

Minnesota Attorney General: Administrative Rules Proceedings

Copyright Notice:

This material may be protected by copyright law (U.S. Code, Title 17). Researchers are liable for any infringement. For more information, visit www.mnhs.org/copyright.

Version 3
August 20, 2018

RULE REVIEW CHECKLIST

File No. 1427 Docket No. 05.0009.0835

DATE RECEIVED 12/21/87 ADOPTED W/O HEARING X

REVIEW DATE 12/30/87 EMERGENCY RULE

DUE DATE 1/4/87 DK

REVISOR APPROVED 12.28

APPROVED 12.4.88 mjk REVISOR DISAPPROVED

DISAPPROVED 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WITHDRAWN RETURNED TO AGENCY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.06 sub 2
115A.156 - 115A.162 Statutory Authority

yes 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

10/14/87 Date (30)/25 days before adoption

✓ Publication in State Register

10/19/87 Date (30)/25 days before adoption

✓ Resolution Adopting

✓ Findings of Fact, Conclusions & Order Adopting

11/19/87 Date

____ ~~Written requests, submissions or comments~~

____ Declaration of attorney

____ Name of SAAG representing agency

____ ~~Notice of Submission to Attorney General~~

HAND ~~Affidavit of Mailing Notice to Attorney General~~

SF-00006-05 (4/86)

STATE OF MINNESOTA

Office Memorandum

DEPARTMENT : ATTORNEY GENERAL

DATE : January 4, 1988

TO : ALAN C. WILLIAMS
Special Assistant
Attorney General

FROM :

MARTHA CASSERLY
Special Assistant
Attorney General

PHONE :

6-6204

SUBJECT :

In the Matter of the Adopted Rule Relating to
Industrial and Hazardous Waste Processing Grants

The above-referenced rule has been approved as to its legality by the Attorney General on January 4, 1988.

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.

MJC: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 Industrial and Hazardous Waste Processing Grants

Rules as Adopted

9200.6000 SCOPE AND AUTHORITY.

Parts 9200.6000 to 9200.6011 govern the administration of development grants for waste processing and collection facilities and services as provided under Minnesota Statutes, section 115A.156, and certification of hazardous waste processing facility loan applications received by the agricultural and economic development board and forwarded to the waste management board for certification under Minnesota Statutes, section 115A.162.

9200.6001 DEFINITIONS.

Subpart 1. [Unchanged.]

Subp. 2. **Lending authority.** "Lending authority" means the Minnesota Agricultural and Economic Development Board created in Minnesota Statutes, section 41A.02.

Subp. 3. [Unchanged.]

Subp. 4. **Capital costs.** "Capital costs" means expenditures that meet the requirements of federal industrial development bond law, including:

A. to G. [Unchanged.]

H. fee of guarantor, insurer, or financial institution, other than the lending authority, who provides letters of credit, surety bonds, or equivalent security;

I. lending authority fees, including application and guaranty fees of the lending authority and administrative costs and expenses;

J. to M. [Unchanged.]

Subp. 5. **Chairperson.** "Chairperson" means the chairperson of the Waste Management Board.

Subp. 6. and 7. [Unchanged.]

Subp. 8. **Commissioner.** "Commissioner" means the commissioner of trade and economic development.

Subp. 9. **Generator.** "Generator" means a person who produces an industrial or hazardous waste.

Subp. 10. [Unchanged.]

Subp. 10a. **Industrial waste.** "Industrial waste" has the meaning given it in Minnesota Statutes, section 115A.03, subdivision 13a.

Subp. 11. **Loan.** "Loan" means a hazardous waste processing facility loan as defined in Minnesota Statutes 1986, section 116M.03, subdivision 15.

Subp. 12. to 15. [Unchanged.]

9200.6002 ELIGIBILITY CRITERIA.

Subpart 1. **Eligible applicants.** Unless eligibility is limited under part 9200.6004, subpart 3, the following are eligible to apply for a development grant:

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

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

Subp. 2. **Eligible proposals.** Proposals for the following types of work which are preliminary to the development and operation of specific types of commercial facilities and services for collecting or processing industrial or hazardous waste are eligible:

A. to F. [Unchanged.]

Subp. 3. to 6. [Unchanged.]

9200.6003 GRANT APPLICATION.

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

A. to C. [Unchanged.]

D. A statement whether the applicant is planning to apply for future grants under this program, or has applied or is planning to apply for an industrial or hazardous waste processing facility loan administered by the Minnesota Agricultural and Economic Development Board.

E. [Unchanged.]

9200.6004 APPLICATION PROCESS.

Subpart 1. **Deadline.** The board will solicit applications by notification in the State Register or by written notice to eligible applicants if eligibility is limited pursuant to subpart 3. The board may set reasonable deadlines for submission of applications.

Subp. 2. **Limited solicitation of applications.** The board may limit its solicitation of applications to particular types of proposals, facilities, or services based upon:

A. the board's evaluation of the results of previous studies of industrial or hazardous waste processing and reduction proposals and opportunities in Minnesota; and

B. [Unchanged.]

Subp. 3. **Limitations on eligibility of applicants.** The board may limit eligibility for a grant to persons who have responded to a request for proposal issued by the board or chairperson under Minnesota Statutes, section 115A.158 or 115A.192, for development of a facility or service for collecting or processing industrial or hazardous waste, or who have been selected by the board to develop such a facility under Minnesota Statutes, section 115A.192.

9200.6007 AWARD OF GRANTS.

Subpart 1. **General procedure.** The board shall award grants for those proposals which in the board's judgment will be the most beneficial in improving industrial or hazardous waste management in the state, based upon its evaluation of the factors identified in part 9200.6006.

Subp. 2. [Unchanged.]

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

For industrial waste, a grant must be matched by money or in-kind services provided by the grantee covering at least 50 percent of the project cost.

Subp. 4. [Unchanged.]

9200.6008 GRANT AGREEMENT.

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

A. Establish the term of the grant. Unless otherwise determined by the board, all grants awarded under this part will have a maximum term of one year.

B. and C. [Unchanged.]

Subp. 2. **Cancellation of grants.** The grant is subject to cancellation by the board if the board determines that the proposal is no longer feasible or if the proposed work is not completed in accordance with the terms and conditions of the grant agreement, including time schedules, unless the chairperson determines that variances from the respective agreements are in order.

Subp. 3. **Termination.** The chairperson may suspend the work under an agreement upon written notice whenever it appears that there are grounds for cancellation of the grant under subpart 2. The chairperson may negotiate and enter into amendments to the agreement to avoid cancellation if the original purposes of the grant can be accomplished under an amended agreement. Unless amendments to the agreement have been executed, the chair shall recommend cancellation of the grant under subpart 2 within 60 days after suspending any work under the agreement. The chairperson shall promptly notify the board

after any suspension of work or grant agreement executed under this subpart.

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

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

9200.6010 EVALUATION OF LOAN APPLICATIONS.

Subpart 1. [Unchanged.]

Subp. 2. **Certification factors.** In addition to determining whether the requirements of part 9200.6011, subpart 2, have been satisfied, the board shall consider the following factors in evaluating whether a loan application will be certified and in determining the share of capital costs that must be provided by the applicant:

A. to H. [Unchanged.]

I. the availability of funds from the lending authority.

Subp. 3. [Unchanged.]

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
JAN - 4 1988
Joan Anderson Growe
Secretary of State
2:50 PM

APPROVED AS TO FORM AND LEGALITY
January 4 1988
HUBERT H. HUMPHREY, III
ATTORNEY GENERAL
BY MJ Cassidy
SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
WASTE MANAGEMENT BOARD

In the Matter of the Proposed Adoption of Amendments to Rules Governing the Waste Processing Facilities and Services Grant and Loan Programs

CERTIFICATION OF AUTHORIZING RESOLUTION

I, Joseph M. Pavelich, do hereby certify that I am the Chairperson of the Minnesota Waste Management Board, an agency duly authorized under the laws of the State of Minnesota, and that the following is a true, complete, and correct copy of a resolution adopted at a meeting of the Minnesota Waste Management Board duly and properly called and held on the 19th day of November, 1987, that a quorum was present at said meeting, that a majority of those present voted for the resolution and that said resolution will be set forth in the minutes of said meeting and has not been rescinded or modified:

BE IT RESOLVED, that the Minnesota Waste Management Board hereby approves and adopts the amendments to rules governing Waste Processing Facilities and Services Grant and Loan Programs pursuant to the authority vested in the Board by Minn. Stat. § 115A.06, subd. 2 § 115A.156 and § 115A.162 (1986).

BE IT FURTHER RESOLVED, that prior to publishing the rules as adopted in the State Register, the Chairperson is authorized to make any form changes in the rules that the Revisor of Statutes requires the Board to make in order to obtain the Revisor's Certificate as required by Minn. Stat. § 14.28 (1986).

BE IT FURTHER RESOLVED, that the Board adopts the attached Findings of Fact, Conclusions, and Order Adopting Amendments and that the Chairperson is hereby authorized to sign the above-mentioned document on behalf of the Board and to perform the necessary acts to provide that the rule shall have the force and effect of law.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 19th day of November, 1987.

Dated: 11/19/87

JOSEPH M. PAVELICH, CHAIRMAN
Minnesota Waste Management Board

Waste Management Board

Proposed Permanent Rules Relating to Industrial and Hazardous Waste Processing Grants

Rules as Proposed

9200.6000 SCOPE AND AUTHORITY.

Parts 9200.6000 to 9200.6011 govern the administration of development grants for waste processing and collection facilities and services as provided under Minnesota Statutes, section 115A.156, and certification of hazardous waste processing facility loan applications received by the ~~energy~~ agricultural and economic development ~~authority~~ board and forwarded to the waste management board for certification under Minnesota Statutes, ~~sections~~ section 115A.162 ~~and 116M.07, subdivision 9~~.

9200.6001 DEFINITIONS.

Subpart 1. [Unchanged.]

Subp. 2. **Lending authority.** "Lending authority" means the Minnesota ~~Energy~~ Agricultural and Economic Development ~~Authority~~ Board created in Minnesota Statutes, section ~~116M.06~~ 41A.02.

Subp. 3. [Unchanged.]

Subp. 4. **Capital costs.** "Capital costs" means expenditures that meet the requirements of federal industrial development bond law, including:

A. to G. [Unchanged.]

H. fee of guarantor, insurer, or financial institution, other than the lending authority, who provides letters of credit, surety bonds, or equivalent security;

I. lending authority fees, including application and guaranty fees of the lending authority and administrative costs and expenses;

J. to M. [Unchanged.]

Subp. 5. **Chairperson.** "Chairperson" means the chairperson of the ~~board~~ Waste Management Board.

Approved by Revisor

Subp. 6. and 7. [Unchanged.]

Subp. 8. **Commissioner.** "Commissioner" means the commissioner of ~~energy~~ trade and economic development.

Subp. 9. **Generator.** "Generator" means a person who produces ~~a~~ an industrial or hazardous waste.

Subp. 10. [Unchanged.]

Subp. 10a. **Industrial waste.** "Industrial waste" has the meaning given it in Minnesota Statutes, section 115A.03, subdivision 13a.

Subp. 11. **Loan.** "Loan" means a hazardous waste processing facility loan as defined in Minnesota Statutes 1986, section 116M.03, subdivision 15.

Subp. 12. to 15. [Unchanged.]

9200.6002 ELIGIBILITY CRITERIA.

Subpart 1. **Eligible applicants.** Unless eligibility is limited under part 9200.6004, subpart 3, the following are eligible to apply for a development grant:

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

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

Subp. 2. **Eligible proposals.** Proposals for the following types of work which are preliminary to the development and operation of specific types of commercial facilities and services for collecting or processing industrial or hazardous waste are eligible:

A. to F. [Unchanged.]

Subp. 3. to 6. [Unchanged.]

9200.6003 GRANT APPLICATION.

An applicant must submit an application in the form specified by the ~~board~~ chairperson. An application must include

Approved by Revisor _____

the following information:

A. to C. [Unchanged.]

D. A statement whether the applicant is planning to apply for future grants under this program, or has applied or is planning to apply for ~~a~~ an industrial or hazardous waste processing facility loan administered by the Minnesota ~~Energy~~ Agricultural and Economic Development ~~Authority~~ Board.

E. [Unchanged.]

9200.6004 APPLICATION PROCESS.

Subpart 1. **Deadline.** The board will solicit applications by notification in the State Register or by written notice to eligible applicants if eligibility is limited pursuant to subpart 3. The board may set reasonable deadlines for submission of applications.

Subp. 2. **Limited solicitation of applications.** The board may limit its solicitation of applications to particular types of proposals, facilities, or services based upon:

A. the board's evaluation of the results of previous studies of industrial or hazardous waste processing and reduction proposals and opportunities in Minnesota; and

B. [Unchanged.]

Subp. 3. **Limitations on eligibility of applicants.** The board may limit eligibility for a grant to persons who have responded to a request for proposal issued by the board or chairperson under Minnesota Statutes, section 115A.158 or 115A.192, for development of a facility or service for collecting or processing industrial or hazardous waste, or who have been selected by the board to develop such a facility under Minnesota Statutes, section 115A.192.

9200.6007 AWARD OF GRANTS.

Subpart 1. **General procedure.** The board shall award grants for those proposals which in the board's judgment will be the most beneficial in improving industrial or hazardous waste management in the state, based upon its evaluation of the factors identified in part 9200.6006.

Approved by Revisor _____

Subp. 2. [Unchanged.]

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

For industrial waste, a grant must be matched by money or in-kind services provided by the grantee covering at least 50 percent of the project cost.

Subp. 4. [Unchanged.]

9200.6008 GRANT AGREEMENT.

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

A. Establish the term of the grant. Unless otherwise determined by the board, all grants awarded under this part will have a maximum term of one year.

B. and C. [Unchanged.]

Subp. 2. **Cancellation of grants.** The grant is subject to cancellation by the board if the board determines that the proposal is no longer feasible or if the proposed work is not completed in accordance with the terms and conditions of the grant agreement, including time schedules, unless the chairperson determines that variances from the respective agreements are in order.

Subp. 3. **Termination.** ~~The board may terminate the work under an agreement upon 30 days notice if it determines that the proposal is no longer feasible. A request for termination may be initiated by either the board or a grant recipient. The procedure for determining that a proposal is not feasible shall be specified in the grant agreement.~~ The chairperson may suspend the work under an agreement upon written notice whenever it appears that there are grounds for cancellation of the grant under subpart 2. The chairperson may negotiate and enter into

Approved
by Revisor _____

amendments to the agreement to avoid cancellation if the original purposes of the grant can be accomplished under an amended agreement. Unless amendments to the agreement have been executed, the chair shall recommend cancellation of the grant under subpart 2 within 60 days after suspending any work under the agreement. The chairperson shall promptly notify the board after any suspension of work or grant agreement executed under this subpart.

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

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

9200.6010 EVALUATION OF LOAN APPLICATIONS.

Subpart 1. [Unchanged.]

Subp. 2. **Certification factors.** In addition to determining whether the requirements of part 9200.6011, subpart 2, have been satisfied, the board shall consider the following factors in evaluating whether a loan application will be certified and in determining the share of capital costs that must be provided by the applicant:

A. to H. [Unchanged.]

I. the availability of funds from the lending authority.

Subp. 3. [Unchanged.]

Approved by Revisor _____

Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to Industrial and Hazardous Waste Processing Grants

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

STATE OF MINNESOTA
WASTE MANAGEMENT BOARD

In the Matter of the Proposed Amendments to Rules Governing Hazardous Waste Processing Facility Grants and Loans, Minn. Rules Parts 9200.6000 to 9200.6011

NOTICE OF INTENT TO ADOPT AMENDMENTS TO RULES WITHOUT A PUBLIC HEARING

Notice is hereby given that the Minnesota Waste Management Board (Board) intends to adopt the above-entitled amendments to the rules without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in Minn. Stat. §§ 14.22 to 14.28 (1986). The Board's authority to adopt the rule is set forth in Minn. Stat. § 115A.06, subd. 2, § 115A.156 and § 115A.162 (1986).

All persons have until 4:30 p.m. on November 18, 1987, to submit comments in support of or in opposition to the proposed amendments. Comment is encouraged. Each comment should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rules within the comment period. If 25 or more persons submit a written request for a public hearing within the comment period, a public hearing will be held unless a sufficient number withdraw their requests in writing. 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 change proposed. If a public hearing is required, the Board will proceed pursuant to Minn. Stat. §§ 14.131 to 14.20 (1986).

Comments or written requests for a public hearing must be submitted to:

Prior to October 30, 1987
Kevin J. McDonald
Minnesota Waste Management Board
7323 58th Avenue North
Crystal, Minnesota 55428
(612) 536 - 0816

After October 30, 1987
Kevin J. McDonald
Minnesota Wast Mgmt. Bd.
1350 Energy Lane
St. Paul, Minnesota 55108
(612)649-5744

The proposed amendments may be modified if the modifications are supported by data and views submitted to the Board and do not result in a substantial change in the proposed amendments as noticed.

The proposed amendments, if adopted, will expand the Hazardous Waste Processing Facility Grant Program to include the eligibility of nonhazardous industrial waste streams. A copy of the proposed amendments is enclosed. One free copy of the rules is available upon request from the Board at the address and telephone number stated above.

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed amendments and identifies the data and information relied upon to support the proposed rule has been prepared and is available from the Board upon request.

You are hereby advised, pursuant to Minn. Stat. § 14.115 (1986), "Small business considerations in rulemaking, "that the proposed rules will not have a direct effect on small businesses. The rules do not impose any requirements or standards on the operation of small businesses. The programs which these amendments are designed to modify will provide grants to persons seeking to develop and operate industrial and hazardous waste collection and processing facilities and services. Availability of these facilities and services to small businesses generating industrial and hazardous waste is an important goal of the Board.

If no hearing is required, upon adoption of the amendments, the amendments to the rules and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent form relates to legality. Any person may request notification of the date of submission to the Attorney General. 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 rule as adopted, must submit a written request to the Board.

Dated: 10/14/87

Joseph M. Pavelich
Chairman, Waste Management Board

WP/I&HG/G&LR/NOIA/KM:eh

STATE OF MINNESOTA

WASTE MANAGEMENT BOARD

In the Matter of the Proposed
Amendments of Rules Governing
Hazardous Waste Processing
Facility Grants and Loans

Statement of Need
and Reasonableness
(SONAR)

I. INTRODUCTION

The subject of this rulemaking procedure is a set of proposed amendments of the adopted rules governing the hazardous waste processing facility grant and the hazardous waste processing facility loan programs. Amendments to the grant rules are authorized by Minnesota Statutes, Section 115A.06, Subd. 2 and Section 115A.156, as amended by Minn. Laws 1987, Chapter 348, Sections 9 to 11. Authority to amend loan rules is contained in Minnesota Statutes, Section 115A.06, Subd. 2 and 115A.162.

The adopted grant and loan rules are proposed to be amended in provisions affecting scope and authority, definitions, eligibility criteria, grant application, application process, evaluation of proposals, award of grant and grant agreement.

II. NEED FOR PROPOSED AMENDMENTS

A. Grant Rules

The Waste Management Board (Board) is authorized by Minnesota Statutes, Section 115A.156 (1986) as amended by Minn. Laws 1987, Ch. 348, Sections 9 to 11 to make grants to eligible recipients to determine the feasibility and method of developing

and operating specific types of commercial facilities and services for collecting and processing industrial waste in addition to hazardous waste.

The rules are proposed to be amended in order to reflect the application of this grant program to industrial waste projects and to improve the administration of the program based upon the experience of the Board since the program began in 1984.

B. Loan Rules

The Board is directed by Minnesota Statutes, Section 115A.162 to review applications for hazardous waste processing facility loans. The authority to make these loans was transferred from Minnesota Energy and Economic Development Authority (MEEDA) to Minnesota Agricultural and Economic Development (MAED) Board under Minnesota Laws 1987, Article 9, Section 20, Subdivision 2. The rules are proposed to be amended to reflect this shift of authority from MEEDA to MAED.

III. REASONABLENESS OF PROPOSED AMENDMENTS

9200.6000 Scope and Authority

An amendment is proposed to change the name of the lending agency under the loan program from energy and economic development authority to agricultural and economic development board. Because the 1987 Minnesota Legislature transferred the authority to make hazardous waste loans from MEEDA to MAED, it is reasonable to reflect this change in the Board's rules governing the loan program.

9200.6001 Definitions

Four amendments are proposed for the section addressing definitions. An amendment is proposed to change "authority" to "lending authority" and its description from Minnesota Energy and Economic Development Authority created

in Minnesota Statutes, Section 116M.06 to Minnesota Agricultural and Economic Development Board created in Minnesota Statutes, Section 41A.02. It is reasonable to reflect this statutory transfer of authority in the Board's rules governing the loan program.

A second amendment is proposed to change the definition of "commissioner" from commissioner of energy and economic development to commissioner of trade and economic development. It is reasonable to reflect this statutory change in agency title in the Board's rules governing the loan program.

A third amendment is proposed to expand the definition of generator to include the waste stream of industrial waste. This amendment is reasonable because it fulfills a statutory obligation of the Board to include the eligibility of industrial waste generators in the Board's grant program.

A fourth amendment is proposed to include the statutory definition of industrial waste. It is necessary to provide a definition of industrial waste because industrial waste generators, collectors and processors will be potentially eligible for grants under the Board's program.

<u>9200.6002 Eligibility Criteria</u>

Four amendments are proposed for the section addressing eligibility criteria. An amendment is proposed under subpart 1 to clearly define the limitations of eligibility as outlined under part 9200.6004, subpart 3. This amendment is reasonable because it alerts potential applicants to the limitations of eligibility as proposed under part 9200.6004, subpart 3.

Three other amendments are proposed to facilitate the inclusion of industrial waste streams into the grant program and thereby fulfill a statutory obligation of the Board. The language of this section is proposed to be amended to include the eligibility of industrial waste generators, collectors and processors in this grant program. These amendments are reasonable because they clarify language in the rules regarding the eligibility of generators, processors and collectors of industrial waste.

9200.6003 Grant Application

Three amendments are proposed for the section addressing grant application. An amendment is proposed to transfer grant application responsibilities from the Board to the chairperson. This amendment is reasonable because it affects administrative duties that are more appropriately performed by the chairperson than the Board.

A second amendment is proposed to change the name of the lending agency under the loan program from Energy and Economic Development Authority to Agricultural and Economic Development Board. This change reflects the statutory transfer of authority for the loan program from MEEDA to MAED referred to in Part II.B of this Statement of Need and Reasonableness.

A third amendment is proposed to change the language of this section to include the eligibility of industrial waste generators, collectors and processors in the loan program to reflect the expanded purpose of this program as provided in 1987 Amendments to Minn. Stat. Section 115A.156.

9200.6004 Application Process

Two amendments are proposed for the section addressing application process. An amendment is proposed to allow written notices as a means by which the board may solicit grant applications, if eligibility is limited pursuant to new subpart 3. This is a reasonable and efficient means to solicit grant applications from persons if eligibility is limited under new subpart 3 because of the relatively low number of potential applicants.

A second amendment for this section enables the Waste Management Board to direct assistance under the matching grant program to persons who respond to the Board's Request for Proposal (RFP) for development of a stabilization and containment, or the developer selected to develop the facility under Minnesota Statutes 115A.192. The RFP was issued in June, 1987 for development of the facility. It is anticipated that the developer will be selected in late 1987. Assistance may also be directed to persons responding to other RFPs which the Board may issue under its authority in Minnesota Statutes, Section 115A.158. It is reasonable for the Board to have the authority to limit grant funds to applicants who are actively seeking to develop specific types of facilities desired by the Board as evidenced by the applicant's response to RFP's issued by the Board or by Board selection of the applicant as a developer of the stabilization and containment facility authorized by statute.

9200.6006 Evaluation of Proposals

No amendments are proposed for the section addressing evaluation of proposals.

9200.6007 Award of Grants

Two amendments are proposed for the section addressing award of grants. An amendment is proposed to distinguish the matching funds requirement for hazardous waste generators, collectors and processors from that of industrial waste generators, collectors and processors. For hazardous waste, a recipient other than an association of generators in the state shall agree to provide at least 50 percent of the cost of the proposal. An association of two or more hazardous waste generators in the state shall agree to provide at least 20 percent of the cost of the proposal.

A second amendment is proposed to clearly define the matching funds requirement for industrial waste generators. For industrial waste a grant must be matched by money or in-kind services provided by the grantee covering at least 50 percent of the project cost.

Both amendments to 9200.6007 are reasonable because Minnesota Laws 1987 115A.156 Subd. 5 requires hazardous and industrial waste grant recipients to provide matching funds at the stated percentages for each waste stream.

9200.6008 Grant Agreement

Amendments proposed for this section to revise and improve the grant agreement termination process based upon the Waste Management Board's previous experience in implementing this grant program. The amendments are reasonable because they enable the chairperson to negotiate amendments to grant agreements to resolve matters that would otherwise require cancellation of the agreements. These changes will allow flexibility in modifying grant agreements where the original purposes of the grant can still be accomplished, while setting a 60-day period for resolution of the matter so that there is adequate incentive to

reach a resolution. A provision of the proposed amendments directs the chairperson to promptly notify Board members after any suspension of work or grant amendment executed under this part. It is reasonable to provide the Board with current information regarding the status of grant agreements executed under this grant program.

IV. EFFECT OF PROPOSED AMENDMENTS ON SMALL BUSINESS

The proposed amendments do not directly affect small businesses and therefore do not require the Board to address the requirements of Minnesota Statutes Section 14.115. The rules or amendments do not impose any requirements or standards on the operation of small businesses. The programs which these amendments are designed to modify will provide grants and loans to persons seeking to develop and operate industrial and/or hazardous waste collection and processing facilities and services. Availability of these facilities and services to small businesses generating industrial and/or hazardous waste is an important goal of the Board.

WP/IHG/HWPFR/KM

STATE OF MINNESOTA
WASTE MANAGEMENT BOARD

In the Matter of the Proposed Amendments to Rules Governing Hazardous Waste Processing Facility Grants and Loans, Minn. Rules Parts 9200.6000 to 9200.6011

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

STATE OF MINNESOTA)
) s.s.
COUNTY OF HENNEPIN)

Connie J. Schultz, being duly sworn says:

I hereby certify that the list of persons and associations who have requested, pursuant to Minn. Stat. §§ 14.14, subd. Ia and 14.22 (1986) that their names be placed on the Minnesota Waste Management Board's rulemaking mailing list is accurate, complete, and current as of this 14 day of Oct, 1987.

That on the 14 day of October, 1987, at the City of Crystal, County of Hennepin, State of Minnesota, I mailed the attached Notice of Intent to Adopt Amendments to Rules Without a Public Hearing by depositing in the State of Minnesota Central Mail System for United States Mail or in the United States mail a copy thereof, with postage prepaid, to all persons and associations on the aforementioned mailing list.

Connie J. Schultz

Subscribed and sworn to before me
this 14th day of October, 1987

June J. Seery
Notary Public

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

Waste Management Board

Proposed Permanent Rules Relating to Industrial and Hazardous Waste Processing Grants

Notice of Intent to Adopt Rules Without a Public Hearing

Notice is hereby given that the Minnesota Waste Management Board (Board) intends to adopt the above-entitled amendments to the rules without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in *Minnesota Statutes* §§ 14.22 to 14.28 (1986). The Board's authority to adopt the rules is set forth in *Minnesota Statutes* § 115A.06, subd. 2, 115A.156 and § 115A.162 (1986).

All persons have until 4:30 p.m. on November 18, 1987, to submit comments in support of or in opposition to the proposed amendments. Comment is encouraged. Each comment should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rules within the comment period. If 25 or more persons submit a written request for a public hearing within the comment period, a public hearing will be held unless a sufficient number withdraw their requests in writing. 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.

If a public hearing is required, the Board will proceed pursuant to *Minnesota Statutes* §§ 14.131 to 14.20 (1986).

Comments or written requests for a public hearing must be submitted to:

Prior to October 30, 1987

Kevin J. McDonald
Minnesota Waste Management Board
7323 58th Avenue North
Crystal, Minnesota 55428
(612) 536-0816

After October 30, 1987

Kevin J. McDonald
Minnesota Waste Management Board
1350 Energy Lane
St. Paul, Minnesota 55108
(612) 649-5744

The proposed amendments to the rules may be modified if the modifications are supported by data and views submitted to the Board and do not result in a substantial change in the proposed amendments as noticed.

The proposed amendments, if adopted, will expand the Hazardous Waste Processing Facility Grant Program to include the eligibility of nonhazardous industrial waste streams. The proposed rules are published below. One free copy of the rules is available upon request from the Board at the address and telephone number stated above.

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed amendments and identifies the data and information relied upon to support the proposed rule has been prepared and is available from the Board upon request.

You are hereby advised, pursuant to *Minnesota Statutes* § 14.115 (1986), "Small business considerations in rulemaking," that the proposed amendments to the rules will not have a direct effect on small businesses. The rules do not impose any requirements or standards on the operation of small businesses. The programs which these amendments are designed to modify will provide grants to persons seeking to develop and operate industrial and hazardous waste collection and processing facilities and services. Availability of these facilities and services to small businesses generating industrial and hazardous waste is an important goal of the Board.

If no hearing is required, upon adoption of the amendments to rules, the rules and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent form relates to legality. Any person may request notification of the date of submission to the Attorney General. 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 rule as adopted, must submit a written request to the Board.

Joseph M. Pavelich
Chairman, Waste Management Board

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.

Rul s Proposed

)20 0 SCOPE AND AUTHORITY.

Parts 9200.6000 to 9200.6011 govern the administration of development grants for waste processing and collection facilities and ervices as provided under Minnesota Statutes, section 115A.156, and certification of hazardous waste processing facility loan pplications received by the ~~energy~~ agricultural and economic development ~~authority~~ board and forwarded to the waste management oard for certification under Minnesota Statutes, ~~sections~~ section 115A.162 ~~and 116M.07, subdivision~~ 9.

)200.6001 DEFINITIONS.

Subpart 1. [Unchanged.]

Subp. 2. **Lending authority.** "Lending authority" means the Minnesota ~~Energy~~ Agricultural and Economic Development ~~Authority~~ Board created in Minnesota Statutes, section ~~116M.06~~ 41A.02.

Subp. 3. [Unchanged.]

Subp. 4. **Capital costs.** "Capital costs" means expenditures that meet the requirements of federal industrial development bond aw, including:

A. to G. [Unchanged.]

H. fee of guarantor, insurer, or financial institution, other than the lending authority, who provides letters of credit, surety onds, or equivalent security;

I. lending authority fees, including application and guaranty fees of the lending authority and administrative costs and expenses;

J. to M. [Unchanged.]

Subp. 5. **Chairperson.** "Chairperson" means the chairperson of the ~~board~~ Waste Management Board.

Subp. 6. and 7. [Unchanged.]

Subp. 8. **Commissioner.** "Commissioner" means the commissioner of ~~energy~~ trade and economic development.

Subp. 9. **Generator.** "Generator" means a person who produces ~~a~~ an industrial or hazardous waste.

Su 0. [Unchanged.]

Subp. 10a. **Industrial waste.** "Industrial waste" has the meaning given it in Minnesota Statutes, section 115A.03, subdivision 3a.

Subp. 11. **Loan.** "Loan" means a hazardous waste processing facility loan as defined in Minnesota Statutes 1986, section 116M.03, ubdivision 15.

Subp. 12. to 15. [Unchanged.]

200.6002 ELIGIBILITY CRITERIA.

Subpart 1. **Eligible applicants.** Unless eligibility is limited under part 9200.6004, subpart 3, the following are eligible to apply or a development grant:

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

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

Subp. 2. **Eligible proposals.** Proposals for the following types of work which are preliminary to the development and operation f specific types of commercial facilities and services for collecting or processing industrial or hazardous waste are eligible:

A. to F. [Unchanged.]

Subp. 3. to 6. [Unchanged.]

200.6003 GRANT APPLICATION.

An applicant must submit an application in the form specified by the ~~board~~ chairperson. An application must include the following nformation:

A. to C. [Unchanged.]

D. A statement whether the applicant is planning to apply for future grants under this program, or has applied or is planning o ap for ~~a~~ an industrial or hazardous waste processing facility loan administered by the Minnesota ~~Energy~~ Agricultural and con Development ~~Authority~~ Board.

E. [Unchanged.]

9200.6004 APPLICATION PROCESS.

Subpart 1. **Deadline.** The board will solicit applications by notification in the State Register or by written notice to eligible applicants if eligibility is limited pursuant to subpart 3. The board may set reasonable deadlines for submission of applications.

Subp. 2. **Limited solicitation of applications.** The board may limit its solicitation of applications to particular types of proposals, facilities, or services based upon:

A. the board's evaluation of the results of previous studies of industrial or hazardous waste processing and reduction proposals and opportunities in Minnesota; and

B. [Unchanged.]

Subp. 3. **Limitations on eligibility of applicants.** The board may limit eligibility for a grant to persons who have responded to a request for proposal issued by the board or chairperson under Minnesota Statutes, section 115A.158 or 115A.192, for development of a facility or service for collecting or processing industrial or hazardous waste, or who have been selected by the board to develop such a facility under Minnesota Statutes, section 115A.192.

9200.6007 AWARD OF GRANTS.

Subpart 1. **General procedure.** The board shall award grants for those proposals which in the board's judgment will be the most beneficial in improving industrial or hazardous waste management in the state, based upon its evaluation of the factors identified in part 9200.6006.

Subp. 2. [Unchanged.]

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

For industrial waste, a grant must be matched by money or in-kind services provided by the grantee covering at least 50 percent of the project cost.

Subp. 4. [Unchanged.]

9200.6008 GRANT AGREEMENT.

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

A. Establish the term of the grant. Unless otherwise determined by the board, all grants awarded under this part will have a maximum term of one year.

B. and C. [Unchanged.]

Subp. 2. **Cancellation of grants.** The grant is subject to cancellation by the board if the board determines that the proposal is no longer feasible or if the proposed work is not completed in accordance with the terms and conditions of the grant agreement, including time schedules, unless the chairperson determines that variances from the respective agreements are in order.

Subp. 3. **Termination.** ~~The board may terminate the work under an agreement upon 30 days notice if it determines that the proposal is no longer feasible. A request for termination may be initiated by either the board or a grant recipient. The procedure for determining that a proposal is not feasible shall be specified in the grant agreement.~~ The chairperson may suspend the work under an agreement upon written notice whenever it appears that there are grounds for cancellation of the grant under subpart 2. The chairperson may negotiate and enter into amendments to the agreement to avoid cancellation if the original purposes of the grant can be accomplished under an amended agreement. Unless amendments to the agreement have been executed, the chair shall recommend cancellation of the grant under subpart 2 within 60 days after suspending any work under the agreement. The chairperson shall promptly notify the board after any suspension of work or grant agreement executed under this subpart.

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

Subp. 5. **Return of unspent funds.** Upon completion of the ~~proposal,~~ work under the grant or cancellation of the grant, ~~or~~

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.

~~termination of the work under a grant agreement~~ the grant recipient shall return the state's share of the unspent funds. The procedure for determining the amount of funds to be returned shall be specified in the grant agreement.

00.6010 EVALUATION OF LOAN APPLICATIONS.

Subpart 1. [Unchanged.]

Subp. 2. **Certification factors.** In addition to determining whether the requirements of part 9200.6011, subpart 2, have been satisfied, the board shall consider the following factors in evaluating whether a loan application will be certified and in determining the share of capital costs that must be provided by the applicant:

A. to H. [Unchanged.]

I. the availability of funds from the lending authority.

Subp. 3. [Unchanged.]

Waste Management Board

Proposed Permanent Rules Relating to Hazardous and Industrial Waste Reduction Grants

Notice of Intent to Adopt Rules Without a Public Hearing

Notice is hereby given that the Minnesota Waste Management Board (Board) intends to adopt the above-entitled amendments to the rules without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in *Minnesota Statutes* §§ 14.22 to 14.28 (1986). The Board's authority to adopt the rules is set forth in *Minnesota Statutes* § 115A.06, subd. 2 and § 115A.154 (1986).

All persons have until 4:30 p.m. on November 18, 1987, to submit comments in support of or in opposition to the proposed amendments. Comment is encouraged. Each comment should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rules within the comment period. If 25 or more persons submit a written request for a public hearing within the comment period, a public hearing will be held unless a sufficient number withdraw their requests in writing. 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.

If a public hearing is required, the Board will proceed pursuant to *Minnesota Statutes* §§ 14.131 to 14.20 (1986).

Comments or written requests for a public hearing must be submitted to:

Prior to October 30, 1987

Susan Thornton
Minnesota Waste Management Board
7323 58th Avenue North
Crystal, Minnesota 55428
(612) 536-0816

After October 30, 1987

Susan Thornton
Minnesota Waste Management Board
1350 Energy Lane
St. Paul, Minnesota 55108
(612) 649-5783

The proposed amendments to the rules may be modified if the modifications are supported by data and views submitted to the Board and do not result in a substantial change in the proposed amendments as noticed.

The proposed amendments, if adopted, will expand the Hazardous Waste Reduction Grant Program to include the eligibility of nonhazardous industrial waste streams. The proposed rules are published below. One free copy of the rules is available upon request from the Board at the address and telephone number stated above.

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed amendments and identifies the data and information relied upon to support the proposed rule has been prepared and is available from the Board upon request.

You are hereby advised, pursuant to *Minnesota Statutes* § 14.115 (1986), "Small business considerations in rulemaking," that the proposed amendments to the rules will not have a direct effect on small businesses. The rules do not impose any requirements or standards on the operation of small businesses. The programs which these amendments are designed to modify will provide grants to persons seeking to determine the feasibility of applying specific methods and technologies to reduce the generation of hazardous or industrial waste. Availability of these facilities and services to small businesses generating hazardous or industrial waste is an important goal of the Board.

STATE OF MINNESOTA

WASTE MANAGEMENT BOARD

IN THE MATTER OF THE PROPOSED)
AMENDMENTS OF RULES GOVERNING)
HAZARDOUS WASTE PROCESSING)
FACILITY GRANTS AND LOANS)

CERTIFICATE OF
BOARD'S 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 24th 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 Waste Management Board determines that the adoption of the proposed amendments to the rules governing Hazardous Waste Processing Facility Grants and Loans will not be controversial in nature and authorizes and directs the Chairperson of the Board to sign and to give notice, by publication and by mail, of the Board's intent to adopt the rules without public hearing. The Chairperson may perform any and all acts incidental to signing and giving notice,.and may make changes in the form of the proposed rules prior to giving notice to the extent required to obtain the approval of the Revisor of Statutes under Minn. Stat. § 14.07, subd. 2 (1986). In the event a public hearing on these rules is required, the Chairperson is authorized and directed to call a public hearing for this purpose, to sign a notice of hearing, and to perform all acts necessary and incidental to the hearing.

IN WITNESS WHEREOF, I have hereunto subscribed my name, this 24th day of September, 1987.

Joseph M. Pavelich, Chairman

Attest by one other Board member

STATE OF MINNESOTA
WASTE MANAGEMENT BOARD

In the Matter of the Proposed Amendments to Rules Governing the Waste Processing Facilities and Services Grant and Hazardous Waste Processing Facilities Loan Programs Minn.Rules Parts 9200.6000 - 9200.6010

FINDINGS OF FACT, CONCLUSIONS, AND ORDER ADOPTING AMENDMENTS TO RULES

The above-entitled matter came on for decision before the Minnesota Waste Management Board (Board) on the 19th day of November, 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 noncontroversial 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 Minnesota Waste Board's intent to adopt the above-entitled rules without a public hearing was published in the State Register on October 19, 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 October 15, 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.

3. All persons were given the opportunity to submit comments on the rule for 30 days after notice of proposed rulemaking. The 30 day comment period, as set out in the notice, expired on November 18, 1987.

4. No requests for public hearing were received during the comment period.

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

6. During the comment period the Board did not receive any written comments.

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

8. The above-captioned rule is 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 amendments to the rules without a public hearing.

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

ORDER

NOW, THEREFORE, IT IS ORDERED, that the attached Minn. Rules pts. 9200.6000 - 9200.6010 governing the Waste Processing Facilities and Services Grant and Loan Programs are adopted pursuant to the authority vested in the Minnesota Waste Management Board by Minn. Stat. § 115A.06 subd. 2, § 115A.156 and § 115A.162 (1986).

MINNESOTA WASTE MANAGEMENT BOARD

Dated: November 19, 1987

JOSEPH M. PAVELICH, CHAIRMAN
Waste Management Board

STATE OF MINNESOTA
WASTE MANAGEMENT BOARD

In the Matter of the Proposed
Amendments to Rules Governing
Hazardous Waste Processing Facility Grant
and Loans Rules Parts 9200.6000 to 9200.6010

DECLARATION OF COUNSEL

I, Alan C. Williams, Special Assistant Attorney General, do hereby declare that I have examined the above-captioned rules and the supporting rulemaking record, and that, based on my examination, the Administrative Procedure Act and Minnesota Rules ch. 2010 have been followed. For Attorney General billing purposes, the four-digit docket client code is 75.F233.0835 .

Date: 12-24-87

Alan C. Williams
Special Assistant
Attorney General

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

December 18, 1987

RECEIVED
ATTORNEY GENERAL'S OFFICE

Ms. Christie Eller
Assistant Attorney General
Office of the Attorney General
204 Administration Building
50 Sherburne Avenue
St. Paul, MN 55155

Re: In the Matter of Proposed Rules Governing Hazardous Waste Processing Facility Grant and Loans, Minn. Rules Parts 9200.6000 to 9200.6010.

Dear Ms. Eller:

On November 19, 1987, the Minnesota Pollution Control Agency adopted the above-captioned rules governing the Hazardous Waste Processing Facility Grant and Loan Programs. Enclosed for your review are the following:

1. Rules as adopted (original and three copies).
2. Findings of Fact, Conclusions, and Order Adopting Rules (two copies).
3. Certificate of Resolution Adopting Rules.
4. Certificate of Authorizing Resolution.
5. Notice of Intent to Adopt Rules Without a Public Hearing and rules as proposed (12 S.R. 825, October 19, 1987
6. Notice of Intent to Adopt Rules Without a Public hearing, as mailed.
7. Affidavit of Mailing the Notice of Intent to Adopt Rule Without a Public Hearing and Certificate of Mailing List.
8. Rules as proposed.

9. Statement of Need and Reasonableness

10. Declaration of Counsel.

Very truly yours,

Alan C. Williams

ALAN C. WILLIAMS
Special Assistant
Attorney General

cc: Kevin McDonald
Hazardous Waste Planner, WMB

Declaration of Counsel

This is not signed. I called Alan, he was not in.

Authority

115A.06 sub 2 - OK

115A.156 - OK

115A.162 - OK

Rule

Not all new material

I did not read this rule.

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

December 29, 1987

RECEIVED
ATTORNEY GENERAL'S OFFICE
DEC 30 1987
204 ADMINISTRATION BLDG
50 SHERBURNE AVENUE
ST. PAUL, MN 55155

Ms. Christie Eller
Assistant Attorney General
Office of the Attorney General
204 Administration Building
50 Sherburne Avenue
St. Paul, MN 55155

Re: In the Matter of Proposed Rules Governing Hazardous Waste Processing Facility Grant and Loans, Minn. Rules Parts 9200.6000 to 9200.6010.

Dear Ms. Eller:

In our letter of December 18, 1987, we submitted to you a set of rules adopted by the Minnesota Waste Management Board. That letter was erroneous because it indicated that the rules were adopted by the Minnesota Pollution Control Agency. Therefore, we submit this corrected cover letter requesting your review of the above captioned Waste Management Board rules.

We have have submitted for your review the following documents:

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

2. Findings of Fact, Conclusions, and Order Adopting Rules (two copies).

3. Certificate of Resolution Adopting Rules.

4. Certificate of Authorizing Resolution.

5. Notice of Intent to Adopt Rules Without a Public Hearing and rules as proposed (12 S.R. 825, October 19, 1987

6. Notice of Intent to Adopt Rules Without a Public hearing, as mailed.

7. Affidavit of Mailing the Notice of Intent to Adopt Rule Without a Public Hearing and Certificate of Mailing List.

8. Rules as proposed.

9. Statement of Need and Reasonableness

10. Declaration of Counsel.

Very truly yours,

Alan C. Williams

ALAN C. WILLIAMS
Special Assistant
Attorney General