

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

ATTORNEY GENERAL

FILE COPY

May 31, 1988

ANN E. COHEN
Special Assistant Attorney General
A.G. Environmental Protection Division

MARTHA J. CASSERLY
Special Assistant Attorney General
A.G. Administration/Finance Division

6-6839

In the Matter of the Adopted Rule Relating to
Solid Waste Reduction and Separation Grant
(LOW-TECH) Program

The above-referenced rule has been approved as to its legality by the Attorney General on May 31, 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, submissions 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 establish 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:bbl
Enclosures

cc: Maryanne Hruby
Duane Harves

RULE REVIEW CHECKLIST

File No. 1487 Docket No. 05-0009-0835

DATE RECEIVED 5-19-88 ADOPTED W/O HEARING X

REVIEW DATE ~~5-28-88~~ 5/31/88 EMERGENCY RULE

DUE DATE 6-02-88

REVISOR APPROVED

APPROVED 5.31.88 mjc 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WITHDRAWN RETURNED TO AGENCY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 + 115A.53 Statutory Authority

yes Small Business Statement

no Expenditure of public money statement

yes Signature

✓ Statement of Need and Reasonableness

No Small Business Statement

No Fees - § 16A.128

✓ Affidavit of Mailing Notice of Intent to Adopt Rule

2.26.88 Date (30)/25 days before adoption

✓ Publication in State Register

2/24/88 Date (30)/25 days before adoption

✓ Resolution Adopting

✓ Findings of Fact, Conclusions & Order Adopting

4/28/88 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

MJC

HUBERT H. HUMPHREY, III
ATTORNEY GENERAL

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

Rec'd 5/19/88

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

May 12, 1988

Mrs. 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 the Solid Waste Reduction and Separation Grant Program, Minn. Rules Parts 9200.0600-.6906

On April 28, 1988, the Minnesota Waste Management Board adopted the above-captioned rules governing the Solid Waste Reduction and Separation Grant Program. Enclosed for your review are the following:

1. Rules as Adopted (original and three copies).
2. Finding of Fact, Conclusions, and Order Adopting Rules (two copies).
3. Resolution of Authority to Adopt Rules Without a Public Hearing.
4. Resolution Adopting Rules.
5. Certificate of Resolution Adopting Rules.
6. Notice of Intent to Adopt Rules Without a Public Hearing, as Mailed.
7. Notice of Intent to Solicit Outside Opinion (12.S.R. 1807, February 29, 1988).
8. Rules as Proposed.
9. Statement of Need and Reasonableness.
10. Declaration of Counsel.

Very truly yours,

Ann S. Cohen

Ann Cohen
Special Assistant Attorney General

AC:jl
Enc.

Waste Management Board

Adopted Permanent Rules Relating to Solid Waste Reduction and Separation Grant (LOW-TECH) Program

Rules as Adopted

9200.6902 ELIGIBILITY CRITERIA.

Subpart 1. [Unchanged.]

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, and must be designed to operate for a minimum of three years after a grant is received. A project may include household hazardous waste management, but may not consist solely of household hazardous waste management.

Subp. 3. and 4. [Unchanged.]

Subp. 5. **Implementation costs.** Implementation costs are limited to the costs incurred in the first year of project operation. Eligible implementation costs are:

A. capital, operating, and maintenance 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. [Unchanged.]

Subp. 6. and 7. [Unchanged.]

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. to Q. [Unchanged.]

R. a work plan that describes how the applicant will

implement the project and how the applicant intends to operate the project for the three years following receipt of a grant, including:

(1) to (5) [Unchanged.]

S. and T. [Unchanged.]

9200.6904 REVIEW AND EVALUATION OF APPLICATIONS.

Subpart 1. and 2. [Unchanged.]

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

A. [Unchanged.]

B. the affected political subdivisions are committed to developing, implementing, and operating the project for a three-year period, providing necessary local financing, and accepting and exercising the government powers necessary for project development, implementation, and operation;

C. and D. [Unchanged.]

Subp. 4. and 5. [Unchanged.]

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. Matching funding may be in the form of cash, goods, or services.

Subp. 2. to 4. [Unchanged.]

APPROVED AS TO FORM AND LEGALITY

May 31 1988

HUBERT H. HUMPHREY, III
ATTORNEY GENERAL

BY MJ Cassedy

SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
WASTE MANAGEMENT BOARD

In the Matter of the Proposed Rules Governing the Solid Waste Reduction and Separation Grant Program, Minn. Rules Parts 9200.6900 to 9200.6906

AFFIDAVIT OF MAILIING THE NOTICE OF INTENT TO ADOPT RULE WITHOUT A PUBLIC HEARING AND CERTIFICATE OF MAILING LIST

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

Linda P. Cox, being duly 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 (1986) that their names be placed on the Minnesota Waste Management Board's rulemaking mailing list is accurate, complete, and current as of this 26th day of February, 1988.

That on the 26th day of February, 1988, at the City of St. Paul, County of Ramsey, State of Minnesota, I mailed the attached Notice of Intent to Adopt 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.

Linda P. Cox

Subscribed and sworn to before me
this 27th day of May, 1988.

June J. Seery
Notary Public

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

STATE OF MINNESOTA
WASTE MANAGEMENT BOARD

In the Matter of the Proposed Rule Amendments Governing the Solid Waste Reduction and Separation Grant Program, Minn. Rules Parts 9200.6900 to 9200.6906

STATEMENT OF NEED AND REASONABLENESS

I. INTRODUCTION

This program was originally created under the Waste Management Act of 1980 (Minn. Laws 1980, ch. 564, art. 6) as the Minnesota Solid Waste Management Demonstration Program for Waste Reduction and Source Separation. The original waste reduction and separation program was administered by the Minnesota Pollution Control Agency and funded the study and demonstration of solid waste reduction and source separation projects. In the 1987 amendments to the Waste Management Act, the legislature changed the focus of the program from development of waste reduction and separation projects to the implementation of waste reduction and separation projects, and made the Waste Management Board ("Board") the agency administering the program. The Waste Management Board promulgated Minn. Rules pts. 9200.6900 to 9200.6906 (1987) to implement the program by establishing the substantive criteria and procedural conditions under which the Board will award grants. The rules were non-controversial and were adopted without a public hearing, following review by the Waste Management Board and the Board's Solid Waste Management Advisory Council. The Board now proposes to amend the Program rules.

II. STATEMENT OF BOARD'S STATUTORY AUTHORITY

The Board's statutory authority to adopt the rule amendments is set forth in Minn. Stat. § 115A.06 (1986), which provides:

> Subd. 2. [RULES] Unless otherwise provided, the Board shall promulgate rules in accordance with chapter 15 to govern its activities and implement sections 115A.01 to 115A.72.

Under this statute the Board has the necessary statutory authority to adopt the proposed rule amendments. The Board finds that amended rules are needed to implement Minn. Stat. § 115A.53 properly.

III. STATEMENT OF NEED

Minn. Stat. ch. 14 (1986) requires the Board to make an affirmative presentation of facts establishing the need for and reasonableness of the rule amendments as proposed. In general terms, this means that the Board must set forth the reasons for its proposed changes, and the reasons must not be arbitrary or capricious. However, to the extent that need and reasonableness are separate, need has come to mean that a problem exists which requires administrative attention, and reasonableness means that the solution proposed by the Board is appropriate. The need for the rule amendments is discussed below.

The Solid Waste Reduction and Separation (LOW-TECH) Grant Program ("Program") first became effective October 30, 1987. The rules were promulgated to establish a mechanism to ensure the orderly administration of the Program. The rules have

been utilized in creating the Program application procedures manual and application forms. However, Waste Management Board staff have found that potential applicants have been confused about definitions of eligible projects, costs and match contributions. The Board now proposes to amend the Program rules in order to avoid confusion, expedite application efforts and better serve those state citizens for whom this Program was intended.

IV. STATEMENT OF REASONABLENESS

The Board is required by Minn. Stat. ch. 14 to make an affirmative presentation of facts establishing the reasonableness of the proposed rules amendments. Reasonableness is the opposite of arbitrariness or capriciousness. It means that there is a rational basis for the Board's proposed action. The reasonableness of the proposed amendments is discussed below.

Five amendments to the rules are proposed. Some amendments provide clarity by adding or changing vague language. Other amendments change project requirements.

1. Part 9200.6902, subp. 2, ELIGIBLE PROJECTS

Part 9200.6902, subp. 2 adds language that requires an eligible project to be designed to operate for a minimum of three years after a grant is received. This is reasonable because the legislation creating the Program was amended in 1987 to clarify that grants should fund both development and implementation. To be fully implemented, the Board believes that a project must be operated for three years. By requiring three years of implementation, the Board will encourage permanent

projects. This will ensure that the grants made under this Program have the greatest possible impact.

2. Part 9200.6902, subp. 5, IMPLEMENTATION COSTS

Part 9200.6902, subp. 5 is amended to provide a clearer means for determining the scope of eligible project implementation costs. Limiting eligible implementation costs to those incurred in the first-year of operation is reasonable because these costs are likely to be the highest, and are easiest to ascertain. A time limit on eligible costs was needed for administrative clarity, and to aid potential applicants in structuring project financing over the long term.

Part 9200.6902 subp. 5 (A) is amended to make first year operating and maintenance costs eligible. This is reasonable because the operation and maintenance costs (such as collection labor, fuel and insurance) are crucial to the success of project implementation. This addition would also clear up confusion applicants have had over where, within the definitions of "eligible" or "ineligible," these costs might fall.

3. Part 9200.6903 (R)

This Part is amended to require submission of a work plan that describes project implementation and operation over three years. This is reasonable because it follows from the amendment to part 9200.6902, subp. 2, which established a requirement that a project be designed to operate at least three years.

4. Part 9200.6904, subp. 3 (B)

This part now includes language that provides that before funding a project, the Board must find that all political subdivisions affected by the project are committed to operating the project for three years. This revision is reasonable as it follows from the amendment to parts 9200.6902, subp. 2, which specifies that a project must be designed to operate a minimum of three years. Requiring a show of commitment for three years of operation further emphasizes to those financing the project that the grant funds are for implementation costs only, and are not meant to subsidize projects over their operating life.

5. Part 9200.6905, subp. 1

This part is revised to provide a clearer explanation of who may give matching contributions and in what form these may be given. Replacing the word "matching" for "local government" is reasonable in that this clarifies that the matching funds can come from all sources, as is stated in the first sentence of part 9200.6905, subp. 1. By replacing the phrase "or in-kind matching funds" with the words "goods, or services" the rule is clarified with regard to what may be used for matching contributions, other than cash.

It should be noted that the applicant must fund the balance of eligible costs over and above the amount of grant and match funds, as well as any ineligible costs of the project.

Date: February 29, 1988

Joseph M. Pavelich, Chair
Minnesota Waste Management Board

WP/SW/SWSRP/SONOR/LC:dc

Waste Management Board

Proposed Permanent Rules Relating to Solid Waste Reduction and Separation Grant (LOW-TECH) Program

Rules as Proposed

9200.6902 ELIGIBILITY CRITERIA.

Subpart 1. [Unchanged.]

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, and must be designed to operate for a minimum of three years after a grant is received. A project may include household hazardous waste management, but may not consist solely of household hazardous waste management.

Subp. 3. and 4. [Unchanged.]

Subp. 5. **Implementation costs.** Implementation costs are limited to the costs incurred in the first year of project operation. Eligible implementation costs are:

A. capital, operating, and maintenance 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. [Unchanged.]

Subp. 6. and 7. [Unchanged.]

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. to Q. [Unchanged.]

R. a work plan that ~~demonstrates~~ describes how the

Approved by Revisor

applicant will implement the project and how the applicant intends to operate the project for the three years following receipt of a grant, including:

(1) to (5) [Unchanged.]

S. and T. [Unchanged.]

9200.6904 REVIEW AND EVALUATION OF APPLICATIONS.

Subpart 1. and 2. [Unchanged.]

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

A. [Unchanged.]

B. the affected political subdivisions are committed to developing ~~and~~, implementing, and operating the project for a three-year period, providing necessary local financing, and accepting and exercising the government powers necessary for project development ~~and~~, implementation, and operation;

C. and D. [Unchanged.]

Subp. 4. and 5. [Unchanged.]

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~~ Matching funding may be in the form of cash ~~or in-kind matching funds~~, goods, or services.

Subp. 2. to 4. [Unchanged.]

Approved
by Revisor _____

Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to Solid Waste Reduction and Separation Grant (LOW-TECH) Program

AGENCY: Waste Management Board

MINNESOTA RULES: Chapter 9200

The attached rules are approved for publication in the State Register

David S. Niss
Assistant Revisor

STATE OF MINNESOTA

WASTE MANAGEMENT BOARD

RESOLUTION WMB-018-88

BE IT RESOLVED, that the Minnesota Waste Management Board (Board) hereby approves and adopts the attached amendments to rules governing the Solid Waste Reduction and Separation Program, Minn. Rules pt. 9200.6900 -.6906 pursuant to the authority vested in the Board by Minn. Stat. § 115A.53 (Supp. 1987).

BE IT FURTHER RESOLVED, that prior to publishing the amendments to the rules as adopted in the State Register, the Chair 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 Rules and that the Chair is hereby authorized to sign the above-mentioned document on behalf of the Board and to perform the acts necessary to provide that the rule shall have the force and effect of law.

JOSEPH M. PAVELICH, Chair
Waste Management Board

Dated: April 28, 1988

STATE OF MINNESOTA

MINNESOTA WASTE MANAGEMENT BOARD

In the Matter of the Proposed Amendments to Rules Governing the Solid Waste Reduction and Separation Grant Program	NOTICE OF INTENT TO ADOPT RULES WITHOUT A PUBLIC HEARING

Notice is hereby given that the Minnesota Waste Management Board (Board) intends to adopt amendments to the above-entitled rule 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 (1986) and Minn. Stat. § 115A.53 (Supp. 1987).

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

Any person may make a written request for a public hearing on the amendments 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 amendments addressed, the reason for the request, and any 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:

Linda Cox
Minnesota Waste Management Board
1350 Energy Lane
Saint Paul, Minnesota 55108
(612) 649-5750

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 clarify the rule with regard to eligible projects, costs, and matching fund contributions. A copy of the proposed amendments is enclosed. One free copy of the amendments is available upon request from Linda Cox 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 that identifies the data and information relied upon to support the proposed amendments has been prepared and is available from Linda Cox upon request.

You are hereby advised, pursuant to Minn. Stat. § 14.115 (1986), "Small business considerations in rulemaking," that the proposed amendments will have no negative effect on small businesses, as the amendments do not affect the ability of small businesses to participate in this program.

If no hearing is required, upon adoption of the amendments, the amendments and the required supporting documents will be sumitted 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 amendments as adopted, must submit a written request to Linda Cox.

Dated: 2/11/88

JOSEPH M. PAVELICH
Chair

1650.0060 LOAN ADMINISTRATION.

A. The lender shall perform all tasks and functions customarily performed in the administering of first mortgage loans with the degree of care and diligence usually maintained by agricultural real estate lenders. The lender shall also have custody and control of all loan documents.

B. The lender shall monitor the borrower's loan payment performance and financial condition.

C. The lender shall manage, administer, and enforce the loan documents in its own name but on behalf of itself and the RFA, including, without limitation, the right to accelerate a beginning farmer loan on default and to foreclose or otherwise enforce remedies against the borrower.

D. The lender shall promptly notify the RFA of occurrences that substantially affect the security, collection, or enforcement of a beginning farmer loan.

E. The lender shall obtain the prior written consent of the borrower and the RFA or a person or entity designated by the RFA before:

(1) making or consenting to a release, substitution, or exchange of collateral that reduces the aggregate value of the collateral;

(2) waiving a claim against the borrower or a guarantor, surety, or obligor in connection with the indebtedness; or

(3) modifying or waiving a term of the notes or related instruments evidencing or securing the beginning farmer loan.

1650.0070 REVIEW OF LOAN AND COLLATERAL.

Subpart 1. **Inspection.** At any time during the term of a beginning farmer loan, the RFA or the state legislative auditor may inspect the books, records, documents, and accounting procedures and practices of the lender and the borrower relative to a beginning farmer loan to enable the authority to determine if the lender and the borrower are complying with the terms and conditions of the loan agreement, Minnesota Statutes, sections 41B.01 to 41B.211, the participation agreement between the lender and the RFA, and parts 1650.0010 to 1650.0070. The lender shall allow the RFA to review and copy documents relating to the beginning farmer loan at no cost to the RFA. The RFA shall conduct inspections and review documents during the lender's normal business hours.

Subp. 2. **Collateral.** The lender and the RFA may physically inspect the collateral securing the beginning farmer loan upon notice to the borrower. An inspection under this subpart must be conducted at a reasonable time.

Waste Management Board

Proposed Permanent Rules Relating to Solid Waste Reduction and Separation Grant (LOW-TECH) Program

Notice of Intent to Adopt Rules Without a Public Hearing

Notice is hereby given that the Minnesota Waste Management Board (Board) intends to adopt amendments to the above-entitled rule 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 rule is set forth in *Minnesota Statutes*, §§ 115A.06, subd. 2 (1986) and *Minnesota Statutes*, § 115A.53 (Supp.1987).

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Any person may make a written request for a public hearing on the amendments 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 amendments 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).

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.

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Linda Cox
Minnesota Waste Management Board
1350 Energy Lane
Saint Paul, Minnesota 55108
(612) 649-5750

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 clarify the rule with regard to eligible projects, costs, and matching fund contributions. The proposed amendments are published below. One free copy of the amendments is available upon request from Linda Cox 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 that identifies the data and information relied upon to support the proposed amendments has been prepared and is available from Linda Cox upon request.

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If no hearing is required, upon adoption of the amendments, the amendments 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 amendments as adopted, must submit a written request to Linda Cox.

Joseph M. Pavelich
Chair

Rules as Proposed

9200.6902 ELIGIBILITY CRITERIA.

Subpart 1. [Unchanged.]

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A. to Q. [Unchanged.]

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S. and T. [Unchanged.]

9200.6904 REVIEW AND EVALUATION OF APPLICATIONS.

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A. [Unchanged.]

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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~~ Matching funding may be in the form of cash ~~or in-kind matching funds~~, goods, or services.

Subp. 2. to 4. [Unchanged.]

Adopted Rules

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

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

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

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

Department of Agriculture

Adopted Emergency Amendments to Permanent Rules Relating to Certified Seed Potato Grades

The rules proposed and published at *State Register*, Volume 12, Number 23, pages 1174-1177, December 7, 1987 (12 S.R. 1174) are adopted as proposed.

Ethical Practices Board

Adopted Permanent Rules Relating to Ethics in Government

The rules proposed and published at *State Register*, Volume 12, Number 24, pages 1207-1209, December 14, 1987 (12 S.R. 1207) are adopted with the following modifications:

Rules as Adopted

4500.1500 JUDICIAL CANDIDATE.

Subpart 1. **Aggregate contributions.** Contributions to a candidate for district court ~~or county court~~ which in aggregate exceed $100 shall be disclosed in accordance with requirements set forth in Minnesota Statutes, section 10A.20, subdivision 3, clause (b).

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.

CERTIFICATE OF RESOLUTION ADOPTING RULES

I, Joseph M. Pavelich, do hereby certify that I am the Chair 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 28th day of April, 1988, 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 (Board) hereby approves and adopts the attached amendments to rules governing the Solid Waste Reduction and Separation Program, Minn. Rules pt. 9200.6900 -.6906 pursuant to the authority vested in the Board by Minn. Stat. § 115A.53 (Supp. 1987).

BE IT FURTHER RESOLVED, that prior to publishing the amendments to the rules as adopted in the State Register, the Chair 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 Rules and that the Chair is hereby authorized to sign the above-mentioned document on behalf of the Board and to perform the acts necessary to provide that the rule shall have the force and effect of law.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 28th day of April 1988.

Joseph M. Pavelich, Chair
WASTE MANAGEMENT BOARD

Attested to by Board member:

William G. Kirchner

STATE OF MINNESOTA

WASTE MANAGEMENT BOARD

In the Matter of the Proposed Amendments to Rules Governing the Solid Waste Reduction and Separation Program, Minn. Rules pts. 9200.6900 -.6906.	FINDINGS OF FACT, CONCLUSIONS, AND ORDER ADOPTING RULES

The above-entitled matter came on for decision before the Minnesota Waste Management Board (Board) on the 28th day of April, 1988. 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 Board's intent to adopt the above-entitled amendments without a public hearing was published in the State Register on February 29, 1988, 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 February 26, 1988.

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 amendments for 30 days after notice of the proposed rulemaking. The 30 day comment period, as set out in the notice, expired on Wednesday, March 30, 1988.

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.

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

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

CONCLUSIONS

1. The 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 amendments without a public hearing.

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

ORDER

NOW, THEREFORE, IT IS ORDERED, that the attached amendments to Minn. Rules pts. 9200.6900-.6906 governing the Solid Waste Reduction and Separation Program are adopted pursuant to the authority vested in the Board by Minn. Stat. § 115A.53 (Supp.

1987).

MINNESOTA WASTE MANAGEMENT BOARD



JOSEPH M. PAVELICH, CHAIR

Dated: April 28, 1988

STATE OF MINNESOTA

WASTE MANAGEMENT BOARD

In the Matter of the Proposed Amendments to Rules Governing the Solid Waste Reduction and Separation Program, Minn. Rules pts. 9200.6900 -.6906.	FINDINGS OF FACT, CONCLUSIONS, AND ORDER ADOPTING RULES

The above-entitled matter came on for decision before the Minnesota Waste Management Board (Board) on the 28th day of April, 1988. 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 Board's intent to adopt the above-entitled amendments without a public hearing was published in the State Register on February 29, 1988, 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 February 26, 1988.

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

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

CONCLUSIONS

1. The 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 amendments without a public hearing.

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

ORDER

NOW, THEREFORE, IT IS ORDERED, that the attached amendments to Minn. Rules pts. 9200.6900-.6906 governing the Solid Waste Reduction and Separation Program are adopted pursuant to the authority vested in the Board by Minn. Stat. § 115A.53 (Supp.

1987).

MINNESOTA WASTE MANAGEMENT BOARD

JOSEPH M. PAVELICH, CHAIR

Dated: April 28, 1988

STATE OF MINNESOTA
POLLUTION CONTROL AGENCY

In the Matter of the Proposed Rules
Governing Solid Waste Reduction and
Separation Program, Minn.
Rules Parts 9200.6900 - .6906

DECLARATION OF COUNSEL

I, Ann E. Cohen, 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 0835.

Ann E. Cohen
Special Assistant
Attorney General

Passed 2/11/88

STATE OF MINNESOTA

WASTE MANAGEMENT BOARD

RESOLUTION WMB-005-88

BE IT RESOLVED, that the Chair of the Waste Management Board (Board) is hereby granted the authority to sign and to give notice of the Board's intent to adopt, without a public hearing, the attached amendments to rules governing the Solid Waste Reduction and Separation Program, Minn. Rules Parts 9200.6900 - .6906 to all persons who have registered their names with the Board for that purpose and to publish the notice and rules in the State Register, 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 Chair is hereby granted the authority and directed to call a hearing for the purpose of promulgating said 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: February 11, 1988

JOSEPH M. PAVELICH, CHAIR
Waste Management Board