project may receive a total amount of grant assistance in excess of the limits in part 9200.6700, subpart 1. Previously funded projects seeking additional funding under this program shall complete the documentation required under part 9200.6500.~~

Subp. 3. **Eligible costs.** <u>Except as provided in part 9200.8220,</u> eligible costs under parts 9200.6050 to 9200.6800 are limited to the costs of land; waste processing equipment; structures necessary to house the waste processing equipment;

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transmission facilities; appropriate and necessary on-site utilities; landscaping; on-site roads and parking; structures necessary to concentrate and temporarily store solid waste before transportation to a waste processing facility; trailers, containers, and roll-off boxes necessary to transport wastes from transfer stations to a processing facility, to transport processing facility products to market, or to transport residue from the processing facility to a solid waste land disposal facility; and final design and engineering/architectural plans.

Subp. 4. **Ineligible costs.** Except as provided in part 9200.8220, ineligible costs include any costs related to solid waste disposal facilities and equipment, structures for housing and maintenance of rolling stock, or any costs related to resource recovery studies, feasibility analyses, or preliminary design and engineering/architectural plans.

9200.6500 SUPPORTING DOCUMENTATION REQUIRED TO BE SUBMITTED WITH GRANT APPLICATION.

Applications for waste processing facilities grants shall include the following supporting documentation:

A. and B. [Unchanged.]

C. A report demonstrating that the project is not financially ~~feasible~~ prudent without state assistance, due to the applicant's financial capacity and the problems inherent in waste management in the area. The report shall include the following documentation:

(1) to (8) [Unchanged.]

(9) other characteristics of waste management in the area that render state assistance ~~necessary~~ important to the financial feasibility of the project.

D. to J. [Unchanged.]

K. If the applicant requests priority under Minnesota Statutes, section 115A.49, documentation:

(1) that the natural geologic and soil conditions are especially unsuitable for land disposal of solid waste;

(2) and (3) [Unchanged.]

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~~L. If the project has previously received funding from the board under the board's solid waste processing facility demonstration program, documentation of how the project has changed since the previous award and why the project is not financially feasible without additional funding. This documentation shall include:~~

~~(1) a description of changes in the scope or design of the project;~~

~~(2) a description of changes in major external factors affecting the project;~~

~~(3) an explanation and demonstration of why the project is no longer financially feasible without additional state assistance; and~~

~~(4) a revised implementation schedule.~~

~~M.~~ If the project serves eligible jurisdictions in only a single county, documentation demonstrating that cooperation with jurisdictions in other counties is not needed or not feasible, including:

(1) and (2) [Unchanged.]

9200.6600 REVIEW AND EVALUATION OF APPLICATIONS.

Subpart 1. and 2. [Unchanged.]

Subp. 3. **Evaluation of need for financial assistance.** In making its evaluation of the application, the board shall first evaluate the information supplied in part 9200.6500, item C to determine whether or not board assistance is ~~necessary~~ important for facility development. If the board determines that assistance is not necessary, evaluation of the application shall cease and the application shall be returned to the applicant. If the board determines that assistance is necessary, evaluation will proceed to the second stage. During the second stage, the board shall evaluate documentation submitted under part 9200.6500, items A, B, and D to ~~M~~ L.

Subp. 4. **Evaluation of applications.** If the board determines that the project is in need of state assistance, the board shall evaluate the application to determine whether the

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application demonstrates:

A. to D. [Unchanged.]

E. that for projects serving eligible jurisdictions in only a single county, cooperation with jurisdictions in other counties to develop the project is not needed or not feasible; and

~~F. that resource recovery facilities that burn waste, convert waste to energy, or convert waste into materials for combustion will not accept recyclable materials except for transfer to a recycler; and~~

~~G.~~ that the project is not financially ~~feasible~~ prudent without state assistance, because of the applicant's financial capacity and the problems inherent in the waste management situation in the area, particularily transportation distances and limited waste supply and markets for resources recovered.

Subp. 5. and 6. [Unchanged.]

9200.6700 LIMITATIONS.

Subpart 1. **Maximum** grant award. Except as provided in part 9200.8220, the maximum grant award is 25 percent of the eligible capital costs of the project or $2,000,000, whichever is less, unless the project is a recycling project or a project to compost or co-compost waste. A recycling project or a project to compost or co-compost waste may receive grant assistance up to 50 percent of the capital cost of the project or $2,000,000, whichever is less.

Subp. 2. and 3. [Unchanged.]

9200.6800 GRANT AGREEMENT.

Subpart 1. **Requirements.** A grant agreement shall:

A. to D. [Unchanged.]

E. provide that the board will not accept amendments requesting that additional funds be awarded to the recipient except as provided in part 9200.8220;

F. to H. [Unchanged.]

Subp. 2. and 3. [Unchanged.]

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9200.8210 DEFINITIONS.

The definitions in Minnesota Statutes, section 115A.03, and in parts 9200.6000 to 9200.6800 and 9200.8100 to 9200.9100 apply to part 9200.8220 unless the context requires otherwise.

9200.8220 ENVIRONMENTAL TESTING GRANTS.

Subpart 1. **Eligible applicants.** Eligible applicants are limited to those eligible under Minnesota Statutes, section 115A.50.

Subp. 2. **Eligible projects.** Eligible projects are limited to those eligible for funding under Minnesota Statutes, section 115A.54.

Subp. 3. **Eligible costs.** Eligible costs under this part are limited to the costs of tests necessary to determine the appropriate pollution control equipment for the project or the environmental effects of the use of any product or material produced by the project. Tests necessary to determine the appropriate pollution control equipment shall be limited to those tests needed to identify pollution control equipment needed to bring the facility into compliance with applicable standards. The cost of monitoring required to comply with operating permit conditions is not eligible for funding under this part.

Subp. 4. **Information on grant application.** Applications for environmental testing grants shall include the following information as required in the application forms supplied by the board:

A. the name of each applicant making the grant application;

B. the name of each political subdivision affected by the project;

C. the name, qualifications, and address of the project manager;

D. the name, qualifications, and address of the facility operator;

E. the total costs of testing eligible for funding

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under this part as documented by a proposal from a testing laboratory to perform the testing setting out the costs of the testing that will be performed;

F. the amount of grant funding requested;

G. the type of waste processing facility for which the application is being submitted, and the type of testing that is needed for the facility; and

H. a work plan including a detailed description of the type of testing that will be performed, who will be performing the testing, and a time schedule for the testing. It is recommended that applicants contact the Pollution Control Agency or other regulatory agency before developing a test proposal to receive assistance in determining the tests that are needed.

Subp. 5. **Review and approval of applications.** The chair shall review each application for funding under this part for eligibility and completeness. When the chair has determined that the applicant is eligible and that the application is complete, the chair shall forward the application to the Pollution Control Agency, or other appropriate regulatory agencies, for review.

Subp. 6. **Board determination.** The board shall evaluate the application to determine if the proposed testing is necessary to determine the appropriate pollution control equipment for the project or the environmental effects of the use of any product or material produced by the project. In making this determination, the board shall consider the comments of the Pollution Control Agency or other regulatory agency that has reviewed the application. If the board determines that the proposed testing is necessary, the board shall determine the amount to be awarded and authorize the chair to enter into an agreement with the applicant governing disbursement of funds.

Subp. 7. **Funding level.** The board shall fund 100 percent of the cost of testing under this part. The maximum grant award per project shall be limited to $100,000. Grants shall not be awarded to cover any cost associated with tasks performed before

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the grant award or after the expiration of the grant agreement.

Subp. 8. **Grant agreement.** The grant agreement shall incorporate by reference the final grant application submitted to the board under this part; provide that any cost overruns incurred by the testing program shall be the sole responsibility of the recipient; provide that the board will not accept amendments requesting that additional funds be awarded to the recipient unless the board determines that additional testing is necessary; and require that the recipient make the information developed as a result of the testing available to the state and other persons who request the information.

9200.8300 ELIGIBILITY CRITERIA.

Subpart 1. and 2. [Unchanged.]

Subp. 3. **Eligible costs.** Except as provided in part 9200.8220, eligible costs under parts 9200.8100 to 9200.9200 shall be limited to the costs of land, waste processing equipment, structures necessary to house the waste processing equipment, appropriate and necessary on-site utilities, landscaping; on-site roads and parking; trailers, containers, and roll-off boxes necessary to transport products to market, or to transport residue from the processing facility to a solid waste land disposal facility, and final design and engineering/architectural plans.

Subp. 4. **Ineligible costs.** Except as provided in part 9200.8220, ineligible costs include any costs related to solid waste disposal facilities and equipment, structures for housing and maintenance of rolling stock, or any costs related to resource recovery studies, feasibility analyses, or preliminary design and engineering/architectural plans.

9200.8500 SUPPORTING DOCUMENTATION REQUIRED TO BE SUBMITTED WITH APPLICATION.

Applications for grants or loans for waste processing facilities shall include the following supporting documentation:

A. to I. [Unchanged.]

J. if the applicant requests priority under Minnesota

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Statutes, section 115A.49, documentation:

(1) that the natural geologic and soil conditions are especially unsuitable for land disposal of solid waste;

(2) that the available capacity of existing solid waste disposal facilities is less than five years; or

(3) that the proposed project would serve more than one local government unit.

9200.8600 GRANT AND LOAN APPLICATION PROCEDURES.

Subp. 1a. [Unchanged.]

Subp. 2a. [Unchanged.]

Subp. 4. [Unchanged.]

Subp. 5. **Legislative priorities.** The board shall give priority to projects located in cities, counties, or districts in which:

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

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

C. the project serves more than one local government unit.

9200.9000 **AWARD OF GRANTS AND LOANS.**

Subp. 4. **Maximum awards.** The maximum loan award shall be 50 percent of the eligible costs specified in the application or $400,000, whichever is less. Except as provided in part 9200.8220, the maximum grant award shall be 50 percent of the eligible costs specified in the application or $400,000, whichever is less. Except as provided in part 9200.8220, the maximum combined grant and loan award is $400,000.

Subp. 5. and 6. [Unchanged.]

9200.9100 GRANT, LOAN, OR GRANT AND LOAN AGREEMENT.

Subpart 1. **Requirements.** A grant, loan, or grant and loan agreement shall:

A. to F. [Unchanged.]

G. provide that the board will not accept amendments

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requesting that additional funds be awarded to the recipient except as provided in part 9200.8220;

H. to K. [Unchanged.]

Subp. 2. to 4. [Unchanged.]

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WASTE MANAGEMENT BOARD SOLID WASTE PROCESSING FACILITY
CAPITAL ASSISTANCE AND DEMONSTRATION PROGRAM
INCLUDING ENVIRONMENTAL TESTING GRANTS

STATEMENT OF NEED AND REASONABLENESS

4

I INTRODUCTION

Following 1987 Amendments to the Waste Management Act of 1980 in Minn. Laws 1987, chapter 348, the Waste Management Board (WMB) proposes revisions to the rules presently governing the Solid Waste Processing Facility Capital Assistance Program (CAP) and the Solid Waste Processing Facilities Demonstration Program (DEMO), including the addition of provisions establishing an Environmental Testing Grants Program. In addition to changes needed to conform to the new legislation, the proposed revisions to the CAP and the DEMO include an expanded definition of eligible costs.

II HISTORY

The Legislature passed the Waste Management Act in 1980. The Act created an 8.8 million dollar fund to finance innovative solid waste processing facilities and was called the Solid Waste Processing Facilities Demonstration Program. The program was limited to funding capital costs of projects, and applicants for this assistance were limited to cities, counties, and solid waste management districts established pursuant to Minn. Stat. § 115A.62 to 115A.72.

In 1985, the Legislature removed the "demonstration project" element and created the Solid Waste Processing Facility Capital Assistance Program to provide greater financial assistance to eligible applicants. The CAP provided for grants to local units of government for 25% of the capital costs of a project up to a maximum of two

million dollars. Additional appropriations to the program brought the total funds available to $15 million.

In 1987, the Legislature again amended the Waste Management Act of 1980. These revisions changed the level of grant funding available to projects funded under the CAP, as well as certain other aspects of the program relevant to funding applications.

III. NEED FOR THE PROPOSED RULES

Revision of the rules (Minn. Rules pts. 9200.6000 to 9200.6800 and 9200.8100 to 9200.9100) governing the CAP and the DEMO programs is needed to make them consistent with changes to the statutes governing the programs. In particular, provisions are needed for the orderly administration of grants authorized by Minn. Laws ch. 348, which amended Minn. Stat. § 115A.54, subd. 2a to provide that:

> In addition to any assistance received under clause (B) or (C), a project may receive grant assistance for the cost of tests necessary to determine the appropriate pollution control equipment for the project or the environmental effects of the use of any product or material produced by the project.

In Minn. Stat. § 115A.06 (1986), the WMB is given power to promulgate rules to implement sections 115A.01 to 115A.72. The WMB finds that rule amendments are needed to implement Minn. Stat. §§ 115A.49-.54 properly.

9200.6200 GRANT APPLICATION PROCEDURES

Subpart 4. Legislative Priorities.

This section is revised to comply with changes to Minn. Stat. § 115A.49 found in Minn. Laws 1987, ch. 348. Because the change directly reflects the legislative change and promotes consistency between the rule and the statute, it is reasonable.

9200.6300 ELIGIBILITY CRITERIA

Subpart 2. Eligible Projects.

This part is revised in order to comply with changes to Minn. Stat. § 115A.54, subdivision 2b found in Minn. Laws 1987, ch. 348. Because the change directly reflects the legislative change and promotes consistency between the rule and the statute, it is reasonable.

Subpart 3. Eligible Costs.

Experience with implementation of the CAP and DEMO has shown that a project must include landscaping and development of on-site roads and parking to be successful. Because these improvements are capital costs, and essential to the success of the project, it is reasonable to make these costs eligible for funding. This part also reflects that there are costs that do not meet the criteria established in this part, but which are eligible under part 9200.8220 (Environmental Testing Grants). Because the inserted language alerts applicants to the additional funds now available, it is reasonable to include it here.

Subpart 4. Ineligible Costs.

This part now reflects that there are costs that do not meet the criteria established in this part, but which are eligible under part 9200.8220 (Environmental Testing Grants). Because the inserted language alerts applicants to the different funds now available, it is reasonable to include it here.

9200.6500 SUPPORTING DOCUMENTATION REQUIRED TO BE SUBMITTED WITH GRANT APPLICATION

Item C. The contents of this report has been revised to comply with changes to Minn. Stat. §115A.54, subd. 6 made in Minn. Laws 1987, ch. 348. Because the

changes to the rule implement legislative changes directly and promote consistency between the rule and the statute, they are reasonable.

Item K. This item was revised to comply with changes to Minn. Stat. §115A.49 made in Minn. Laws 1987, ch. 348.

Item L. This item has been removed because Minn. Laws 1987, ch. 348 removed the authority for previously funded projects to increase grant funding under the CAP.

9200.6600 REVIEW AND EVALUATION OF APPLICATIONS

Subpart 3. Evaluation of need for financial assistance.

This part is revised in order to comply with changes to Minn. Stat. § 115A.54, subd. 2b made in Minn. Laws 1987, ch. 348. Because the change directly implements the legislative change and promotes consistency between the rule and the statute, it is reasonable.

Subpart 4. Evaluation of applications.

This part is revised in order to comply with changes to Minn. Stat. § 115A.54, subd. 2b made in Minn. Laws 1987, ch. 348. Because the change directly implements the legislative change and promotes consistency between the rule and the statute, it is reasonable.

9200.6700 LIMITATIONS

Subpart 1. Maximum grant award.

This part was revised to comply with changes to Minn. Stat. § 115A.54, subd. 2. Minn. Laws 1987, ch. 348 changed the statutory funding limitation by allowing recycling projects and composting projects to receive additional grant funding.

Because the proposed amendments directly reflect this change, they are reasonable. This section also reminds applicants of the funding available for environmental testing. It is reasonable to note that additional monies -- beyond the limits stated in this section --are available to applicants.

9200.68 GRANT AGREEMENT

Subpart 1. Requirements.

This section has been changed to alert applicants that they are still eligible for environmental testing grants.

9200.8210 DEFINITIONS

This part indicates that existing definitions will be applied in this new part. It is reasonable to use these definitions to promote consistent interpretation.

9200.8220 ENVIRONMENTAL TESTING GRANTS

Minn. Laws 1987, ch. 348 added a provision to Minn. Stat. § 115A.54 which allows a project to receive grant assistance for the cost of tests necessary to determine the appropriate pollution control equipment for the project, or the environmental effects of the use of any product or material produced by the project. Part 9200.8200 establishes the procedures for applications for assistance under this new authority.

Subpart 1. Eligible Applicants.

This subpart establishes that applicants will be limited to those who qualify for assistance under the Minn. Stat. § 115A.50. Because the environmental testing grants program will be funded by general obligation bonds, and because the environmental testing provision is part of the solid waste management

demonstration program (Minn. Stat. § 115A.49 - .54) it is reasonable to restrict the grants to public entities.

Subpart 2. Eligible projects.

This subpart establishes that eligible projects are limited to those eligible for funding under Minn. Stat. § 115A.54. It is not necessary that the eligible project have received funding under the existing programs. This is reasonable because Minn. Stat. § 115A.54, subd. 2a requires the board to provide technical and financial assistance for the acquisition and betterment of solid waste management projects as provided in this subdivision (Minn. Stat. § 115A.54, subd. 2a) and section 115A.52. Section 115A.52 was amended in Minn. Laws 1987, ch. 348 to provide that the board is to ensure that projects eligible for funding under the program receive technical assistance. Thus, allowing any project potentially eligible for board funding to use the environmental testing grant funds is reasonable because it effectuates legislative intent. It is further reasonable in that it would allow a project to identify the environmental control equipment that would be needed, and then to seek funding for that equipment under the Capital Assistance Program (Minn. Rules pt. 9200.6000 -.6800) or the Demonstration Program (Minn. Rules pt. 9200.8100 -.9100).

Subpart 3. Eligible Costs.

This subpart identifies the costs that can be funded under the environmental testing grants program. The first limitation established in this part is from the statute, which provides that tests are limited to those necessary to determine the appropriate pollution control equipment for the project or the environmental effects of the use of any product or material produced by the project. The second limitation interprets the statutory limitation by drawing a distinction between

normal monitoring requirements and special testing needed to identify pollution control equipment or the effects of use of a product of the project. This distinction is reasonable because the funds available for testing under the program are limited, and should not be used to cover the cost of testing needed to ascertain merely that the project is operating in compliance with its permit.

Subpart 4. Information on grant application.

This subpart identifies the information that is needed to determine the eligibility of the applicant and project, and the funding that should be awarded under this part of the program. In order to conduct a meaningful review and evaluation of each proposal, the board must have an adequate level of information about the applicant and the proposed facility testing program.

Item A is needed to determine grant applicant eligibility.

Item B is needed so that the board can contact affected political subdivisions to allow them an opportunity to comment on the proposed testing program. By allowing affected subdivisions an opportunity to comment, these entities will be more likely to support the results of the testing program.

Item C is needed so that the board can evaluate the qualifications of the project manager, and so that the project manager can be contacted during board's evaluation of the application.

As with Item C, Item D is needed so that the board can evaluate the ability of the project operator, and so that the project operator can be contacted during the board's evaluation of the application.

Item E, total costs, is needed so that the board can determine the amount of the grant award. This item is required to be supported by a proposal from the testing laboratory selected to perform the testing. This is reasonable to ensure that the total cost figure is firm, and represents the actual total needed to complete the testing.

Item F, grant funding requested, is needed so that applicants can specify the money that they need to complete the testing program. Although the board will provide 100 percent funding, some applicants may not require this level because of other available funds.

Item G, the type of facility and the type of testing, is needed for the board to evaluate the adequacy of the testing program proposed by the applicant.

Item H, the work plan, is needed for detailed evaluation of the testing program. This part includes a recommendation that the applicant seek the opinion of the appropriate regulatory agency in developing the test proposal. This is necessary because, under subpart 6, the board is required to consider the comments of the regulatory agencies in making its determination to give a grant under this section.

Subpart 5. Review and approval of applications.

This subpart establishes the initial procedures that the board shall follow in reviewing applications received at the board. The first review that the application will receive will be by the chair. The chair reviews the application for eligibility and completeness. It is reasonable to delegate this duty to the chair because these determinations are strictly ministerial. The chair is also required to forward the application to the Pollution Control Agency, or other appropriate regulatory body.

This is necessary to ensure that the regulatory agencies have time to review and comment upon the application.

Subpart 6. Board determination.

This part provides for board review of the merits of an application after the chair has determined that the application is eligible for funding and ready for review. The board evaluates the application to determine if it meets the criteria for a grant established by statute. The board also is required to consider the comments of the regulatory agencies that have reviewed the application. This is reasonable because it ensures that the regulatory agencies will be satisfied with the results of the testing.

Subpart 7. Funding level.

The funding level established under this part is 100 percent, with a cap of $100,000. This level of funding is reasonable because adequate funding exists under the program to fund anticipated applications fully, provided that each individual test is limited to $100,000. The cap is reasonable because, according to information available from the Pollution Control Agency, most testing programs can be completed for that amount.

This subpart also limits grant funding to cover only costs incurred after the grant award and during the life of the grant agreement. This is reasonable to ensure that applicants do not spend money in anticipation of a grant that is not awarded.

Subpart 8. Grant Agreement.

This subpart sets out certain requirements for the grant agreement. These restrictions are needed to ensure that the grant recipient completes the testing

program identified in the application, within the budget established in the application. This subpart also requires that the recipient make the information developed as a result of the board-funded testing available to the state and other persons who request the information. This is reasonable to ensure that the state benefits from the testing funded by state dollars, and that the information derived from the testing receives the widest possible dissemination.

9200.8300 ELIGIBILITY CRITERIA

Subpart 3. Eligible Costs.

Experience with implementation of the CAP and DEMO has shown that a project must include landscaping and development of on-site roads and parking to be successful. Because these improvements are capital costs, and essential to the success of the project, it is reasonable to make these costs eligible for funding. This part also reflects that there are costs that do not meet the criteria established in this part, but which are eligible under part 9200.8220 (Environmental Testing Grants). Because the inserted language alerts applicants to additional funds now available, it is reasonable to include it here.

Subpart 4. Ineligible Costs.

This part now reflects that there are costs that do not meet the criteria established in this part, but which are eligible under part 9200.8220 (Environmental Testing Grants). Because the inserted language alerts applicants to additional funds now available, it is reasonable to include it here.

9200.8500 SUPPORTING DOCUMENTATION REQUIRED TO BE SUBMITTED WITH APPLICATION

Item J. This item was revised to comply with changes to Minn. Stat. § 115A.49 made in Minn. Laws 1987, ch. 348.

9200.9000 AWARD OF GRANTS AND LOANS

Subpart 5. Legislative Priorities.

This section is revised to comply with changes to Minn. Stat. § 115A.49 found in Minn. Laws 1987, ch. 348. Because the change directly reflects the legislative change and promotes consistency between the rule and the statute, it is reasonable.

9200.9000 AWARD OF GRANTS AND LOANS

Subpart 4. Maximum Awards.

This part has been changed to alert applicants that they are eligible for environmental testing grant funds in excess of these limitations.

9200.9100 GRANT, LOAN, OR GRANT AND LOAN AGREEMENT

Subpart 1. Requirements.

This part has been changed to alert applicants that they are eligible for environmental testing grant funds in excess of these limitations.

V. IMPACT ON SMALL BUSINESSES

Minn. Stat. § 14.115 (1986) requires that an agency adopting an amendment to a rule considers the impact of that amendment on small bussinesses and take steps to mitigate negative impact. In making grants to public entities that may compete with small private business, the CAP and DEMO may negatively impact such businesses. However, the rule requires that the information generated by this program be made available to the public, and this information should aid small bussinesses despite their inability to participate. Under portions of the rule previously adopted, the Board is required to consider when making a grant the

impact of that grant on the indigenous solid waste management and recycling industry.

JOSEPH M. PAVELICH, CHAIRMAN
WASTE MANAGEMENT BOARD

WP/SW/CADP/SS

Sept. 29, 1987

Ms. Miles -

These pages were inadvertently omitted from the SONAR for the S.W. Reduction and Separation Progsam folder.

I hope this omission didn't cause you any inconvenience.

Mary Ivy
Legal Secretary
for
Ann E. Cohen

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ATTORNEY GENERAL'S OFFICE
SEP 30 1987

204 ADMINISTRATION BLDG.
50 SHERBURNE AVENUE
ST. PAUL, MN 55155

is provided in Minn. Rules pt. 9200.6900 to enable applicants to determine whether a project or a piece of equipment would be eligible for funding.

9200.6900 Subp. 10

The definition of household hazardous waste management tracks the definition of waste management given in Minn. Stat. § 115A.03, subd. 36 (1986). Because the definition is accepted and clearly understandable, it is reasonable.

9200.6900 Subp. 19 and 20

Other Board programs fund solid waste processing facilities and equipment, and thus this type of equipment is not eligible for funding under this Program. A definition of solid waste processing facilities and equipment is provided in Minn. Rules pt. 9200.6900 to enable applicants to determine whether a project or a piece of equipment would be eligible for funding under this Program.

9200.6900 Subp. 21

Waste reduction is not defined by statute, and thus a definition is needed to enable potential applicants to determine whether a project would or would not be a "waste reduction" project. The definition provided is similar to definitions used by other state and federal agencies, and thus should be easily understood and applied.

9200.6900 Subp. 22

Waste separation is not defined by statute, and thus a definition is needed to enable potential applicants to determine whether a project would or would not be a "waste separation" project. The definition provided is similar to definitions used by other state and federal agencies, and thus should be easily understood and applied.

9200.6901 PURPOSE AND ADMINISTRATION

This section establishes the purpose of the Program and gives an overview of the procedures which applicants must follow in submitting applications for grants. The section also sets out the procedures the Board will follow in reviewing applications, and how the Program will terminate.

9200.6902 ELIGIBILITY CRITERIA

In this section, eligible applicants, projects, and costs are identified. In addition, specific costs that are not eligible are identified. This portion of the rule is necessary to ensure that potential applicants know whether or not they qualify as an eligible applicant, whether or not their project qualifies as an eligible project, and which project costs would be eligible for funding.

9200.6902 Subp. 1

This section identifies eligible applicants. Cities, counties and solid waste management districts are eligible and can apply for themselves or on behalf of other persons. Minn. Stat. § 115A.50 (1986).

9200.6902 Subp. 2

This part sets out the types of projects that will be eligible for funding under the Program. Three types of projects are eligible for grants: solid waste reduction; solid waste separation; and collection systems for separated solid wastes. These types of projects are those that the legislature specified as eligible for funding when creating this program. Minn. Stat. § 115A.53.

The proposed rule limits the eligible projects to those that are new or expansions of old projects. This is reasonable because the intent of the program, as found in

Minn. Stat. § 115A.53, is to develop and implement projects, not to fund established projects.

The proposed rule makes clear that household hazardous waste management must be part of a broader waste reduction or separation project. It is reasonable to limit household hazardous waste management projects in this manner because the statutory language indicates that projects may include household hazardous waste management. Minn. Stat. § 115A.53 . The use of the term "include" indicates legislative intent to make household hazardous waste a part of overall solid waste management, but not the focus of projects funded under this section. It is further reasonable to require that household hazardous waste management be confined to a portion of a project to ensure that program funds are primarily spent on solid waste reduction and separation. Household hazardous waste represents a special problem in solid waste management, and this has been recognized in other legislative efforts. See, e.g., Minn. Stat. § 115A.96 (Minn. Laws 1987, ch.348.) . It is therefore proper to make household hazardous waste management a less-emphasized part of this Program, while not excluding it entirely.

9200.6902 Subp. 3

This section divides the costs that can be funded under the Program into two categories: development costs and implementation costs. This is reasonable because the statute distinguishes between the costs of development and the costs of implementation in establishing funding levels. A maximum of 20 percent of program funds may be spent on development costs.

9200.6902 Subp. 4

This subpart defines development costs as costs incurred in the preparation of the application and documentation required in the part of the proposed rule that describes what must be included in an application.

The proposed rule requires that a project be fully planned before an application may be submitted to the Board. The proposed rule requires that conceptual and financial feasibility studies be completed and be made part of the application. The proposed rule has defined the cost of this planning as the cost of development, for which 20 percent level funding will be provided. This is a reasonable method of defining what constitutes the cost of developing a project. It is reasonable because it can be applied accurately and fairly from project to project. This is also a reasonable method of defining eligible costs because it will give potential applicants an incentive to put together a well planned, complete application-- and consequently a well planned, successful project.

9200.6902 Subp. 5

This subpart defines implementation costs as divided into two types of costs: capital and non-capital costs. This division is reasonable because the type of cost documentation will differ significantly depending on whether the cost for which the grant is sought will be a "hard" or "soft" cost.

The capital costs that are eligible for funding include the cost of collection vehicles, collection trailers, drop boxes, curbside collection bins and other containers used exclusively for the collection or transport of separated waste or the management of household hazardous waste. It is reasonable to fund these costs because these items are commonly employed in solid waste reduction or separation projects. It is

In the Matter of the Proposed Adoption of Amendments to Rules of the Waste Management Board Governing the Solid Waste Processing Facility Capital Assistance and Demonstration Programs

AFFIDAVIT OF MAILING THE NOTICE OF INTENT TO ADOPT AMENDMENTS TO RULES WITHOUT A PUBLIC HEARING AND CERTIFICATE OF MAILING LIST

STATE OF MINNESOTA)
) ss.
COUNTY OF HENNEPIN)

EDWARD WELSCH, being sworn, says:

I hereby certify that the list of persons and associations who have requested, pursuant to Minn. Stat. §§ 14.14, subd. 1a and 14.22, that their names be placed on the Waste Management Board rulemaking mailing list is accurate, complete, and current as of this 28th day of July, 1987.

That on the 28th day of July, 1987, at the City of Crystal, County of Hennepin, State of Minnesota, I mailed the attached Notice of Intent to Adopt Amendments to Rules Governing the Solid Waste Processing Facility Capital Assistance and Demonstration Programs Without a Public Hearing by depositing in the United States mail a copy thereof, with postage prepaid, to all persons and associations on the aforementioned mailing list.

Edward Welsch
EDWARD WELSCH

Subscribed and sworn to before me this 10th day of September, 1987

June J. Seery
Notary Public

JUNE J. SEERY
NOTARY PUBLIC — MINNESOTA
HENNEPIN COUNTY
My commission expires Nov. 28, 1990

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C. ~~$300~~ $480 for the construction or reconstruction of an emission facility other than a major emission facility;

D. ~~$300~~ $480 for the modification of a major emission facility or installation of air pollution control equipment at a major emission facility;

E. ~~$100~~ $160 for the modification of an emission facility other than a major emission facility or installation of air pollution control equipment at an emission facility other than a major emission facility;

F. ~~$450~~ $720 for the reissuance of a major emission facility permit; and

G. ~~$150~~ $240 for the reissuance of an emission facility permit other than a major emission facility.

For purposes of this subpart, activities as described in items D and E that occur during the last year of the term of a permit will be addressed along with the reissuance of the permit for a new term. The agency shall waive the fee for items D and E and only assess a reissuance fee and applicable additional processing fees.

Subp. 4. **Additional processing fees.** In addition to the basic processing fees required in subpart 3, the permittee shall pay the following additional processing fees, if applicable:

A. ~~$500~~ $800 for a major stationary source, as defined in Code of Federal Regulations, title 40, section 51.18(j)(1)(iv), as amended through June 25, 1982, located in a nonattainment area;

B. ~~$150~~ $240 for an emission facility that is subject to the federal prevention of significant deterioration requirements as established in Code of Federal Regulations, title 40, section 51.24;

C. ~~$50~~ $80 for an emission facility that is subject to the federal new source performance standards established in Code of Federal Regulations, title 40, part 60;

D. ~~$150~~ $240 for an emission facility that must apply best available control technology as required under Code of Federal Regulations, title 40, section 51.24;

E. ~~$250~~ $400 for evaluation of air emissions containing pollutants for which no ambient air quality standard has been established under part 7005.0080 (state ambient air quality standards) and which have the potential to be injurious to human health;

F. ~~$150~~ $240 for dispersion modeling review; and

G. ~~$150~~ $240 for each performance test review.

Subp. 5. **Annual fees.** All persons required to obtain an air emission facility permit shall pay the following applicable annual fee:

A. ~~$650~~ $1,040 for a major emission facility; or

B. ~~$150~~ $240 for an emission facility other than a major emission facility.

The agency shall not charge an annual fee for an emission facility with potential emissions of a single pollutant of more than 25 tons per year but less than 50 tons per year unless the facility also discharges lead to the ambient air.

Subp. 6. [Unchanged.]

Waste Management Board

Proposed Permanent Rules Relating to the Solid Waste Processing Facility Capital Assistance Program and 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 *Minnesota Statutes* § 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 *Minnesota Statutes* § 14.08-14.28, as amended by *Laws 1984*, ch. 640, § 4-15.

Persons who wish to submit comments or a request for a public hearing should submit such comments or request in writing 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 *Minnesota Statutes* § 115A.49-.54. 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 that identifies the data and information relied upon to support the proposed amendments to existing rules has been prepared. A copy may be obtained by contacting the Waste Management Board, Attn: Ed Welsch, 123 Thorson Building, 7323 58th Avenue North, Crystal, MN 55428.

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.

A copy of the proposed amendments to the existing rules is attached to this Notice.

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.

Joseph M. Pavelich, Chair
Waste Management Board

Rules as Proposed

9200.6200 GRANT APPLICATION PROCEDURES.

Subpart 1. to 3. [Unchanged.]

Subp. 4. **Legislative priorities.** The board shall give priority to projects located in cities, counties, or districts in which:

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

B. and C. [Unchanged.]

9200.6300 ELIGIBILITY CRITERIA.

Subpart 1. [Unchanged.]

Subp. 2. **Eligible projects.** Six types of projects are eligible for grants: waste to energy; materials recovery; chemical, physical, or biological modifications; transfer stations; special waste streams; and waste incineration with resource recovery. Eligible projects are limited to those in which the land, buildings, and equipment are publicly owned.

~~Projects that were awarded assistance by the board pursuant to applications submitted under Minnesota Statutes, sections 115A.49 to 115A.54 before July 1, 1985, are eligible for additional assistance under this program, but no project may receive a total amount of grant assistance in excess of the limits in part 9200.6700, subpart 1. Previously funded projects seeking additional funding under this program shall complete the documentation required under part 9200.6500.~~

Subp. 3. **Eligible costs.** Except as provided in part 9200.8220, eligible costs under parts 9200.6050 to 9200.6800 are limited to the costs of land; waste processing equipment; structures necessary to house the waste processing equipment; transmission facilities;

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appropriate and necessary on-site utilities; landscaping; on-site roads and parking; structures necessary to concentrate and temporarily store solid waste before transportation to a waste processing facility; trailers, containers, and roll-off boxes necessary to transport wastes from transfer stations to a processing facility, to transport processing facility products to market, or to transport residue from the processing facility to a solid waste land disposal facility; and final design and engineering/architectural plans.

Subp. 4. **Ineligible costs.** Except as provided in part 9200.8220, ineligible costs include any costs related to solid waste disposal facilities and equipment, structures for housing and maintenance of rolling stock, or any costs related to resource recovery studies, feasibility analyses, or preliminary design and engineering/architectural plans.

9200.6500 SUPPORTING DOCUMENTATION REQUIRED TO BE SUBMITTED WITH GRANT APPLICATION.

Applications for waste processing facilities grants shall include the following supporting documentation:

A. and B. [Unchanged.]

C. A report demonstrating that the project is not financially ~~feasible~~ prudent without state assistance, due to the applicant's financial capacity and the problems inherent in waste management in the area. The report shall include the following documentation:

(1) to (8) [Unchanged.]

(9) other characteristics of waste management in the area that render state assistance ~~necessary~~ important to the financial feasibility of the project.

D. to J. [Unchanged.]

K. If the applicant requests priority under Minnesota Statutes, section 115A.49, documentation:

(1) that the natural geologic and soil conditions are especially unsuitable for land disposal of solid waste;

(2) and (3) [Unchanged.]

L. ~~If the project has previously received funding from the board under the board's solid waste processing facility demonstration program, documentation of how the project has changed since the previous award and why the project is not financially feasible without additional funding. This documentation shall include:~~

~~(1) a description of changes in the scope or design of the project;~~

~~(2) a description of changes in major external factors affecting the project;~~

~~(3) an explanation and demonstration of why the project is no longer financially feasible without additional state assistance; and~~

~~(4) a revised implementation schedule.~~

~~M.~~ If the project serves eligible jurisdictions in only a single county, documentation demonstrating that cooperation with jurisdictions in other counties is not needed or not feasible, including:

(1) and (2) [Unchanged.]

9200.6600 REVIEW AND EVALUATION OF APPLICATIONS.

Subpart 1. and 2. [Unchanged.]

Subp. 3. **Evaluation of need for financial assistance.** In making its evaluation of the application, the board shall first evaluate the information supplied in part 9200.6500, item C to determine whether or not board assistance is ~~necessary~~ important for facility development. If the board determines that assistance is not necessary, evaluation of the application shall cease and the application shall be returned to the applicant. If the board determines that assistance is necessary, evaluation will proceed to the second stage. During the second stage, the board shall evaluate documentation submitted under part 9200.6500, items A, B, and D to ~~M~~ L.

Subp. 4. **Evaluation of applications.** If the board determines that the project is in need of state assistance, the board shall evaluate the application to determine whether the application demonstrates:

A. to D. [Unchanged.]

E. that for projects serving eligible jurisdictions in only a single county, cooperation with jurisdictions in other counties to develop the project is not needed or not feasible; and

F. ~~that resource recovery facilities that burn waste, convert waste to energy, or convert waste into materials for combustion will not accept recyclable materials except for transfer to a recycler; and~~

~~G.~~ that the project is not financially ~~feasible~~ prudent without state assistance, because of the applicant's financial capacity

and the problems inherent in the waste management situation in the area, particularly transportation distances and limited waste supply and markets for resources recovered.

Subp. 5. and 6. [Unchanged.]

9200.6700 LIMITATIONS.

Subpart 1. **Maximum grant award.** Except as provided in part 9200.8220, the maximum grant award is 25 percent of the eligible capital costs of the project or $2,000,000, whichever is less, unless the project is a recycling project or a project to compost or co-compost waste. A recycling project or a project to compost or co-compost waste may receive grant assistance up to 50 percent of the capital cost of the project or $2,000,000, whichever is less.

Subp. 2. and 3. [Unchanged.]

9200.6800 GRANT AGREEMENT.

Subpart 1. **Requirements.** A grant agreement shall:

A. to D. [Unchanged.]

E. provide that the board will not accept amendments requesting that additional funds be awarded to the recipient except as provided in part 9200.8220;

F. to H. [Unchanged.]

Subp. 2. and 3. [Unchanged.]

9200.8210 DEFINITIONS.

The definitions in Minnesota Statutes, section 115A.03, and in parts 9200.6000 to 9200.6800 and 9200.8100 to 9200.9100 apply to part 9200.8220 unless the context requires otherwise.

9200.8220 ENVIRONMENTAL TESTING GRANTS.

Subpart 1. **Eligible applicants.** Eligible applicants are limited to those eligible under Minnesota Statutes, section 115A.50.

Subp. 2. **Eligible projects.** Eligible projects are limited to those eligible for funding under Minnesota Statutes, section 115A.54.

Subp. 3. **Eligible costs.** Eligible costs under this part are limited to the costs of tests necessary to determine the appropriate pollution control equipment for the project or the environmental effects of the use of any product or material produced by the project. Tests necessary to determine the appropriate pollution control equipment shall be limited to those tests needed to identify pollution control equipment needed to bring the facility into compliance with applicable standards. The cost of monitoring required to comply with operating permit conditions is not eligible for funding under this part.

Subp. 4. **Information on grant application.** Applications for environmental testing grants shall include the following information as required in the application forms supplied by the board:

A. the name of each applicant making the grant application;

B. the name of each political subdivision affected by the project;

C. the name, qualifications, and address of the project manager;

D. the name, qualifications, and address of the facility operator;

E. the total costs of testing eligible for funding under this part as documented by a proposal from a testing laboratory to perform the testing setting out the costs of the testing that will be performed;

F. the amount of grant funding requested;

G. the type of waste processing facility for which the application is being submitted, and the type of testing that is needed for the facility; and

H. a work plan including a detailed description of the type of testing that will be performed, who will be performing the testing, and a time schedule for the testing. It is recommended that applicants contact the Pollution Control Agency or other regulatory agency before developing a test proposal to receive assistance in determining the tests that are needed.

Subp. 5. **Review and approval of applications.** The chair shall review each application for funding under this part for eligibility

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and completeness. When the chair has determined that the applicant is eligible and that the application is complete, the chair shall forward the application to the Pollution Control Agency, or other appropriate regulatory agencies, for review.

Subp. 6. **Board determination.** The board shall evaluate the application to determine if the proposed testing is necessary to determine the appropriate pollution control equipment for the project or the environmental effects of the use of any product or material produced by the project. In making this determination, the board shall consider the comments of the Pollution Control Agency or other regulatory agency that has reviewed the application. If the board determines that the proposed testing is necessary, the board shall determine the amount to be awarded and authorize the chair to enter into an agreement with the applicant governing disbursement of funds.

Subp. 7. **Funding level.** The board shall fund 100 percent of the cost of testing under this part. The maximum grant award per project shall be limited to $100,000. Grants shall not be awarded to cover any cost associated with tasks performed before the grant award or after the expiration of the grant agreement.

Subp. 8. **Grant agreement.** The grant agreement shall incorporate by reference the final grant application submitted to the board under this part; provide that any cost overruns incurred by the testing program shall be the sole responsibility of the recipient; provide that the board will not accept amendments requesting that additional funds be awarded to the recipient unless the board determines that additional testing is necessary; and require that the recipient make the information developed as a result of the testing available to the state and other persons who request the information.

9200.8300 ELIGIBILITY CRITERIA.

Subpart 1. and 2. [Unchanged.]

Subp. 3. **Eligible costs.** Except as provided in part 9200.8220, eligible costs under parts 9200.8100 to 9200.9200 shall be limited to the costs of land, waste processing equipment, structures necessary to house the waste processing equipment, appropriate and necessary on-site utilities, landscaping; on-site roads and parking; trailers, containers, and roll-off boxes necessary to transport products to market, or to transport residue from the processing facility to a solid waste land disposal facility, and final design and engineering/architectural plans.

Subp. 4. **Ineligible costs.** Except as provided in part 9200.8220, ineligible costs include any costs related to solid waste disposal facilities and equipment, structures for housing and maintenance of rolling stock, or any costs related to resource recovery studies, feasibility analyses, or preliminary design and engineering/architectural plans.

9200.8500 SUPPORTING DOCUMENTATION REQUIRED TO BE SUBMITTED WITH APPLICATION.

Applications for grants or loans for waste processing facilities shall include the following supporting documentation:

A. to I. [Unchanged.]

J. if the applicant requests priority under Minnesota Statutes, section 115A.49, documentation:

(1) that the natural geologic and soil conditions are especially unsuitable for land disposal of solid waste;

(2) that the available capacity of existing solid waste disposal facilities is less than five years; or

(3) that the proposed project would serve more than one local government unit.

9200.8600 GRANT AND LOAN APPLICATION PROCEDURES.

Subp. 1a. [Unchanged.]

Subp. 2a. [Unchanged.]

Subp. 4. [Unchanged.]

Subp. 5. **Legislative priorities.** The board shall give priority to projects located in cities, counties, or districts in which:

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

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

C. the project serves more than one local government unit.

9200.9000 AWARD OF GRANTS AND LOANS.

Subp. 4. **Maximum awards.** The maximum loan award shall be 50 percent of the eligible costs specified in the application or $400,000, whichever is less. Except as provided in part 9200.8220, the maximum grant award shall be 50 percent of the eligible costs specified in the application or $400,000, whichever is less. Except as provided in part 9200.8220, the maximum combined grant and loan award is $400,000.

Subp. 5. and 6. [Unchanged.]

9200.9100 GRANT, LOAN, OR GRANT AND LOAN AGREEMENT.

Subpart 1. **Requirements.** A grant, loan, or grant and loan agreement shall:

A. to F. [Unchanged.]

G. provide that the board will not accept amendments requesting that additional funds be awarded to the recipient except as provided in part 9200.8220;

H. to K. [Unchanged.]

Subp. 2. to 4. [Unchanged.]

Minnesota Waste Management Board

Proposed Permanent Rules Relating to the Solid Waste Reduction and Separation Grant Program

Notice of Intent to Adopt New 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* § 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 rules. Comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed. The proposed 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 rules 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 rules 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 *Minnesota Statutes* § 14.08-14.28, as amended by *Laws 1984*, ch. 640, § 4-15.

Persons who wish to submit comments or a request for a public hearing should submit such comments or request in writing 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 *Minnesota Statutes* § 115A.49-.53. Additionally, a statement of need and reasonableness that describes the need for and reasonableness of each provision of the proposed rules and that identifies the data and information relied upon to support the proposed rules has been prepared. A copy may be obtained by contacting the Waste Management Board, Attn: Ed Welsch, 123 Thorson Building, 7323 58th Avenue North, Crystal, MN 55428.

If a hearing is not required, and upon adoption of the final rules without a public hearing, the proposed rules, this Notice, the statement of need and reasonableness, all written comments received, and the final rules as adopted will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the final rules as 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.

A copy of the proposed rules is attached to this Notice.

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.

Copies of this Notice and the proposed 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.

Joseph M. Pavelich, Chair
Waste Management Board

Rules as Proposed (all new material)

9200.6900 DEFINITIONS.

Subpart 1. **Scope.** The terms defined in Minnesota Statutes, section 115A.03, and in this part apply to parts 9200.6900 to 9200.6906, unless the context requires otherwise.

Subp. 2. **Chair.** "Chair" means the chief executive officer of the board.

Subp. 3. **Comprehensive solid waste management plan.** "Comprehensive solid waste management plan" means a written plan prepared under Minnesota Statutes, section 115A.46.

Subp. 4. **Household hazardous waste.** "Household hazardous waste" has the meaning given it in Minnesota Statutes, section 115A.96, subdivision 1.

Subp. 5. **Household hazardous waste management.** "Household hazardous waste management" means activities that are intended to affect or control the generation of household hazardous waste, and activities that provide for or control the collection, processing, and disposal of household hazardous waste.

Subp. 6. **Person.** "Person" has the meaning given it in Minnesota Statutes, section 116.06, but does not include the board.

Subp. 7. **Project.** "Project" means a solid waste reduction or separation project.

Subp. 8. **Solid waste.** "Solid waste" has the meaning given it in Minnesota Statutes, section 116.06, subdivision 10.

Subp. 9. **Solid waste disposal facilities and equipment.** "Solid waste disposal facilities and equipment" means structures, machinery, or devices at a disposal site necessary for efficient land disposal of solid wastes, including machinery or devices designed to move earth during burial of wastes and machinery or devices designed to increase the density of wastes buried or to be buried, and facilities in which solid waste is temporarily stored and concentrated before transport to a disposal site.

Subp. 10. **Waste processing equipment.** "Waste processing equipment" means machinery or devices used as an integral component of a waste processing facility.

Subp. 11. **Waste processing facility.** "Waste processing facility" means structures and equipment, singly or in combination, that are designed, constructed, and used to separate, modify, convert, heat, prepare, or otherwise process solid waste so that materials, substances, or energy contained within the waste may be recovered for subsequent use.

Subp. 12. **Waste reduction.** "Waste reduction" means decreasing the generation of solid waste at its source either by redesigning products and packaging or by changing procurement, consumption, or waste generation habits.

Subp. 13. **Waste separation.** "Waste separation" means the process of segregation, accumulation, or collection of recyclable or compostable solid wastes.

9200.6901 PURPOSE AND ADMINISTRATION.

Parts 9200.6900 to 9200.6906 implement the solid waste reduction and separation grant program created and described in Minnesota Statutes, sections 115A.49 to 115A.53, by establishing the substantive criteria and procedural conditions under which the board may award grants for the costs of solid waste reduction and separation projects. Applicants for grants under this program are encouraged to contact the chair and request a preapplication review of proposed projects.

9200.6902 ELIGIBILITY CRITERIA.

Subpart 1. **Eligible applicants.** Eligible applicants are limited to cities, counties, and solid waste management districts established under Minnesota Statutes, sections 115A.62 to 115A.72. Eligible applicants may apply for grants on behalf of any person who is not an eligible applicant, but the named recipient shall be the city, county, or district.

Subp. 2. **Eligible projects.** Only solid waste reduction projects, solid waste separation projects, and collection systems for separated solid wastes are eligible for grants. To be eligible for funding, a project must be a new project or an expansion of an existing project. A project may include household hazardous waste management, but may not consist solely of household hazardous waste management.

Subp. 3. **Eligible costs.** Grant funding is available for development costs as defined in subpart 4 and implementation costs as defined in subpart 5. Development costs shall be no more than 20 percent of the total grant award.

Subp. 4. **Development costs.** Development costs are the costs incurred in the preparation of the application and documentation required under part 9200.6903.

Subp. 5. **Implementation costs.** Implementation costs are limited to:

A. capital costs of waste reduction and separation equipment such as source separation collection vehicles, collection trailers, drop boxes, curbside collection bins, and other containers used exclusively for the collection or transport of separated wastes or the management of household hazardous waste; and

B. costs of any necessary legal, financial, economic, educational, marketing, social, governmental, and administrative activities required for the implementation of the project.

Subp. 6. **Household hazardous waste disposal costs.** The cost of household hazardous waste disposal is eligible provided no feasible alternative to disposal exists and no funding is available from federal, state, metropolitan, local, or private sources to fund the cost of disposal.

Subp. 7. **Ineligible costs.** Ineligible costs include any costs related to the purchase of real property, waste processing equipment, structures necessary to house waste collection or processing equipment, and costs related to solid waste disposal facilities and equipment used exclusively for disposal of solid waste.

9200.6903 INFORMATION AND DOCUMENTATION REQUIRED IN GRANT APPLICATION.

An application for a solid waste reduction and separation project grant shall include the following information, as required in the application form supplied by the board:

A. the name of each applicant making the grant application;

B. the name of each political subdivision affected by the project, located in the area studied in the project, or located in the area in which the project is intended to be implemented;

C. a resolution from each political subdivision participating in the project that demonstrates that it will implement the project, provide necessary local financing, and accept and exercise the government powers necessary to develop and operate the project;

D. the name, address, and qualifications of the project manager;

E. the name and qualifications of the project operator, if available;

F. the total estimated cost of the project;

G. the total grant-eligible cost of the project;

H. the amount of grant funding requested;

I. the amount and source of all other money to be used to fund the project, including the amount of money to be contributed by the applicant;

J. a detailed description of the proposed project, including the amounts of each type of waste to be reduced or separated;

K. a comprehensive solid waste management plan developed under Minnesota Statutes, section 115A.46;

L. for waste separation projects, documentation that waste supplies will be committed to the project for the life of the project and that the applicant has the mechanism to commit the wastes;

M. for waste separation projects, a preliminary market analysis for recovered materials, including documentation of commitments to market recovered materials, such as letters of intent or contracts;

N. a discussion of the need for an education program to be developed in conjunction with the project and, if such a program is proposed, a description of the program;

O. a detailed description of any proposed household hazardous waste management program and documentation that the applicant has or will obtain the capacity to handle household hazardous waste properly;

P. a discussion of the status of required permits from permitting agencies;

Q. a discussion of any potential adverse environmental effects from the project and how they will be mitigated;

R. a work plan that demonstrates how the applicant will implement the project, including:

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(1) the specific tasks to be completed under the grant;

(2) the work hours of staff, consultants, and employees of local government units needed to complete each of the tasks;

(3) the costs of completing each task, including an explanation of how the cost was calculated;

(4) the time schedule needed to complete each task; and

(5) a description of the reports, documents, public education material, market analyses, and other written materials to be developed;

S. documentation of costs incurred by the applicant in preparing the grant application, if the applicant seeks reimbursement for development costs; and

T. if the applicant requests priority under Minnesota Statutes, section 115A.49, documentation that:

(1) the natural geologic and soil conditions are especially unsuitable for land disposal of solid waste;

(2) the available capacity of existing solid waste disposal facilities serving the applicant is less than five years; or

(3) the proposed project would serve more than one local government unit.

9200.6904 REVIEW AND EVALUATION OF APPLICATIONS.

Subpart 1. **Determination of eligibility and completeness.** Upon receipt of an application, the chair shall determine the eligibility of the applicant, the eligibility of the project identified in the application, the eligibility of the costs identified in the application, and the completeness of the application.

Subp. 2. **Notice of determination of eligibility and completeness.** Within 14 days after receiving the application, the chair shall notify the applicant of the chair's determinations of eligibility and completeness. If the chair determines that the applicant or the project is ineligible, the chair shall reject the application, return it to the applicant, and notify the applicant of the reasons for the rejection. If the chair determines that any part of the project costs is ineligible or that the application is incomplete, the chair shall notify the applicant of the ineligible portion of the costs or of the deficiency. The applicant has 30 days after receiving the notice to correct any inadequacies identified by the chair. If the inadequacies are corrected within the time allowed, the application will be further considered. If the inadequacies are not corrected within the time allowed, the application is rejected, and the applicant must submit a new application to be considered again. If the chair determines that the application is complete and the project is eligible to receive grant funds, the chair shall forward the application to the board for its evaluation.

Subp. 3. **Evaluation of applications.** The board shall evaluate the application. In order to receive funding, the application must demonstrate that:

A. the project is conceptually and technically feasible;

B. the affected political subdivisions are committed to developing and implementing the project, providing necessary local financing, and accepting and exercising the government powers necessary for project development and implementation;

C. operating revenue from the project, considering the availability and security of sources of solid waste and of markets for recyclable materials together with any proposed federal, state, local, or private financial assistance, will be sufficient to pay all costs; and

D. the applicant has evaluated the feasible and prudent alternatives to disposal and has compared and evaluated the costs of the alternatives, including capital and operating costs, and the effects of the alternatives on the cost to generators, as required by Minnesota Statutes, section 115A.46.

Subp. 4. **Board determination.** If the board determines that the application satisfies the requirements of subpart 3, the board shall determine the amount of the grant award and the applicant shall be so notified. The board shall fund applications that satisfy the criteria established in subpart 3 in the order that the applications come before the board for decision. If applications come before the board at the same time and program funds are not adequate to fund all applications before the board, the board shall give priority to applications that meet the priority criteria established in Minnesota Statutes, section 115A.49. If the board determines that the application fails to satisfy the requirements of subpart 3, the board shall reject the application and the chair shall return the application to the applicant, together with a statement of the reasons for the determination.

Subp. 5. **Consultation with other agencies.** In its evaluation of the application, the board shall consider any recommendations provided by the Pollution Control Agency, the State Planning Agency, the appropriate regional development commission, the Metropolitan Council, and other state and regional authorities.

9200.6905 LIMITATIONS.

Subpart 1. **Matching funds required.** A grant awarded under parts 9200.6900 to 9200.6906 must be matched by federal, local,

private, or other state grants, loans, or contributions, the total of which must equal the amount of the grant applied for. Local government funding may be in the form of cash or in-kind matching funds.

Subp. 2. **Maximum grant.** The maximum grant award for each eligible project is $50,000.

Subp. 3. **Limitations on grant award.** The amount of the board's grant award shall be limited to an amount needed to complete the project considering all the sources of funding presently available to the applicant, whether or not the applicant has applied for funds. Grants shall not be awarded to cover any cost associated with tasks performed before the grant award or after the expiration of the grant agreement, other than development costs incurred in the preparation of the grant application.

Subp. 4. **Limitations on disbursal of funds.** No grant money shall be paid to an applicant until the board has determined the total estimated cost of the project and ascertained that financing of the cost is assured by funds provided by the state, by an agency of the federal government within the amount of funds then appropriated to that agency and allocated by it to projects within the state, by any person, or by the appropriation of bond proceeds, or other funds of the recipient, to a fund for the development and implementation of the project.

9200.6906 GRANT AGREEMENT.

Subpart 1. **Requirements.** No grant money shall be paid to an applicant awarded a grant until that applicant has executed a written grant agreement with the board. The grant agreement shall:

A. incorporate by reference the final grant application submitted to the board in accordance with part 9200.6903;

B. allow the recipient to enter into contracts to complete the work specified in the agreement subject to any board approval that may be required in the agreement;

C. provide that any cost overruns incurred in the development and implementation of the proposed project shall be the sole responsibility of the recipient;

D. provide that the board will not accept amendments requesting that additional funds be awarded to the recipient; and

E. require the recipient to provide periodic written reports to the board on the developmental and implementation history of the project so that knowledge and experience gained from the project may be made available to other communities in the state.

Subp. 2. **Rescission of grant.** If a project is not developed and implemented in accordance with the terms and conditions of the grant agreement, including time schedules, the grant shall be rescinded, and the entire amount of the grant shall be repaid unless the board determines that a variance from the agreement is justified and that the original objectives of the project will be accomplished.

Subp. 3. **Disbursement.** The board shall pay grant money to the recipient in accordance with the payment schedule in the grant agreement.

REPEALER. Minnesota Rules, parts 7035.6500, 7035.6600, 7035.6700, 7035.6800, 7035.6900, 7035.7000, 7035.7100, 7035.7200, 7035.7300, 7035.7400, 7035.7500, and 7035.7600 are repealed.

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

RESOLUTION WMB-025-87

RESOLVED, that the Waste Management Board determines that the adoption of amendments to rules governing the Solid Waste Processing Facility Capital Assistance Program and Solid Waste Processing Facility Demonstration Program, including provisions establishing an Environmental Testing Grants Program under Minn. Stat. §§ 115A.49 - 54 (as amended by Act of June 1, 1987, Minn. Laws 1987, ch. 348) will not be controversial in nature and that the Chairperson of the Board is hereby granted the authority to sign an order of the Board directing that notice be given of the Board's intent to adopt, without a public hearing, the attached amendments to rules governing applications under the Solid Waste Processing Facility Capital Assistance Program, Minn. Rules Parts 9200.6000 to 9200.6800, and the Solid Waste Processing Facility Demonstration Program, Minn. Rules Parts 9200.8100 to .9100, including provisions establishing an Environmental Testing Grants Program, to sign the Notice thereof, and to perform any acts incidental thereto, including making any form changes in the rules that the Revisor of Statutes requires the Board to make in order to obtain the Revisor's certification as required by Minn. Stat. § 14.07, subd. 2 (1986).

BE IT FURTHER RESOLVED, that in the event a public hearing becomes necessary, the Chairperson is hereby granted the authority and directed to call a hearing for the purpose of promulgating amendments to these rules as well as to perform any

and all acts incidental thereto, including but not limited to signing an Order for and Notice of Hearing, as well as acting as the Board's representative at all hearings.

Dated: June 25, 1987

Joseph M. Pavelich, Chair
Waste Management Board

STATE OF MINNESOTA

WASTE MANAGEMENT BOARD

In the Matter of the Proposed Adoption of Amendments to Rules of the Waste Management Board Governing the Solid Waste Processing Facility Capital Assistance and Demonstration Programs, including Provisions establishing Environmental Testing Grants

CERTIFICATION OF AUTHORIZING RESOLUTION

I, Joseph M. Pavelich, 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 25th day of June, 1987, 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 amendments to rules governing the Solid Waste Processing Facility Capital Assistance Program and Solid Waste Processing Facility Demonstration Program, including provisions establishing an Environmental Testing Grants Program under Minn. Stat. §§ 115A.49 - 54 (as amended by Act of June 1, 1987, Minn. Laws 1987, ch. 348) will not be controversial in nature and that the Chairperson of the Board is hereby granted the authority to sign an order of the Board directing that notice be given of the Board's intent to adopt, without a public hearing, the attached amendments to rules governing applications under the Solid Waste Processing Facility Capital Assistance Program, Minn. Rules Parts 9200.6000 to 9200.6800, and the Solid Waste Processing Facility Demonstration Program, Minn. Rules Parts 9200.8100 to .9100, including provisions establishing an Environmental Testing Grants Program, to sign the Notice thereof, and to perform any acts incidental thereto, including making any form changes in the rules that the Revisor of Statutes requires the Board to make in order to obtain the Revisor's certification as required by Minn. Stat. § 14.07, subd. 2 (1986).

BE IT FURTHER RESOLVED, that in the event a public hearing becomes necessary, the Chairperson is hereby granted the authority and directed to call a hearing for the purpose of promulgating amendments to these rules as well as to perform any and all acts incidental thereto, including but not limited to signing an Order for and Notice of Hearing, as well as acting as the Board's representative at all hearings.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 25th day of June, 1987.

Joseph M. Pavelich, Chair
Waste Management Board

Attested by
Waste Management Board Member

STATE OF MINNESOTA

WASTE MANAGEMENT BOARD

In the Matter of the Adoption of Amendments to Existing Rules of the Waste Management Board Governing the Solid Waste Processing Facility Demonstration Program and the Solid Waste Processing Facility Capital Assistance Program

FINDINGS OF FACT AND CONCLUSIONS

The above-entitled matter came before the Waste Management Board (Board) on the 10th day of September, 1987. After affording all interested persons the opportunity to present written and oral data, statements, and arguments to the Board, in accordance with statutory requirements regarding the adoption of non-controversial rules, after considering the Statement of Need and Reasonableness, 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, Conclusions, and Order:

FINDINGS OF FACT

1. Notice of the Board's intent to adopt amendments to the above-entitled rules without a public hearing was published in the State Register on July 27, 1987, and was sent by mail to all persons on the list maintained by the Board pursuant to Minn. Stat. §§ 14.14, subd. 1a and 14.22 (1986) on July 27, 1987.

2. The Statement of Need and Reasonableness was prepared prior to mailing and publication of the notice and was made available to the public.

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3. All persons were given the opportunity to submit comments on the rule for 30 days after notice of the proposed rulemaking was given. The 30 day comment period, as set out in the notice, expired on August 26, 1987.

4. During the comment period, the Board received no requests for a public hearing.

5. No requests for notice of submission of to the Attorney General were recieved by the Board.

6. During the comment period, the Board received 5 written comments. The Board finds that three modifications to the proposed amendments to the rules are justified by the record in this proceeding, as follows:

A. Minn. Rule pt. 9200.8220, subp. 3 is modified to read:

> Subp. 3. Eligible costs. Eligible costs under this part are limited to the costs of tests necessary to determine the appropriate pollution control equipment for the project or the environmental effects of the use of any product or material produced by the project. ~~Tests necessary to determine the appropriate pollution control equipment shall be limited to those tests needed to identify pollution control equipment needed to bring the facility into compliance with applicable standards.~~ The cost of routine environmental monitoring ~~required to comply with operating permit conditions~~ is not eligible for funding under this part.

These changes are made in response to comments from the Pollution Control Agency staff and others, who found the reference to "applicable standards" confusing. Ms. Lisa Thorvig, Chief of the MPCA Air Quality Regulatory Compliance Section, pointed out that there are no "applicable standards." Thus, any useful testing will of necessity test for more than compliance with present standards. The staff of the Board found that the sentance

following the reference to "applicable standards" also was confusing, because some permits require environmental testing of the type that would be eligible for funding under this program. Thus, the reference to "monitoring to comply with operating permit conditions" was removed in favor of a reference to "routine environmental" monitoring.

The changes set out above are reasonable because they increase the clarity of the rule, and eliminate potential confusion. The changes do not consitute substantial change because they merely eliminate confusion, and do not change the overall impact of the rule as proposed.

B. Minn. Rule pt. 9200.8220, subp. 4(H) is modified to read:

> H. a work plan including a detailed description of the type of testing that will be performed, who will be performing the testing, and a time schedule for the testing. ~~It is recommended that~~ A~~a~~pplicants must contact the Pollution Control Agency ~~or other regulatory agency~~ before developing a work plan ~~test proposal~~ to receive assistance in determining the tests that are needed.

The changes in this item are the result of a suggestion from the Pollution Control Agency staff. Ms. Lisa Thorvig commented that applicants and the Board would benefit if they were assured that the testing proposal would generate the information needed by the regulatory agency. The Board agrees and has modified the rule to require applicants to contact the appropriate regulatory agency before submitting an application to the Board. This is reasonable because it will improve coordination between the Board, as the funding agency, and the regulatory agency, which will actually use the test results. It

is not a substantial change because it does not change the overall impact of the rule as originally proposed.

The second change in this item results from the first. Staff found the reference to "other regulatory agency" to be ambiguous, and found it inappropriate when applicants are required to contact regulatory agencies. Contact with other regulatory agencies will be encouraged by the staff, but will not be required. Because this change is made to avoid confusion in the rule as proposed, it is not a substantial change.

The third change in this item is the result of staff suggestion. In her letter to the Board, Ms. Thorvig referred to the "test proposal" as a "work plan." The Board recognizes that this is more commonly used terminology, and has modified the rule accordingly. Because this does not change the overall impact of the rule as proposed, this change does not constitute substantial change.

C. Minn. Rule pt. 9200.8220, subpart 7 is modified to read:

> Subpart 7. Funding level. The board shall fund 100 percent of the cost of testing under this part. The maximum grant award per project shall be limited to $2~~1~~00,000. Grants shall not be awarded to cover any costs associated with tasks performed before the grant award or after the expiration of the grant agreement.

This change is made in response to comments from several interested persons, who believed that the level of funding in the rule as proposed was not adequate. Based on these comments, the Board agrees that the level of funding might not be adequate to fund the tests fully and that, because funds for the program are adequate, there is no reason not to increase the limit. The

figure $200,000 was chosen because it appears to cover any case. This change does not constitute substantial change, because its effect is merely to fulfill the intent of the rule as originally proposed.

D. Minn. Rule 9200.6600, subpart 3 is modified to read:

> Subp. 3. Evaluation of need for financial assistance. In making its evaluation of the application, the board shall first evaluate the information supplied in 9200.6500, item C to determine whether or not board assistance is important for facility development. If the board determines that assistance is not ~~necessary~~ important, evaluation of the application shall cease and the application shall be returned to the applicant. If the board determines that assistance is ~~necessary~~ important, evaluation will proceed to the second stage. During the second stage, the board shall evaluate documentation submitted under part 9200.6500, items A, B, and D to ~~M~~ L.

This change is made to make this part internally consistant. In proposing the rule, the Board changed the requirement that an applicant prove that financial assistance was "necessary" to the project to reflect a legislative change removing this requirement. Inadvertantly, other references to "necessary" were not changed. Because this change is made to promote consistancy and to prevent confusion, it is reasonable. Because the change does not change the overall impact of the rule, it is not a substantial change.

7. The Board adopts the Statement of Need and Reasonableness, except as modified by the changes set forth in finding 6, as the factual basis for the proposed rules. The Board hereby incorporates the Statement of Need and Reasonableness into these findings.

8. The above-captioned amendments are needed and reasonable.

CONCLUSIONS

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

2. The Board published and served due, timely, and adequate notice of the intent to adopt the rule without a public hearing.

3. All relevant legal and procedural requirements of statute and rule have been complied with.

4. The modifications to the proposed amendments to rules are supported by the record and do not result in a substantial change in the proposed amendments to rules.

Dated: September 10, 1987 MINNESOTA WASTE MANAGEMENT BOARD

Joseph M. Pavelich
Chair

STATE OF MINNESOTA

WASTE MANAGEMENT BOARD

In the Matter of the Adoption of Amendments to Rules of the Waste Management Board Governing the Solid Waste Processing Facility Demonstration Program and the Solid Waste Processing Facility Capital Assistance Program

ORDER ADOPTING RULES

Notice of the Waste Management Board's intent to adopt amendments to the above-captioned rules without a public hearing was published in the State Register on July 27, 1987 and was sent by United States mail to all persons on the list maintained by the Waste Management Board pursuant to Minnesota Statutes, Section 14.14. After affording interested and affected persons an opportunity to submit written data and views for 30 days after the publication date, reviewing and considering the data and views, and determining that the above-captioned rules are needed and reasonable,

NOW, THEREFORE, IT IS ORDERED THAT, pursuant to authority vested in the Board by Minnesota Statutes, Sections 115A.49 to 115A.54 these rules identified as "Rules of the Waste Management Board Governing the Solid Waste Processing Facility Demonstration Program and the Solid Waste Processing Facility Capital Assistance Program" as published at 12 State Register 138 to 143 (July 27, 1987) are adopted with the following modifications:

Minn. Rule pt. 9200.8220 subp. 3 shall be revised to read:

Subp. 3. **Eligible costs.** Eligible costs under this part are limited to the costs of tests necessary to determine the appropriate pollution control equipment for the project or the environmental effects of the use of any product or material produced by the project. ~~Tests necessary to determine the appropriate pollution control equipment shall be limited to those tests needed to identify pollution control equipment needed to bring the facility into compliance with applicable standards.~~ The cost of routine environmental monitoring ~~required to comply with operating permit conditions~~ is not eligible for funding under this part.

Minn. Rule pt. 9200.8220, subp. 4(H) shall be revised to read:

H. a work plan including a detailed description of the type of testing that will be performed, who will be performing the testing, and a time schedule for the testing. ~~It is recommended that~~ Aapplicants must contact the Pollution Control Agency ~~or other regulatory agency~~ before developing a work plan ~~test proposal~~ to receive assistance in determining the tests that are needed.

Minn. Rule pt. 9200.8220, subp. 7 shall be revised to read:

Subpart 7. Funding Level.

The Board shall fund 100 percent of the cost of testing under this part. The maximum grant award per projects shall be limited to $2~~1~~00,000. Grants shall not be awarded to cover any cost associated with tasks performed before the grant award or after the expiration of the grant agreement.

Dated: September 10, 1987

Joseph M. Pavelich, Chair
Waste Management Board

In the Matter of the Proposed Adoption of Amendments to Rules of the Waste Management Board Governing the Solid Waste Processing Facility Capital Assistance and Demonstration Programs

DECLARATION OF COUNSEL

I, Ann E. Cohen, Special Assistant Attorney General, do hereby declare that I have examined the above-captioned rule, and the supporting rulemaking record, and that, based on my examination, the Administrative Procedure Act and Minnesota Rules, chapter 2010, have been followed. Any exceptions are listed below. For Attorney General billing purposes, the four-digit docket client code is F408.

ANN E. COHEN
Special Assistant
Attorney General

Dated: September 23, 1987

Approved
9/10/87

STATE OF MINNESOTA

WASTE MANAGEMENT BOARD

RESOLUTION WMB-033-87

RESOLVED, that the Minnesota Waste Management Board (Board) hereby approves and adopts the attached amendments to rules governing the Solid Waste Processing Facility Demonstration Program and the Solid Waste Processing Facility Capital Assistance Program, Minn. Rules pts. 9200.6200 to 9200.6800, and Minn. Rules pts. 9200.8210 to 9200.9100, as modified by the attached Findings of Fact and Conclusions, pursuant to authority vested in the Board by Minn. Stat. §§ 115A.49 to 115A.54.

BE IT FURTHER RESOLVED, that prior to publishing the rules as adopted in the State Register, the Chair of the Board 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. Stat. § 14.28 (1986).

BE IT FURTHER RESOLVED, that the Board hereby adopts the attached Findings of Fact and Conclusions relating to the above-named rules and authorizes the Chair to execute the attached Findings of Fact and Conclusions on behalf of the Board.

BE IT FURTHER RESOLVED, that the Chair is hereby authorized to sign an Order of the Board adopting the above-named rules, and to perform any actions incidental thereto.

Dated:

JOSEPH M. PAVELICH, Chair
Waste Management Board

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STATE OF MINNESOTA

WASTE MANAGEMENT BOARD

In the Matter of the Proposed Adoption of Amendments to Rules of the Waste Management Board Governing the Solid Waste Processing Facility Capital Assistance and Demonstration Programs

CERTIFICATION OF AUTHORIZING RESOLUTION

I, Joseph M. Pavelich, do hereby certify that I am a member and the Chairperson of the Waste Management Board, a board duly authorized under the laws of the State of Minnesota, and that the following is a true, complete, and correct copy of a resolution adopted at a meeting of the Waste Management Board duly and properly called and held on the 10th day of September, 1987, 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 Minnesota Waste Management Board (Board) hereby approves and adopts the attached amendments to rules governing the Solid Waste Processing Facility Demonstration Program and the Solid Waste Processing Facility Capital Assistance Program, Minn. Rules pts. 9200.6200 to 9200.6800, and Minn. Rules pts. 9200.8210 to 9200.9100, as modified by the attached Findings of Fact and Conclusions, pursuant to authority vested in the Board by Minn. Stat. §§ 115A.49 to 115A.54.

BE IT FURTHER RESOLVED, that prior to publishing the rules as adopted in the State Register, the Chair of the Board 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. Stat. § 14.28 (1986).

BE IT FURTHER RESOLVED, that the Board hereby adopts the attached Findings of Fact and Conclusions relating to the above-named rules and authorizes the Chair to execute the attached Findings of Fact and Conclusions on behalf of the Board.

BE IT FURTHER RESOLVED, that the Chair is hereby authorized to sign an Order of the Board adopting the above-named rules, and to perform any actions incidental thereto.

Dated: Sept. 10, 1987

JOSEPH M. PAVELICH, Chair
Waste Management Board

Attested to by:

Board Member

Please
Rush : Approve 10/7/87

Rule

See proposed Rule, not all new material
Adopted Rule has changes

Authority ok

115A.49-.54

Rule : See 9200.8210 subp 6 - unconditional authority? How does the Board determine proposed testmy? or the amnt to be awarded

HUBERT H. HUMPHREY, III
ATTORNEY GENERAL

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

ADDRESS REPLY TO:
SUITE 200
520 LAFAYETTE ROAD
ST. PAUL, MN 55155
TELEPHONE: (612) 297-1075

September 23, 1987

RECEIVED
ATTORNEY GENERAL'S OFFICE

SEP 28 1987

204 ADMINISTRATION BLDG.
50 SHERBURNE AVENUE
ST. PAUL, MN 55155

Mr. Michael Miles
Assistant Attorney General
Office of the Attorney General
Administration Building
St. Paul, MN 55115

RE: Proposed Amendments to Rules of the Waste Management Board Governing the Solid Waste Processing Facility Capital Assistance and Demonstration Programs.

Dear Mr. Miles:

On September 10, 1987, the Waste Management Board adopted amendments to rules governing the Solid Waste Processing Facility Capital Assistance and Demonstration Programs. Enclosed for your review are the following:

1. The resolution of the Waste Management Board's adoption of the proposed amendments for publication, and a certification of that resolution.

2. A copy of the proposed amendments to the rules with a certificate of approval as to form by the revisor of statutes attached.

3. The notice of intent to adopt amendments to rules without a public hearing as mailed.

4. The statement of need and reasonableness in support of the proposed amendments.

5. The affidavit of mailing the notice of intent to adopt amendments to rules without a public hearing and certification of the mailing list.

6. A photocopy of the notice of intent to adopt amendments to rules without a public hearing as published in the State Register.

7. Four copies of the amendments as adopted, with changes approved as to form by the revisor of statutes.

8. The resolution of the Waste Management Board adopting the amendments to rules, and a certification of that resolution.

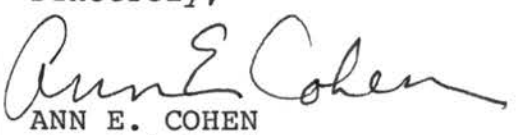
9. The findings of fact, conclusions, and order adopting the amendments to rules.

10. All written requests, submissions or comments on the amendments received by the Waste Management Board.

11. The declaration of counsel regarding compliance with the Administrative Procedure Act and chapter 2010.

Please note that no requests for notice of submission to the Attorney General's office were received. Please also note that the revisor's office changed the numbering of certain sections of the rule after the rule was adopted.

Sincerely,



ANN E. COHEN
Special Assistant
Attorney General

AEC:mti

Office of the Revisor of Statutes
Administrative Rules

Paul M. Marinac
Assistant Deputy Revisor
296-0948

700 State Office Building
100 Constitution Avenue
St. Paul, MN 55155-1297

September 14, 1987

RECEIVED
SEP 16 1987
WASTE MANAGEMENT BOARD

Mr. Ed Welsch
Waste Management Board
7323 58th Avenue North
Crystal, Minnesota 55428

RE: Solid Waste Processing Facility Capital Assistance Program, etc.

Dear Mr. Welsch:

Enclosed are four copies of your rule with the modifications you requested.

Please submit the rules to the Attorney General or the Office of Administrative Hearings, as appropriate.

If you have any questions or need further modifications, please call.

Very truly yours,

Paul M. Marinac

Paul M. Marinac

PMM/ss
Encl.

7

TELEPHONE 218-281-3952

POLK COUNTY HIGHWAY DEPARTMENT

TH 75 AND CR 233
P.O. BOX 27
CROOKSTON, MINNESOTA 56716

RECEIVED
AUG 05 1987
WASTE MANAGEMENT BOARD

August 3, 1987

Mr. Ed Welsch
Waste Management Board
123 Thorson Building
7323 58th Avenue North
Crystal, Minnesota 55428

Re: 1. Proposed Rules 9200.6900 - 9200.6905
2. Proposed Rules 9200.6200 - 9200.6800

Dear Mr. Welsch:

1. The Waste Management Board is to be commended for proposing that grant funds be made available for project development costs. I am sure that many governmental agencies involved in Solid Waste Management throughout the State will appreciate this provision.

In addition, the following comments are offered:

9200.6903 Part Q (p. 5, line 16-18)

It may be advantageous to have a regulatory agency, such as MPCA, review this item. In some cases, potential adverse environmental effects are difficult to determine, and possible mitigation of those effects may involve detailed engineering plans. I suggest that this item be eliminated.

9200.6903 Part R (2) and (3), (p. 5, lines 23-27)

Although it is useful to project specific costs for individual tasks, with regard to governmental agencies, it is very difficult to establish accurate estimates. The experience in Polk County is that various individuals from numerous departments participate in planning and implementation, as well as County Commissioners. I believe it is impractical to estimate such work hours, particularly when many departments and levels of staff are involved.

Engineering and consulting costs, on the other hand, are more easily determined, since contracts may stipulate costs for individual tasks. Therefore, I recommend that these items be revised accordingly.

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2. 9200.8220 Subp. 3 (p. 5, lines 12-22)

It appears that this paragraph may be contradictory. Eligible costs include those incurred while testing for "compliance with applicable standards." On the other hand, monitoring to determine compliance with permit requirements in not eligible. Thus it would appear that if compliance is achieved, costs are not eligible, whereas if compliance is not achieved, the costs are eligible. In effect, this may deter operators from meeting compliance standards using new or modified pollution control equipment.

Furthermore, it is not clear who determines what is meant by "appropriate pollution control equipment." Subpart 5 does not identify a clear procedure for application review, and therefore the decision as to what is or is not appropriate would appear to be one made by the WMB.

Thank you very much for the opportunity to respond to the Proposed Rules.

Sincerely,

Mark H Bobman

Mark H. Bobman
Solid Waste Officer

Minnesota Pollution Control Agency

August 17, 1987

Mr. Ed Welsch
Waste Management Board
123 Thorson Building
7323 - 58th Avenue North
Crystal, Minnesota 55428

Re: Proposed Permanent Rules Relating to the Solid Waste Processing Facility Capital Assistance Program and the Solid Waste Processing Facilities Demonstration Program

Dear Mr. Welsch:

The purpose of my letter is to provide both Minnesota Pollution Control Agency (MPCA) staff support of and comment on the above referenced proposed rules. MPCA staff comments on the proposed rules are limited to Minn. Rule part 9200.8220 (Environmental Testing Grants), and are detailed below.

1. The wording of the second sentence in Subp. 3 (Eligible costs) is confusing. Specifically, the phrase, "...into compliance with applicable standards" is confusing because the only applicable standards with respect to incineration facilities are outdated, and only regulate emissions of particulate matter. Therefore, MPCA staff recommend that the second sentence of Subp. 3 be omitted.

2. MPCA staff recommend that the second sentence in paragraph H. of Subp. 4 be revised to read, "It is required that applicants contact the Pollution Control Agency or other regulatory agency before developing a test proposal to receive assistance in determining the tests that are needed." By changing the wording from recommended to required, the Waste Management Board is assured that the work plan has been developed in coordination with the MPCA or other regulatory agency. It also ensures that the MPCA or other regulatory agency is aware of an applicant's project earlier in its development.

Phone:_____
520 Lafayette Road, St. Paul, Minnesota 55155
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Equal Opportunity Employer

3. MPCA staff is concerned with a funding level of $100,000 as specified in Subp. 7. Based on current MPCA testing requirements, this should be sufficient for one test similar to that conducted at the City of Red Wing incinerator. However, as stated in Comment Number 1. above, regulations for municipal waste incinerators have not been developed. In fact, pending congressional bills if enacted would increase the testing requirements. MPCA staff recommend that a mechanism be incorporated into Subp. 7 to reevaluate appropriate funding level based on Federal or State incinerator regulations adopted after adoption of these proposed rules.

Thank you for your consideration of the above comments. If you have any questions, please contact me at 296-7371.

Sincerely,

Lisa J. Thorvig

Lisa J. Thorvig, Chief
Regulatory Compliance Section
Division of Air Quality

LJT/jew

Future Fuel Inc.

1355 Hwy. 32 South
Thief River Falls, MN 56701

Phone 218 681-3710
218 681-3711

"Dedicated To A Landfill Free America"

RECEIVED
AUG 21 1987
WASTE MANAGEMENT BOARD

August 18, 1987

Ed Welsch
MN Waste Management Board
123 Thorson Community Center
7323 58th Ave. N.
Crystal, MN 55428

RE: 9200.8220 Environmental Testing Grants

Dear Ed:

According to the above mentioned grants that are available for testing, it states that up to $100,000.00 is available per each facility. Does this mean that this amount is available for each facility that is tested?

If the answer is yes, then that appears to be okay. If not, due to the enormous amounts it cost to do testing, especially for large facilities, such as Virginia Public Utilities, costing an estimated $80,000.00, and the unrealistic approach the Minnesota Pollution Control Agency is taking that all facilities must be tested, then the $100,000.00 ceiling amount must be included for each facility that burns the fuel. Keep in mind that smaller facilities normally will cost less, such as Northwest Medical Center, around $[illegible],000.00.

In order to market pellets, with the MPCA testing requirements, monies must be made available for each facility that utilizes the fuel, otherwise there is no chance of establishing markets.

Thank you for your immediate attention on this matter and thank you and the Board for all the assistance and cooperation you have given to this project. It is greatly appreciated.

Sincerely,

Richard D. Nordhagen
President

cc: Skip Swanson, County Commissioner
Pennington County Board

City of Red Wing

Box 34
Red Wing, Minnesota 55066

RECEIVED
AUG 28 1987
WASTE MANAGEMENT
BOARD

August 27, 1987

Mr. Ed Welsch
Waste Management Board
123 Thorson Building
7323 58th Avenue North
Crystal, MN 55428

Dear Mr. Welsch:

I have had an opportunity to review the proposed Permanent Rules relating to Solid Waste Processing Facilities Captial Assistance Program and Solid Waste Processing Facilities Demonstration Program and am requesting the following be given consideration.

A. 9200.6300 Eligibility Criteria. Subd. 3. I would request that continuous monitoring equipment be considered as "waste processing equipment."

B. 9200.6700 Limitations. I would like to see the maximum grant award for projects (capital) under $100,000 increased from 25 percent to 50 percent.

C. 9200.8220 Environmental Testing Grants.

I would request that the Board consider allowing as eligible costs fees for consultants hired by the city to monitor air quality testing to insure test plans are followed.

Thanks for the opportunity to comment.

Sincerely,

Dean A. Massett
Council Administrator

lw

Upper Minnesota Valley Regional Development Commission

RECEIVED
JUL 31 1987
WASTE MANAGEMENT BOARD

Big Stone • Chippewa • Lac qui Parle • Swift • Yellow Medicine
323 WEST SCHLIEMAN AVENUE APPLETON, MINNESOTA 56208
(612) 289-1981 & 1982

July 30, 1987

TO: DAN KRIVIT
From: ED

Mr. Ed Welsch
Waste Management Board
123 Thorson Bldg.
7323 - 58th Avenue No.
Crystal, MN 55428

Dear Ed:

In the matter of the proposed adoption of new rules of the Waste Management Board governing a solid waste reduction and separation program, and the proposed adoption of amendments to existing rules of the Waste Management Board governing solid waste processing facility demonstration program and solid waste processing facility capital assistance program, please send a copy of the final rules on adoption to my attention at the Upper Minnesota Valley Regional Development Commission office.

The Upper Minnesota Valley Regional Development Commission does not wish to submit comments regarding the proposed preliminary rules. Thank you for your attention on this matter.

Sincerely,

Charlie Manders

Charlie Manders
Planning Director

CM/klh

U of M

RECEIVED

AUG 21 1987

WASTE MANAGEMENT BOARD

Morgaine: Sig

On behalf of all participants in the University of Minnesota Compost/Co-compost Research Project, I wish to thank Waste Management Board staff for the opportunity to comment on the proposed rules on the Solid Waste Capital Assistance Program.

As our project is a research effort which has and will continue to involve considerable testing and and analyses, our major interests and concerns relate to the Environmental Testing area. Comments given below are identified according to subpart and/or line number. All refer to Part 9200.8220, Environmental Testing Grants.

1. Subpart 3, line 13: ...limited to the costs of tests necessary to determine the appropriate pollution control equipment...

Our suggestion is that it would be appropriate to include processes or practices as well as equipment. It may be that changes in process control or other types of modifications (not necessarily involving new or different equipment) could effectively result in compliance.

2. Subpart 3, line 15: ...the environmental effects of the use of any product or material...

Again, our suggestion is to broaden the scope or wording; in this case by including the production as well as the use of any product or material. This seems particularly applicable to composting where many concerns are related to production (e.g. the exposure of workers to pathogens such as Aspergillus fumigatis or the potential for ground and/or surface water contamination from compost windrows).

3. Subpart 3, lines 16 through 21:

We are unclear about the difference between "tests needed to identify pollution control equipment needed to bring the facility into compliance with applicable standards" (which are eligible for grant funding) and "monitoring required to comply with operating permit conditions" (which is not eligible for funding).

The fact that new waste management technologies are evolving at the same time that rules are being promulgated makes this an especially difficult area. For example, there are not established standards or limits for dioxins emmissions from refuse incinerators. However, it appears the Minnesota Pollution Control Agency (MPCA) is requiring emmissions testing for dioxins at facilities that incinerate refuse derived fuels. Would such tests be eligible for funding under the Environmental Testing Grants?

Also, are "applicabale standards" and "permit conditions" intended to mean exclusively, those established/required by MPCA or is a broader interperation intended?

UNIVERSITY OF MINNESOTA
TWIN CITIES

Soil Science Department
Borlaug Hall
1991 Upper Buford Circle
St. Paul, Minnesota 55108

September 1, 1987

RECEIVED
SEP 08 1987
WASTE MANAGEMENT
BOARD

Sigurd Scheurle, Planner
Minn. Waste Mgmt. Board
7323 58th Avenue North
Crystal, MN 55428

Dear Mr. Scheurle:

On behalf of all participants in the University of Minnesota Compost-Co-compost Research Project, I wish to thank the Waste Management Board staff for the opportunity to comment on the proposed rules pertaining to the Solid Waste Capital Assistance Program.

As our project is a research effort which has and will continue to involve considerable testing and analyses, our major interests and concerns relate to the Environmental Testing area. Comments given below are identified according to subpart and/or line number. All refer to Part 9200.8220, Environmental Testing Grants.

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Also, are "applicable standards" and "permit conditions" intended to mean exclusively, those established/required by MPCA or is a broader interpretation intended?

As you are aware, we have been studying solid waste composts and co-composts for approximately two years. As a result, we have come to recognize definite areas where there is a need for additional information:

a) The presence of household hazardous waste compounds in solid wastes and solid waste composts, and the effects of the composting process on the compounds.

b) Determine source(s) of trace element composts contaminants (especially lead and zinc) in solid wastes and solid waste composts and identify/develop processes more likely to result in lower concentrations of the elements.

c) Determine types and concentrations of pesticides in yard wastes and yard waste composts and the effects of the composting process on the composts.

d) Characterize leachate from compost windrows and/or curing piles and assess the potential for pollution from unprotected piles.

e) Study the effects of compost application at agricultural rates on nitrogen relationships and movement in the soil profile.

We encourage you to consider these ideas when formulating eligibility criteria for the Environmental Testing Grants. If further discussion on any of the above comments is desired, please contact me at 624-2782.

Sincerely,

Nancy A. Schumacher

Nancy A. Schumacher
Project Coordinator

NAS:md