

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

DEPARTMENT: Office of the Attorney General

STATE OF MINNESOTA

OFFICE MEMORANDUM

DATE: February 25, 1991

TO: NANCY DELLES
Minnesota Office of Waste Management

FROM: MARTHA J. CASSERLY
Special Assistant
Attorney General

PHONE: 296-6839

SUBJECT: In the Matter of the Adopted Rule Relating to Waste Education Grants

The above-referenced rule has been approved as to its legality by the Attorney General on February 19, 1991.

Enclosed is your 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 along with any extra copies of documents which you submitted to the Attorney General.

Your next step is to arrange for publication of the Notice of Adoption in the State Register. In a day or two, you should receive from the Revisor's Office three copies of the notice of adoption of your rule. You should submit two copies of the Notice of Adoption to the State Register for publication. A permanent rule without a hearing does not become effective until five days after a notice of adoption is published 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:sc

cc: Lisa Tiegel
William Brown, Chief Judge
MaryAnn Hruby

MJC

RULE REVIEW CHECKLIST

File No. 1793
DATE RECEIVED ~~1-31-91~~ 2-6-91
REVIEW DATE 2-15-91
DUE DATE 2-19-91
(DIS)APPROVED 2-19-91
WITHDRAWN _____

Docket No. 05 0009 0835
ADOPTED W/O HEARING _____
EMERGENCY RULE _____
TO REVISOR ON 2-7-91
REVISOR (DIS)APPROVED 2-8-91
FILED W/SEC. OF STATE 2-22-91
RETURNED TO AGENCY _____

N/A ✓ Rule as adopted (4 copies) no adopted rules

✓ Notice to Solicit Outside Information/Opinion (if applicable)
July 9, 1990 Date published in State Register
_____ ~~Comments~~

_____ Petition for Adoption of a Rule

✓ ~~Board's Authorizing Resolution~~
_____ Date adopted

✓ Proposed Rule
✓ Revisor's Certificate

_____ Notice of Intent to Adopt Rule
115A.06 subd 2 Statutory Authority
_____ Small Business Statement
_____ Expenditure of public money statement
_____ Signature

✓ Statement of Need and Reasonableness (if applicable)
✓ Small Business Statement
N/A Fees - § 16A.128

_____ Affidavit of Mailing Notice of Intent to Adopt Rule
November 28, 1990 Dated 30/25 days before adoption
✓ Notice attached indicates it is attached
11-27-90 Copy of rule or summary attached

✓ Publication in State Register
~~December 10, 1990~~ Date 30/25 days before adoption

✓ 180-day deadline from
* didn't meet it sent letters to Leg. Comm LCRAR and Gov.
_____ effective date of law requiring rule (14.12) (both rules) amendments don't apply
✓ end of comment period (§ 14.26) (rules without hearing)
_____ effective date of statutory authority (§ 14.29) (emergency rules)

_____ ~~Resolution Adopting~~
_____ Date adopted

✓ Findings of Fact, Conclusions & Order Adopting
1-29-91 Date

_____ ~~Written Requests, Submissions or Comments~~

✓ Declaration of Attorney
Lisa Fiegel Name of SAAG representing agency

_____ Notice of Submission to Attorney General (if applicable)

Affidavit of Mailing Notice

Office of Waste Management

Adopted Permanent Rules Relating to Waste Education Grants

Rules as Adopted

WASTE EDUCATION GRANT PROGRAMS

9210.1000 SCOPE AND AUTHORITY.

Parts 9210.1010 to 9210.1060 implement the waste education grant programs created and described in Minnesota Statutes, section 115A.072, by establishing the substantive criteria and procedural conditions under which the director may award grants for waste education information projects and for waste education facilities projects. Parts 9210.1020 to 9210.1040 establish conditions applicable to all grants under parts 9210.1000 to 9210.1060. Part 9210.1050 establishes conditions specific to waste education information projects. Part 9210.1060 establishes conditions specific to waste education facilities grants.

9210.1010 DEFINITIONS.

Subpart 1. **Scope.** The terms defined in this part apply to parts 9210.1000 to 9210.1060. For terms not defined in this part, the definitions in Minnesota Statutes, section 115A.03, apply, unless the context requires otherwise.

Subp. 2. **Director.** "Director" means the director of the Office of Waste Management.

Subp. 3. **Formal or informal education facility.** "Formal or informal education facility" means an establishment where, as a fundamental objective of the persons in charge, recognized and organized instruction takes place on a regular basis. Examples of formal or informal education facilities are public and nonpublic schools and secondary institutions, environmental learning centers, youth organization facilities and camps, and community centers.

Subp. 4. **In-kind contribution.** "In-kind contribution" means a noncash donation of goods or services, such as personnel

time, materials or equipment, to which a cash value can be reasonably assigned.

Subp. 5. **Person.** "Person" has the meaning given in Minnesota Statutes, section 116.06, subdivision 8, but does not include state agencies or the Metropolitan Council.

Subp. 6. **Problem materials.** "Problem materials" has the meaning given in Minnesota Statutes, section 115A.03, subdivision 24a.

Subp. 7. **Waste.** "Waste" means solid waste as defined in Minnesota Statutes, section 116.06, subdivision 10, and household hazardous waste as defined in Minnesota Statutes, section 115A.96, subdivision 1, paragraph (b).

Subp. 8. **Waste abatement management practices.** "Waste abatement management practices" means practical, sustained, and technically feasible methods of reducing waste generation, increasing recycling, or preventing litter.

9210.1020 APPLICATION PROCEDURES.

Subpart 1. **Notification by director.** To initiate the process for awarding grants for waste education projects, the director shall publish a notice in the State Register advising eligible applicants of the availability of waste education grants. The notice shall describe the procedure for awarding grants and shall establish a deadline by which proposals must be submitted. In the notice, the director may, consistent with parts 9210.1050 and 9210.1060, limit the types of eligible waste education projects for which a grant would be awarded in the funding round initiated by the notice and may specify the maximum amount of funding to be awarded to a project.

Subp. 2. **Proposals.** Following the publication of a notice in the State Register, eligible applicants seeking grant assistance shall submit proposals as described in item A or B to the director. Proposals must be received by the director by the deadline established in the notice or they will be rejected.

A. Proposals for education information projects must contain the information in part 9210.1050, subpart 6.

B. Proposals for education facilities projects must contain the information in part 9210.1060, subpart 6.

Subp. 3. **Determination of eligibility and completeness.** For all proposals received by the director by the deadline established in the notice, the director shall determine the eligibility of the applicant and the proposed project; the costs identified in the proposal; and the completeness of the proposal.

Subp. 4. **Notice of determination of eligibility and completeness.** The director shall notify each applicant of the director's determination of eligibility and completeness. If the director determines that an applicant or project is ineligible, the director shall reject the proposal and notify the applicant. If the director determines that any of the project costs are ineligible or that the proposal is incomplete, the director shall notify the applicant of the ineligible portion of the costs or of the deficiency. The applicant has 14 days after receiving the notice to correct the inadequacies identified by the director; however, the director shall grant reasonable and brief extensions if the applicant requests an extension in writing within the 14 days and good cause exists for the extension. If the inadequacies are not corrected within the time allowed, the director shall reject the proposal.

Subp. 5. **Evaluation of proposal.** The director shall evaluate each proposal that is determined to be eligible and complete according to the applicable criteria in parts 9210.1000 to 9210.1060. Proposals for education information grants shall be evaluated using the criteria in part 9210.1050, subpart 7. Proposals for education facilities grants shall be evaluated using the criteria in part 9210.1060, subpart 7.

Subp. 6. **Award of grants.** The director shall award grants for those projects that the director determines best satisfy the applicable criteria. The director shall notify all applicants of the disposition of their applications.

Subp. 7. **No grant awards.** If the director determines that no proposal will provide sufficient assistance to the state in achieving its waste education goals, the director may decide not

to award any grants. The director may then reinitiate the process for awarding grants by publishing a notice under subpart 1.

Subp. 8. **Consultation.** The director shall consider the advice of the waste education coalition in evaluating proposals.

9210.1030 LIMITATIONS.

Subpart 1. **Reduced grant awards.** The director shall ask an applicant to document the impacts of reduced financial assistance before awarding funds less than the eligible amount requested by the applicant. Reduced funds shall be awarded where the director determines that:

A. program resources are insufficient to provide full assistance to all applicants to which the director intends to award grants; or

B. the applicant could implement the project at a reduced level and still achieve project objectives.

Subp. 2. **Limitations on disbursal of funds.** No grant funds shall be disbursed until the grantee has executed a written grant agreement with the director.

Subp. 3. **Limitation on retroactive payments.** No grant funds shall be disbursed to repay costs incurred prior to the award of the grant.

9210.1040 GRANT AGREEMENTS.

A grant agreement shall:

A. incorporate by reference the proposal submitted to the director;

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

C. require that the grantee provide written reports to the director on the implementation and results of the project;

D. authorize the director to rescind the grant and require the grantee to repay the grant in full if the director determines that, due to the bad faith of the grantee, a project

has not been developed and implemented according to the terms and conditions of the grant agreement;

E. authorize the director to cease making further disbursements to the grantee and to recover the unspent funds if the director determines that, for reasons other than bad faith, a project has not been developed and implemented according to the terms and conditions of the grant agreement and amendment of the agreement is not justified;

F. require that the grantee perform and complete project activities according to the terms and conditions of the grant agreement;

G. require that the grantee maintain detailed records of all expenditures related to the project;

H. require that the grantee deliver to the director at least one camera-ready copy of any original waste education information developed along with at least one copy of all waste education information disseminated as part of the project. Information developed using waste education grant funds may not be copyrighted;

I. require that any written waste education information developed as part of the project include a statement acknowledging the office as a funding source;

J. establish that all original products resulting from the proposal are part of the public domain and cannot be sold for profit; and

K. establish other conditions or terms needed to manage or implement the grant agreement.

9210.1050 WASTE EDUCATION INFORMATION GRANTS.

Subpart 1. **Scope.** This part establishes the conditions under which the director shall award waste education information grants.

Subp. 2. **Eligible applicants.** Eligible applicants are persons who propose to disseminate or develop and disseminate waste education information in Minnesota. Examples of eligible applicants include political subdivisions (counties, cities, and

towns); schools, school districts, and higher education institutions, including state colleges and universities; public institutions; hospitals; public libraries; trade or industry organizations; solid waste management districts; private businesses; and nonprofit organizations.

Subp. 3. **Eligible projects.** Eligible projects are projects to disseminate or to develop and disseminate waste education information that will raise public awareness of waste abatement management practices and will assist the state in meeting the legislative goals established in Minnesota Statutes, chapter 115A.

Subp. 4. **Ineligible projects.** The following are not eligible to receive waste education information grants:

A. projects that receive at least 75 percent funding from money distributed to counties by the director under Minnesota Statutes, section 115A.557, or from money distributed by the Metropolitan Council under its landfill abatement fund grant and loan program;

B. projects that were eligible for, but did not apply for, funding from money distributed to counties by the director under Minnesota Statutes, section 115A.557, or from money distributed by the Metropolitan Council under its landfill abatement fund grant and loan program; and

C. curriculum development projects for kindergarten through 12th grade.

Subp. 5. **Eligible costs.** Eligible costs are limited to 75 percent of the total cost of the project. The remaining 25 percent must be satisfied with cash or in-kind contributions. Eligible costs include expenses necessary to undertake and complete eligible projects, except that the following are not eligible costs: capital costs, including the cost of purchasing or renting real property, and the cost of operating or maintaining equipment.

Subp. 6. **Proposal.** An eligible applicant shall submit a proposal in the form specified by the director. The director may request additional information from the applicant if it is

necessary to clarify the proposal. A proposal must include the following information:

A. the names, qualifications, and addresses of the applicant and other project participants;

B. a description of the proposed project, including:

(1) a statement of the specific waste abatement issue or solution to be addressed by the project;

(2) a description of the target audience of the project;

(3) an estimate of the total number of persons expected to be reached by the project;

(4) a description of the benefits and other impacts that are likely to result from the project;

(5) a work plan that includes a list of project activities, an implementation schedule with specific time lines, and a list of persons involved in completing each activity;

(6) a description of all waste education information to be developed or disseminated as part of the project, as well as a list of all research sources the applicant plans to use in developing or disseminating waste education information; and

(7) a description of the location of the project and an evaluation of whether the project has a strong potential for use and replication in other waste abatement programs or projects in the state;

C. a description of how the project will complement local waste education and solid waste management projects, including projects to be conducted pursuant to the comprehensive solid waste management plans of the counties in which the project will be performed;

D. an evaluation of whether the project will duplicate other efforts to disseminate or develop and disseminate waste education information in the area to be served by the project;

E. information demonstrating that the project will comply and be consistent with applicable regulations;

F. an itemized description of the project costs, including the total project cost, total grant eligible costs, and the amount of grant funding requested;

G. an itemized description of project financing, including the applicant contributions, other government or private cash or in-kind contributions, and, if applicable, any projected revenues from the project;

H. a demonstration of support from each county participating in the project; and

I. a description of the current status of the project.

Subp. 7. **Evaluation of proposals.** The director shall evaluate each proposal that is determined to be eligible and complete, and shall award grants to those projects that the director determines best satisfy the following criteria:

A. the project has a strong potential for use and replication in other waste abatement programs or projects in the state;

B. the project substantially furthers the waste abatement goals established by Minnesota Statutes, chapter 115A;

C. the project has a strong potential to reach and have a lasting impact on the waste management practices of a large number of persons;

D. the project will not duplicate other efforts to disseminate or develop and disseminate waste education information in the area to be served by the project;

E. the project will complement local waste education and solid waste management projects, including projects to be conducted pursuant to the comprehensive solid waste management plans of the counties in which the project which will be performed;

F. the project has the support of all public and private entities that are involved in the proposed project;

G. the project is conceptually and economically feasible;

H. the persons identified in the application have the experience and knowledge to implement the project and are

committed to implementing the project in a timely manner upon receipt of a grant award;

I. the application includes comprehensive and reasonable plans for dissemination of information to a target audience;

J. the research sources to be used are reliable and likely to generate accurate and complete information;

K. the proposed project has the necessary financial commitment to cover all proposed project costs; and

L. the proposed project complies with federal, state, and local regulations.

9210.1060 WASTE EDUCATION FACILITIES GRANTS.

Subpart 1. **Scope.** This part establishes the conditions under which the director shall award waste education facilities grants.

Subp. 2. **Eligible applicants.** Eligible applicants are formal or informal education facilities.

Subp. 3. **Eligible projects.** The following are eligible projects:

A. projects to develop model programs to incorporate long-term waste abatement management practices, litter prevention, and improved problem materials management practices into the operation of formal or informal education facilities; and

B. projects to incorporate long-term waste abatement management practices, litter prevention, and improved problem materials management practices into the operation of formal or informal education facilities.

Subp. 4. **Ineligible projects.** The following are not eligible to receive waste education facilities grants:

A. projects that receive at least 75 percent funding from money distributed to counties by the director under Minnesota Statutes, section 115A.557, or from money distributed by the Metropolitan Council under its landfill abatement fund grant and loan program; and

B. projects that were eligible for, but did not apply for, funding from money distributed to counties by the director under Minnesota Statutes, section 115A.557, or from money distributed by the Metropolitan Council under its landfill abatement fund grant and loan program.

Subp. 5. **Eligible costs.** Eligible costs are limited to 75 percent of the total cost of the project. The remaining 25 percent must be satisfied with cash or in-kind contributions. Eligible costs include expenses necessary to undertake and complete eligible projects, except that the following are not eligible costs: the cost of purchasing, constructing, or renting real property, and the cost of operating or maintaining equipment. However, the cost of equipment or structures for temporary storage of recyclables is eligible for waste education facilities grant funds, except for equipment or structures primarily needed for the collection or processing of waste.

Subp. 6. **Proposal.** An eligible applicant shall submit a proposal in the form specified by the director. The director may request additional information from the applicant if it is necessary to clarify the proposal. A proposal must include the following information:

A. the names, qualifications, and addresses of the applicant and other project participants;

B. a description of the proposed project, including:

(1) a statement of the specific waste abatement practices and problem materials management practices to be addressed by the project, as well as an explanation of the problem to be resolved by implementation of these practices at the location of the project;

(2) a work plan that includes a list of project activities, an implementation schedule with specific time lines, and a list of persons involved in completing each activity;

(3) an estimate of the total number of persons expected to be reached by the project;

(4) a description of the benefits and other impacts that are likely to result from the project;

(5) a plan for active student participation in development and implementation of the project;

(6) a description of all waste education information to be developed or disseminated as part of the project;

(7) a description of the location of the project and an evaluation of whether the project has a strong potential for use and replication in other waste abatement programs or projects in the state; and

(8) a description of the educational benefit to be provided by the project to students and others;

C. a description of how the project will complement local waste education and solid waste management projects, including projects to be conducted under the comprehensive solid waste management plans of the counties in which the project will be performed;

D. an evaluation of whether the project will duplicate other efforts to implement waste abatement management practices in the area to be served by the project;

E. information demonstrating that the project will comply and be consistent with applicable regulations;

F. an itemized description of the project costs, including the total project cost, total grant eligible costs, and the amount of grant funding requested;

G. an itemized description of project financing, including the applicant contributions, other government or private cash or in-kind contributions, and, if applicable, any projected revenues from the project;

H. a demonstration of support from each county participating in the project; and

I. a description of the current status of the project.

Subp. 7. **Evaluation of proposals.** The director shall evaluate each proposal that is determined to be eligible and complete, and shall award grants to those projects that the director determines best satisfy the following criteria:

A. the project has a strong potential for use and

replication in other waste abatement programs or projects in the state;

B. the project has a strong likelihood of resulting in the implementation of comprehensive, successful, and sustained waste abatement, litter prevention, and problem materials management practices at the location of the project;

C. the project has a strong potential to reach and have a lasting impact on the waste management practices of a large number of persons;

D. the project will not duplicate other efforts to implement waste abatement management practices in the area to be served by the project;

E. the project will complement local waste education and solid waste management projects, including projects to be conducted pursuant to the comprehensive solid waste management plan of the county in which the project will be performed;

F. the project has the support of all public and private entities that are involved in the proposed project;

G. the project is conceptually, technically, and economically feasible;

H. the persons identified in the application have the experience and knowledge to implement the project and are committed to implementing the project in a timely manner upon receipt of a grant award;

I. the proposed project has the necessary financial commitment to cover all proposed project costs;

J. the project involves a new or innovative approach to waste abatement, litter prevention, or problem materials management practices, or involves application of an existing approach to an educational facility to which it has not been previously applied;

K. the proposed project will provide a substantial educational benefit by enlisting student involvement or other hands-on experience; and

L. the proposed project complies with federal, state, and local regulations.

APPROVED AS TO FORM AND LEGALITY

February 19 91

HUBERT H. HUMPHREY, III
ATTORNEY GENERAL

BY MJCassidy
SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED

FEB 22 1991 NK

Joan Anderson Growe
Secretary of State

405pm

STATE OF MINNESOTA
OFFICE OF WASTE MANAGEMENT

In the Matter of the Proposed Rules Governing the Waste Education Grant Program, Minn. Rules, Parts 9210.1000 to 9210.1060

STATEMENT OF NEED AND REASONABLENESS

I. INTRODUCTION

This Statement of Need and Reasonableness discusses proposed new rules governing grants for waste education projects. The Minnesota legislature established this grant program in order to encourage and facilitate the development and implementation of waste education projects, Minn. Stat. §115A.072, subd. 3 (1990). The program is to be administered by the Minnesota Office of Waste Management (Office). Id.

The proposed rules establish procedures for the orderly administration of the grant program. Specifically, the proposed rules identify projects and costs that may be funded through the program; establish application procedures and timetables; establish criteria for the review of projects and for the award of grants; set limits on the applicant match and award of funds; and specify the content of the grant agreements.

The proposed rules are intended to fulfill the statutory directives of Minn. Stat. §115A.072 subd. 3 (1990).

II. STATEMENT OF OFFICE'S STATUTORY AUTHORITY

Minn. Stat. §115A.072, subd. 3 (1990) instructs the Office to provide grants to develop and implement projects for waste education. The Office's authority to adopt rules is found in Minn. Stat. §115A.06, subd. 2 (1990), which authorizes the Office to adopt rules to govern and implement its activities.

III. STATEMENT OF NEED

Minn. Stat. ch. 14 (1990) requires the Office to make an affirmative presentation of facts establishing the need for and reasonableness of the rules as proposed. In general terms, this means that the Office must set forth the reasons for its proposal, and the reasons must not be arbitrary and capricious. However, to the extent that need and reasonableness are separate, need has come to mean that a problem exists that requires administrative attention, and reasonableness means that the solution proposed by the Office is appropriate. The need for the proposed rules is discussed below.

The proposed rules are needed to specify clearly the eligibility criteria and procedural conditions under which the Office will award grants pursuant to Minn. Stat. §115A.072, subd. 3 (1990), which provides:

> (a) The Office shall provide grants to persons for the purpose of developing and distributing waste education information.
>
> (b) The Office shall provide grants and technical assistance for formal and informal education facilities to develop and implement a model program to incorporate waste reduction, recycling, litter prevention, and proper management of problem materials into educational operations.
>
> (c) The Office shall provide grants or awards to formal and informal education facilities to develop or implement ongoing waste reduction, recycling, litter prevention, and proper management of problem materials programs.

As the Office interprets this statute, there are two categories of projects that may receive assistance from this grant program: (1) projects to disseminate or develop and disseminate waste education information in Minnesota and (2) projects to assist education facilities in reducing or recycling the waste they generate. The first set of projects is not facility specific; the second set of projects is directed specifically to waste

education facilities. For each of these categories of projects, proposed rules are needed to implement the grant program.

IV. STATEMENT OF REASONABLENESS

Minn. Stat. ch. 14 (1990) requires the Office to make an affirmative presentation of facts establishing the reasonableness of the proposed rules. Reasonableness is the opposite of arbitrariness or capriciousness. It means that there is a rational basis for the Office's proposed action. The reasonableness of the proposed rules is discussed below.

A. Reasonableness of the Rules as a Whole

Minn. Stat. §115A.072, subd. 3 (1990) establishes the waste education grant program. The statute is separated into three subparts, each of which identify waste education projects entitled to receive grant funds. Subpart 1 refers to projects to disseminate or develop and disseminate waste education information; subpart 2 refers to projects to develop and implement model waste abatement management programs at formal and informal education facilities; and subpart 3 refers to projects to develop and implement ongoing waste abatement management programs at formal and informal education facilities.

The emphasis in the first subpart is on the development and dissemination of information. The emphasis in the second and third subparts is on the waste management practices of education facilities.

The proposed rules of the Office are divided into two sections: one covering waste education information grants and one covering education facilities grants. Dividing the rules into two sections is reasonable for two reasons. First, it gives potential

applicants a clear explanation of the requirements applicable to the type of project the applicant proposes. Second, treating the two sets of projects separately will allow the Office to review grant applications more efficiently since, under the division, only similar projects will be judged against each other. In sum, the Office's decision to manage the program in two parts is reasonable because it promotes efficiency in managing the program.

B. Reasonableness of Individual Rules

Part 9210.1010 DEFINITIONS

This part provides definitions necessary for the rule. All of the terms are defined for clarity and consistency.

Subpart 2 defines the term Director by reference to the statutory definition. Including this reference in the rules is reasonable to assure that applicants know which Director will implement the rules.

Subpart 3 defines formal and informal education facilities. Defining formal and informal education facilities as used in the waste education rules is important because it limits who is eligible to receive grants under the second of the two education grant programs. The definition set forth in the rules identifies a wide range of facilities that are commonly understood to provide recognized and organized instruction. It is reasonable to establish this broad definition because it makes eligible a wide range of facilities. The Office believes that an expansive definition of facilities is preferred since it will best implement the underlying goal of the waste education grant program -- improved waste management practices throughout the State.

Subpart 4 defines in-kind contribution. It is reasonable to define this term in order to clarify the rule requirement that applicants contribute cash or in-kind contributions to the project. (See proposed Minn. Rules pt. 9210.1050, subp. 5 and pt. 9210.1060, subp. 5). The definition provided in subpart 4 is reasonable because it provides a clear explanation of the activities that would satisfy the applicants' funding requirements.

Subpart 5 defines person. This term is used in proposed Minn. Rules pt. 9210.1050, subpart 2, which identifies who is eligible to receive funds for waste education information grants. The definition provided in subpart 5 refers to the statutory definition, but also clarifies that state agencies and the Metropolitan Council are not eligible for grant funds under this program. The OWM believes that the legislature only intended to fund through this grant program persons who do not ordinarily receive direct funding from the legislature for their activities. In keeping with this intention, it is reasonable to define person in order to clarify that state agencies and the Metropolitan Council are not eligible for waste education information grants.

Subpart 6 defines problem materials by reference to the statutory definition. Including this reference in the rules is reasonable to assure that applicants know which problem materials are eligible for funding under the waste education facilities grant program. (See proposed Minn. Rules pt. 9210.1060, subpart 3.)

Subpart 7 defines waste by reference to the statutory definition of solid waste. The definition also clarifies that, for purposes of this grant program, projects directed in whole or in part to household hazardous waste are eligible for grant funding. It is

reasonable to include a definition of waste in the rules in order to clarify what projects are entitled to funding. The definition provided in subpart 7 is reasonable because it includes the wastes generated by persons and waste education facilities, but excludes hazardous wastes. It is reasonable to exclude hazardous waste from this grant program since other programs address those concerns.

Subpart 8 defines waste abatement management practices. This term is used in proposed Minn. Rules pt. 9210.1060, subpart 3, which identifies the projects that are eligible to receive funds for waste education information facilities grants. The definition provided in subpart 8 is reasonable because it makes eligible waste practices likely to assist the State in achieving its goal of reducing the amount of waste generated or disposed of in the State.

Part 9210.1020 APPLICATION PROCEDURES

Part 9210.1020 is intended to provide potential applicants with a clear and concise presentation of the application process for the grants that will be awarded under the waste education grant program. To this end, part 9210.1020 is divided into eight subparts which, together, establish the procedures for obtaining a grant for waste education projects. These procedures create a Request for Proposal (RFP) process, a common process for providing financial assistance. Use of the RFP process is reasonable in that it allows the Office to adjust the grant program to the availability of state funds as they are appropriated by the legislature.

The RFP process is created in subpart 1 which states that funding rounds are initiated when the Director publishes a notice in the State Register. This notice will

contain basic information of interest to persons who may wish to apply for a waste education grant including the availability of grants, deadlines for submitting a grant application, and the maximum amount of funds available for a project. Use of the State Register to provide notice of the funding program is reasonable because the program is statewide and because the State Register is the official publication for state notices. Further, by specifying the maximum amount of funding available, the Office will be able to adjust the grant program to reflect changes in the availability of state funds. Moreover, by providing notice of these adjustments in the State Register potential applicants are fully apprised of the availability of funds for projects of interest.

Subpart 1 also states that the Director may use the State Register notice to limit, consistent with eligible projects outlined in Parts 9210.1050 and 9210.1060, the types of eligible projects that will be accepted during a funding round. By limiting a funding round to specific types of projects, the Office will be able to react more effectively to changing solid waste management conditions. Accordingly, the Office will be able to encourage waste education projects of particular interest and need at any given time. The ability to make this adjustment is reasonable because it will allow the Office to manage the grant program to suit, as best as possible, the waste education needs of the state.

Subparts 2 through 5 identify the procedures the Director will use in evaluating applications. These procedures are reasonable because they ensure that applications will receive equal and fair treatment and provide administrative certainty to the application process. (Please note that the criteria for evaluating applications are established later in

the rules and are discussed later in this Statement of Need and Reasonableness.)

Subpart 6 provides that the Director will award grants and loans to those projects that the Director determines best satisfy the waste education needs of the state, as measured according to criteria established later in the rules. This is reasonable because it allows the Director to evaluate proposals based upon current waste education needs. See also further discussion of the criteria later in this Statement of Need and Reasonableness.

Subpart 7 specifies that the Director may decline awards to any or all of the applicants if the Director determines that the proposals would not provide sufficient assistance to the state in addressing its waste education needs. The Office believes this subpart is reasonable because it provides a safeguard to ensure that program funds are disbursed only where the objectives of the program will be well-satisfied.

Subpart 8 provides that the Director shall solicit and consider advice provided by the Waste Education Coalition established in Minn. Stat. §115A.072, subd. 1. The Office believes that use of this advisory task force is reasonable because it assures that the Office will consider community concerns in reviewing proposed projects and promotes consistent and comprehensive evaluation of grant applications.

Part 9210.1030 LIMITATIONS

This part sets out the limitations of the program. The rationale for each limitation is provided below.

Subpart 1 sets out the conditions under which the Director may award a grant for less than the eligible amount requested by an applicant or less than the maximum award

established in the notice under Part 9210.1020 subpart 1. Two conditions are set out: (1) insufficient state resources to provide full assistance to all proposed grantees and (2) ability of an applicant to operate the project at a lesser award. These conditions are reasonable in that they allow projects to go forward while at the same time preserving limited state funds.

Subpart 2 provides that the Director will not disburse grant funds until the recipient has executed a written grant agreement with the Director. This condition is reasonable because it establishes a safeguard to prevent abuse of funds awarded through these rules. Part 9210.1040 sets out the terms of grant agreements.

Subpart 3 limits the disbursement of grant funds to cover only those costs incurred following the award of the grant. This provision is reasonable because it prevents abuse of state funds awarded by assuring that those funds will be used only for prospective and Director-approved activity.

Part 9210.1040 GRANT AGREEMENT

This part sets out the basic terms of the agreements that a grantee will need to sign before receiving funds from the Office. Identifying these terms by rule is reasonable because it provides advance notice to potential grant applicants of the conditions of a grant. The rationale for each condition specified by the rules is provided below.

Item A states that the grant proposal submitted to the Director under Part 9210.1020 subpart 2 will be incorporated into the grant agreement. This incorporation is reasonable because it contractually obligates a grantee to develop and implement the project described in the proposal and thereby establishes criteria against which the

Director may evaluate progress of the grantee.

Item B specifies that the grant agreement will state that no further program funding will be available for cost overruns. This safeguard is reasonable because it ensures effective administration of the program with limited state funds.

Item C specifies that a grantee must provide written reports to the Director. Written reports will allow the Director to assess the performance of a grantee. It will also allow the Office to transfer knowledge and experience gained from a project to persons who may have an interest in this information. Thus, this requirement is reasonable because it will assist the Director in addressing state waste education needs.

Item D provides that the Director may rescind a grant and require a grantee to repay the grant in full if the Director determines that, due to the bad faith of the grantee, a project has not been developed and implemented in accordance with the terms and conditions of the grant agreement. This is reasonable because it ensures that funded projects are implemented properly, and so assists the Director in administering the grant program and preserving state funds.

Item E provides that the Director may cease making further disbursements of grant funds and may recover unspent funds that have been disbursed if the Director determines that, for reasons other than bad faith, a project has not been developed and implemented in accordance with the terms and conditions of the grant agreement and amendment to the agreement is not justified. This provision is a companion to Item D which addresses repayment of a grant where there has been bad faith. Like Item D, Item E will assist the Director in administering the grant program and preserving state

funds by assuring that funded projects are implemented properly. Unlike Items D, however, Item E does not require repayment where the failure of the project is due to causes other than bad faith. The Office believes that it is reasonable to establish different financial repercussions for project failures due to bad faith and those due to causes unrelated to bad faith on the part of the grantee.

Item F states that the grant agreement must require a grantee to perform and complete project activities in accordance with the terms and conditions of the grant agreement. This provision is reasonable because it ensures that a grantee implements a project in the manner agreed upon in the grant agreement upon receipt of a grant award. Thus, this provision will ensure that the state obtains the maximum benefits hoped to be achieved by the grant.

Item G provides that a recipient must maintain detailed records of all expenditures related to the grant agreement. This provision is reasonable because it ensures that program resources received by a grantee are used to finance project costs only. Accordingly, this provision is reasonable because it ensures the proper use of state funds.

Item H requires the grantee to provide the Director with a copy of any waste education information disseminated. This item also prohibits the copyright of any information developed with waste education grant funds. This provision is reasonable because it ensures that waste education products resulting from the grant program are considered to be public information and can be made widely available to all interested parties.

Item I requires the grantee to acknowledge the Office as a funding source on any waste education information disseminated in conjunction with the grant program. This is reasonable because it informs members of the public of the State's interest in waste education programs.

Item J states that all original products resulting from the grant proposal are part of the public domain and cannot be sold for profit. This provision is reasonable because it prohibits persons from charging high fees for waste education information prepared with State funds.

Item K provides that the grant agreement shall establish other conditions or terms needed to implement the agreement. This provision is reasonable because it clarifies that the grant agreement will also contain other conditions needed to ensure orderly administration of the grant.

Part 9210.1050 WASTE EDUCATION INFORMATION GRANT PROGRAM

This part applies only to the grant program for waste education information. It is divided into seven subparts which, together, establish the substantive conditions and criteria under which the Office will provide financial assistance to eligible applicants for waste education information projects. These subparts are: (1) scope; (2) eligible applicants; (3) eligible projects; (4) ineligible projects; (5) eligible costs; (6) proposal; and (7) evaluation of proposals. The first subpart (scope) is self-evident and requires no further explanation. Subparts 2 through 7 are discussed below.

Subpart 2 identifies eligible applicants as persons who propose to disseminate or develop and disseminate waste education information. Examples of eligible applicants

include individuals, political subdivisions (but not state agencies or the Metropolitan Council), schools, school districts, and higher education institutions, hospitals, public libraries, trade or industry organizations, solid waste management districts, private businesses, and non-profit organizations. The rule is intended to be broad in scope since the Office would like to encourage all sectors of society to develop and disseminate waste education information. Thus, the Office believes it is reasonable to make virtually any public or private entity eligible for a grant under this program. Note also that the definition of person in proposed Minn. Rules pt. 9210.1010, subpart 5 makes the Metropolitan Council and state agencies ineligible for waste education information grants. This is reasonable because the waste education information grant program is meant to fund local or regional projects under the Office's jurisdiction, while the Metropolitan Council and state agencies receive funds for programs within their jurisdictions.

Subpart 3 identifies projects that are eligible for assistance under the waste education information grant program. Specifically, eligible projects include both projects that disseminate existing waste education information or develop and disseminate new waste education information. This definition is reasonable because it ensures that any funded project will include dissemination of waste education information. This requirement is necessary and reasonable to ensure that funded projects not only develop information, but also raise public awareness of better waste management practices. Subpart 3 also limits eligible waste education information projects to projects that will assist the state in meeting legislative goals in Minn. Stat. § 115A (1990). This

requirement is reasonable because it ensures that eligible projects will help promote and further the State's waste management priorities.

Subpart 4 declares as ineligible those projects that were eligible but did not apply for funding under the County Waste Reduction and Recycling Grant Program, Minn. Stat. § 115A.557 (1990), or under the Metropolitan Council's Landfill Abatement Account Grant and Loan Program. It also declares as ineligible those projects that receive at least 75 percent of their funds under either of these programs. This is reasonable because it ensures that limited state funds are expended only for waste education information projects that are either not eligible to apply for funding from other applicable programs or do not receive a substantial portion of project funding from these programs.

Subpart 4 also declares as ineligible curriculum development projects for kindergarten through twelfth grade. This is reasonable because the Office is already mandated to develop statewide waste education curriculum for these grades.

Subpart 5 identifies costs that are eligible for assistance under the waste education information grant program. Specifically, subpart 5 states that eligible costs are limited to 75 percent of the total costs of a project. Subpart 5 also makes certain costs ineligible for funding (i.e., capital costs and the cost of operating or maintaining equipment). However, these costs are included in the total cost of the project. The Office believes that a limit of 75 percent of total project costs, together with the list of ineligible items, is reasonable because it will ensure that a recipient under this program will have a compelling interest in developing and implementing a proposed project.

Subpart 6 describes nine categories of information that an applicant must include in a proposal under this program. This is the minimum amount of information needed to ensure that the Director can effectively evaluate the proposals under subpart 7. The rationale for each specific category of information is provided below.[1]

Subpart 6 (A) requires the names, qualifications, and addresses of the applicant and other project participants. Requiring that each project participant be identified in the grant application is reasonable because it will allow the Office to assess the skills of the project participants and, therefore, the likely success of the project.

Subpart 6 (B) requires a description of a proposed project, including specific information. This information is needed and reasonable because it allows the Director to determine, among other things, the eligibility of a proposed project; the feasibility of a proposed project; the applicant's ability and intention to implement the project in a timely manner; and the consistency of the proposed project with waste education priorities. Each of these factors will be considered by the Director in deciding which projects to fund. (See discussion regarding subpart 7, below.)

Subpart 6 (C) requires a description of how the project will complement local waste education and solid waste management projects. This requirement is necessary and reasonable because it ensures that waste education information projects considered for funding under this program do not duplicate other local and regional efforts.

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[1] Subpart 6 also provides that the Director may request additional information from an applicant if the Director determines that additional information is necessary to clarify and evaluate a proposal. This is reasonable because it allows the Director to obtain sufficient information to fully review and evaluate proposals under the criteria established in subpart 7.

Subpart 6 (D) requires an evaluation of whether the project will duplicate other efforts to disseminate or develop and disseminate waste education information in the area to be served by the project. This is necessary and reasonable because it helps ensure that limited state funds will only be used to fund projects that provide a new approach to providing waste education or reach people who have not benefitted from previous waste education projects.

Subpart 6 (E) requires information demonstrating that a proposed project will comply with applicable regulations. Requiring this information is needed and reasonable because projects must comply with applicable legal requirements if they are to receive grant funds.

Subparts 6 (F) and 6 (G) require financial information. Requiring this information is reasonable because it will allow the Director to assess, in accordance with subpart 7, the feasibility of the proposed project; the eligibility of project costs; and the ability of the applicant to implement the project in a timely manner. Item F requires an itemized description of project costs. This information is reasonable because it will allow the Director to evaluate the costs of a proposed project and to determine that the applicant will contribute its required share. Item G requires an itemized description of project financing. This information is needed to determine whether an applicant has secured financing for all project costs that would not be paid for with grant funds. Subpart 6 (H) requires a demonstration of support from each county that may be participating in the project. This requirement is reasonable because it ensures that all participating counties are willing and able to provide the necessary resources to ensure

the success and sustainability of the project. It is also reasonable because the applicant should plan project activities in coordination with participating counties to both reduce duplication of effort and costs and complement the solid waste management plans of participating counties.

Subpart 6 (I) calls for a description of the current status of the project. This is necessary and reasonable because it provides the Office with the information it needs to help determine a project's potential for success. It also provides background which will help the Office determine which project activities will be covered under a grant award and which activities have been completed prior to the award.

Subpart 7 specifies the criteria that the Director will use to evaluate proposals. The rationale for each criterion is set out below.

Subpart 7 (A) requires that the project have strong potential for use and replication in other waste abatement programs or projects in the state. This is reasonable because it allows the State to maximize the benefits to be achieved through each grant award.

Subpart 7 (B) requires the Director to determine the extent to which a proposed project furthers the waste abatement goals established by Minn. Stat. § 115A (1990). This criterion is reasonable because it allows the Office to direct state funds to projects that best satisfy the solid waste management needs of the state.

Subpart 7 (C) requires the Director to determine whether the project has a strong potential to reach and have a lasting impact on the waste management practices of a large number of persons. This provision is reasonable because it ensures that limited

state funds will only be used to fund projects having the greatest benefit to the largest number of people.

Subpart 7 (D) requires that the project not duplicate other efforts to disseminate or develop and disseminate waste education information in the area to be served by the project. This is necessary and reasonable because it helps ensure that limited state funds will only be used to fund projects that provide a new approach to providing waste education or reach people who have not benefitted from previous waste education projects.

Subpart 7 (E) requires the project to complement other local and regional projects. This requirement is reasonable because it ensures that funded projects will not duplicate existing waste education information projects, and will be consistent with the waste management efforts of counties and others.

Subpart 7 (F) requires the applicant to demonstrate that it has the support of all public entities involved in the project. This is reasonable because all project participants must demonstrate support in order for the project to be successfully completed.

Subpart 7 (G) requires the Director to determine that a proposed project is conceptually and economically feasible. This criterion is reasonable because it ensures that state funds will only be used on projects that present a high potential for success.

Subpart 7 (H) requires the persons identified in the application to have the experience and knowledge to implement the project. This requirement is reasonable because it ensures the prudent use of limited state funds.

Subpart 7 (I) requires the application to include comprehensive and reasonable plans for dissemination of information to a target audience. This is reasonable because effective dissemination is a key factor in ensuring that a waste education information project raises public awareness.

Subpart 7 (J) requires that the research sources used in waste education information projects are accurate and reliable. This requirement is reasonable because it helps ensure that the public will receive well-documented, accurate waste education information as a result of funded projects.

Subpart 7 (K) requires that applicants demonstrate the necessary financial commitment for all project costs. This criterion is reasonable because it ensures that state funds will be awarded only to projects that demonstrate the potential for completion and success over the life of the project.

Subpart 7 (L) requires that a proposed project will comply with federal, state, and local regulations. This criterion is reasonable because it ensures that only projects that meet applicable laws will be funded.

Part 9210.60 EDUCATION FACILITIES GRANT PROGRAM

Part 9210.1060 applies only to the grant program for education facilities. It is divided into seven subparts which, together, establish the substantive conditions and criteria under which the Office will provide financial assistance to eligible applicants for waste education projects. These subparts are: (1) scope; (2) eligible applicants; (3) eligible projects; (4) ineligible projects; (5) eligible costs; (6) proposal; and (7) evaluation of proposals. The first subpart (scope) is self-evident and requires no further

explanation. Subparts 2 through 7 are discussed below.

Subpart 2 identifies eligible applicants as formal and informal education facilities. The rule is intended to be broad in scope since the Office would like to encourage all education facilities to develop and implement solid waste abatement management practices. Subpart 2 also assists the state in meeting legislative goals in Minn. Stat. § 115A (1990). Thus, the Office believes it is reasonable to make virtually any education facility eligible for a grant under this program.

Subpart 3 identifies projects that are eligible for assistance under the education facilities grant program. Specifically, eligible projects are those projects that develop a model program to incorporate long-term waste abatement management practices, litter prevention and improved problem materials management practices into the operation of formal and informal education facilities; and projects to incorporate long-term waste abatement management practices, litter prevention and improved problem materials management practices into the operation of formal and informal education facilities. These projects are the ones identified as eligible in Minn. Stat. § 115A.072, subd. 3(b) and (c). Thus, subpart 3 is reasonable.

Subpart 4 declares as ineligible those projects which were eligible but did not apply for funding under the County Waste Reduction and Recycling Grant Program, Minn. Stat. § 115A.557 (1990), or under the Metropolitan Council's Landfill Abatement Account Grant and Loan Program. It also declares as ineligible those projects which receive at least 75 percent of their funds under either of these programs. This is reasonable because it ensures that limited state funds are expended only for education

facilities projects that are either not eligible to apply for funding from other applicable programs or do not receive a substantial portion of project funding from these programs.

Subpart 5 identifies costs that are eligible for assistance under the education facilities grant program. Specifically, subpart 5 states that eligible costs are limited to 75 percent of the total costs of a project. Subpart 5 also makes certain costs ineligible for funding (i.e., the cost of purchasing, constructing or renting real property; and the cost of operating or maintaining equipment). However, these costs are included in the total cost of the project. The Office believes that a limit of 75 percent of total project costs, together with the list of ineligible items, is reasonable because it will ensure that a recipient under this program will have a compelling interest in developing and implementing a proposed project.

Subpart 5 also identifies as ineligible the cost of purchasing, constructing, or renting real property, and the cost of operating or maintaining equipment. It also identifies as ineligible equipment or structures primarily needed for the collection or processing of waste. This provision is reasonable because it ensures that limited state funds will only be used for costs directly associated with the project. However, the cost of equipment or structures for temporary storage of recyclables is considered eligible for grant funds. This is reasonable because these costs may represent an essential component to implementing a comprehensive waste abatement management program at an education facility.

Subpart 6 describes nine categories of information that an applicant must include in a proposal under this program. This is the minimum amount of information needed

to ensure that the Director can effectively evaluate the proposals under subpart 7. The rationale for each specific category of information is provided below.[2]

Subpart 6 (A) requires the names, qualifications, and addresses of the applicant and other project participants. Requiring this information is reasonable because it allows the Director to contact each applicant and to assess the ability and commitment of project participants to complete project activities.

Subpart 6 (B) requires a description of a proposed project, including specific information. This information is needed and reasonable because it allows the Director to determine, among other things, the eligibility of a proposed project; the feasibility of a proposed project; the applicant's ability and intention to implement the project in a timely manner; and the consistency of the proposed project with waste education priorities. Each of these factors will be considered by the Director in deciding which projects to fund. (See discussion regarding subpart 7, below.)

Subpart 6 (C) requires a description of how the project will complement local waste education and solid waste management projects. This requirement is necessary and reasonable because it ensures that projects considered for funding under this program do not duplicate other local and regional efforts.

Subpart 6 (D) requires an evaluation of whether the project will duplicate other efforts to implement waste abatement management practices in the area to be served by

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[2] Subpart 6 also provides that the Director may request additional information from an applicant if the Director determines that additional information is necessary to clarify and evaluate a proposal. This is reasonable because it allows the Director to obtain sufficient information to fully review and evaluate proposals under the criteria established in subpart 7.

the project. This is necessary and reasonable because it helps ensure that limited state funds will only be used to fund projects that either provide a new approach to implementing these practices or implement these practices in an area that has not previously been served.

Subpart 6 (E) requires information demonstrating that a proposed project will comply with applicable regulations. Requiring this information is needed and reasonable because projects must comply with applicable legal requirements if they are to receive grant funds.

Subparts 6 (F) and 6 (G) require financial information. Requiring this information is reasonable because it will allow the Director to assess, in accordance with subpart 7, the financial feasibility of the proposed project; the eligibility of project costs; and the ability of the applicant to implement the project in a timely manner. Item F requires an itemized description of project costs. This information is reasonable because it will allow the Director to evaluate the costs of a proposed project and to determine that the applicant will contribute its required share. Item G requires an itemized description of project financing. This information is needed to determine whether an applicant has secured financing for all project costs that would not be paid for with grant funds.

Subpart 6 (H) requires a demonstration of support from each county that may be participating in the project. This requirement is reasonable because it ensures that all participating counties are willing and able to provide the necessary resources to ensure the success and sustainability of the project. It is also reasonable because the applicant

should plan project activities in coordination with participating counties to both reduce duplication of effort and costs and complement the solid waste management plans of participating counties.

Subpart 6 (I) is a description of the current status of the project. This is reasonable because limited state funds can not be used for work completed on the project before award of the funds. This requirement is also necessary for the Office to assess the potential for successful completion of the project.

Subpart 7 specifies the criteria that the Director will use to evaluate proposals. The rationale for each criterion is set out below.

Subpart 7 (A) requires that the project have strong potential for use and replication on other waste abatement programs or projects in the state. This is reasonable because it allows the State to maximize the benefits to be achieved through each grant award.

Subpart 7 (B) requires the Director to determine whether a proposed project has a strong likelihood of resulting in the implementation of successful and sustained waste abatement, litter prevention, and problem materials practices at the location of the project. This requirement is reasonable because it allows the Office to direct state funds to projects that are likely to best satisfy the solid waste management needs of the state.

Subpart 7 (C) requires the Director to determine whether the project has a strong potential to reach and have a lasting impact on the waste management practices of a large number of persons. This provision is reasonable because it ensures that limited state funds will only be used to fund projects having the greatest benefit to the largest

number of people.

Subpart 7 (D) requires that the project not duplicate other efforts to implement waste abatement management practices in the area to be served by the project. This is necessary and reasonable because it helps ensure that limited state funds will only be used to fund projects that either provide a new approach to implementing these practices or implement these practices in an area that has not previously been served.

Subpart 7 (E) requires the project to complement other local and regional projects. This requirement is reasonable because it ensures that funded projects will not duplicate existing education facilities projects.

Subpart 7 (F) requires the applicant to demonstrate that it has the support of all public entities involved in the project. This is reasonable because all project participants must demonstrate support in order for the project to be successfully completed.

Subpart 7 (G) requires the Director to determine that a proposed project is technically, conceptually and economically feasible. This criterion is reasonable because it ensures that state funds will only be used on projects that present a high potential for success.

Subpart 7 (H) requires the persons identified in the application to have the experience and knowledge to implement the project. This requirement is reasonable because it ensures the prudent use of limited state funds.

Subpart 7 (I) requires that applicants demonstrate the necessary financial commitment for all project costs. This criterion is reasonable because it ensures that state funds will be awarded only to projects that demonstrate the potential for success

over the life of the project.

Subpart 7 (J) requires that the project involve a new or innovative approach to waste abatement, litter prevention or problem materials management practices, or that it involve application of an existing approach which has not been previously applied to an education facility. This requirement is reasonable because it ensures that limited state funds will be used to help stimulate new ideas having practical applications to education facilities throughout the state.

Subpart 7 (K) requires the proposed project to provide a substantial educational benefit by enlisting student involvement or other hands-on experience in the project. This requirement is reasonable because research has demonstrated that involving students in education projects make the projects more likely to succeed. Providing a hands-on learning experience for students at the facility and involving them in the project also gives students a feeling of ownership for the success of the project.

Subpart 7 (L) requires that a proposed project will comply with federal, state, and local regulations. This criterion is reasonable because it ensures that only projects that meet applicable laws will be funded.

V. SMALL BUSINESS CONSIDERATIONS

Minn. Stat. §14.155 (1990) requires state agencies proposing rules that affect small businesses to consider methods for reducing the impact of the rules on small businesses.

The proposed rules establish the criteria and procedures by which the Office provides financial assistance for waste education projects. The requirements of Minn. Stat. §14.115 do not apply to these proposed rules because this program does not place

any adverse regulatory burden on small businesses.

To the contrary, the proposed rules establish two programs to promote waste education activities. Both of the programs provide for the participation of small businesses, either directly or indirectly. The proposed rules do not limit the ability of small businesses to participate in the program.

VI. CONCLUSION

Based on the foregoing, proposed Minn. Rules pts. 9210.1000 to 9210.1060, are needed and reasonable.

12/10/90
Date

Michael Robertson
Director

Stat Authority 115A.06 subd 2
Unless otherwise provided, the office shall promulgate rules in accordance with chapter 15 to govern its activities and implement sections 115A.01 to 115A.72.

end of comment period listed as January 10, 1991

14.131

did they send SOLAR to LCRAR

RAR
C~~ARA~~
Leg. Comm.
Gov.

180 deadline did they send the letter to the leg. commissions and Gov.
- they did sent me a letter explaining why they didn't make the deadline

14.12

- 5 copies of proposed rules no adopted rules

2-1-91 left a message for Nancy Dilles to call me

2-4-91 - left another message

2-4-91 - Talked to Nancy Dilles. Sent a copy of the SOLAR to LCRAR because they are on their mailing list. Going to send 4 copies of adopted and letters to LCRAR, Leg. Comm. and Gov. pursuant to 14.15

Rules

9210. 1020 subpart 1, lines 24-26
In the notice the director may justified by SOLAR - so they can adjust the grant program to reflect changes in the availability of funds and also solid waste management conditions

2-6-91 sent the rules

MINNESOTA
OFFICE
OF WASTE
MANAGEMENT

1350 Energy Lane
St. Paul, Minnesota 55108
(612) 649-5750
MN Toll Free
1-800-652-9747

January 24, 1991

Ms. Patti Nolte
Office of the Attorney General
525 Park Street, Suite 500
St. Paul, Minnesota 55103

Dear Ms. Nolte:

This letter is written to satisfy the notice requirement established by Minn. Stat. §14.12. That statute requires an agency: (1) to publish a notice of intent to adopt rules within 180 days after the effective date of a law requiring rules to be promulgated unless otherwise specified by law or (2) to notify the legislative commission to review administrative rules, other appropriate committees of the legislature, and the governor of its failure to meet the 180 day deadline and the reasons therefor.

On December 10, 1990, the Office of Waste Management (OWM) published a notice of its intent to adopt proposed permanent rules governing the waste education grant program. Minn. Stat. §115A.072, requiring the adoption of these rules became effective on October 4, 1989, 432 days before the notice was published. It took the OWM more than 180 days to publish these rules for the following reasons.

First, new staff had to be hired to work on these new mandates, and had to develop the program plan before the rules could be written.

Second, the OWM sought to resolve public concerns even before publishing notice of the proposed rules. By soliciting comments before publishing its rulemaking notice, the OWM hoped to preserve public finances by avoiding the need for multiple notices or more expensive, controversial rulemaking.

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To ensure adequate public comment, the OWM solicited comments from its citizen advisory council, before publishing its rulemaking notice. The OWM believes that these discussions provided for a better rule and assisted the OWM in proceeding through noncontroversial rulemaking. In conclusion, the OWM believes that the additional time it took to obtain meaningful community review of the proposed rules was well worth the effort and delay.

If you have questions regarding these rules, please call me or Nancy Delles of my staff at 649-5750.

Sincerely,

for Linda L. Bremmer

Michael Robertson
Director

MR:jc

MINNESOTA
OFFICE
OF WASTE
MANAGEMENT

1350 Energy Lane
St. Paul, Minnesota 55108
(612) 649-5750
MN Toll Free
1-800-652-9747

January 29, 1991

Ms. Patti Nolte
Office of the Attorney General
Suite 500
525 Park Street
St. Paul, MN 55103

Re: In the Matter of Proposed Rules Governing Waste Education Grants, Minn. Rules Parts 9210.1000 to 9210.1060

Dear Ms. Nolte:

On January 29, 1991, the Minnesota Office of Waste Management (Office) adopted the above-captioned rules governing waste education grants. On behalf of the Office, I am submitting these rules to you for review under Minn. Stat., section 14.26.

Pursuant to Minn. Rules pt. 2010.0300, I have enclosed the following:

1. the Notice of Intent to Solicit Outside Opinion (15 SR 87, July 9, 1990);

2. the proposed rules, approved as to form by the Revisor of Statutes;

3. the Statement of Need and Reasonableness;

4. the Notice of Intent to Adopt Rules Without a Public Hearing as published in the State Register (15 SR 1356, December 10, 1990);

5. the signed Notice of Intent to Adopt Rules Without a Public Hearing, as mailed;

6. the Affidavit of Mailing the Notice of Intent to Adopt Rules Without a Public Hearing and Certificate of Mailing List;

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7. the Findings of Fact, Conclusions and Order Adopting the Rules;

8. four copies of the rules as adopted;

9. the declaration of Counsel; and

10. the Affidavit Regarding Notice of Submission of Rules Adopted Without a Public Hearing to the Attorney General.

If you have questions regarding these rules, please call me at 649-5482.

Sincerely,

Nancy Delles

Nancy Delles
Waste Education Grants

Enclosures

STATE OF MINNESOTA
OFFICE OF WASTE MANAGEMENT

In the Matter of the Proposed Rules Governing the Waste Education Grant rogram, Minn. Rules Parts 9210.1000 to 9210.1060

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

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

Nancy Delles, 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 (1988) that their names be placed on the Minnesota Office of Waste Management's rulemaking mailing list is accurate, complete, and current as of this 28 th day of November, 1990.

That on the 28 th day of November, 1990, 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 list.

Nancy Delles

Subscribed and sworn to before me
this 28th day of November 1990.

June J. Seery
Notary Public

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

x:\u...\maillist\rules.int
November 28, 1990
Nancy Delles

Mr. Dave Locey
MSD Recycle
1711 W County Road B, Ste 300N
Roseville, MN 55113

Mr. Steve Keefe
Metropolitan Council
Ste 300, Metro Square Bldg.
St. Paul, MN 55101

Mr. Jim Mulder
Association of Mn Counties
525 Park Street, Ste 404
St. Paul, MN 55103

Ms. Bonnie Holtz
Brown-Nicollet Human Service Brd
100 Freeman Drive
St. Peter, MN 56082

Mr. Tony Heinbaugh
American Crystal Sugar Company
101 North 3rd Street
Moorhead, MN 56560

Dr. Raymond Thron
Minnesota Department of Health
717 Delaware St. S.E., Box 9441
Minneapolis, MN 55440

Mr. Michael Moodie
Trinity Engineer
5615 Woodstock
Golden Valley, MN 55422

Ms. Annette Wayne Bair
Regional Development Commission
Box 265
Slayton, MN 56172

Mr. Patrick Story
Resource Recovery Project
1811 Weir Drive., Ste 235
Woodbury, MN 55125

Research Department
Minnesota AFL-CIO
175 Aurora Ave.
St. Paul, MN 55103

Mr. Gregory Lie
Hennepin County, Haz. Waste Div.
822 S. 3rd Street
Minneapolis, MN 55415

Terry Hoffman
Ste 840, One Capital Centre Plaza
386 N. Wabasha Street
St. Paul, MN 55102

Ms. Norma Schumacher
O'Connor & Hannan
3800 IDS Tower, 80 S. 8th Str.
Minneapolis, MN 55402

Ms. Diane Heldt
Broeker, Geer, Fletcher & LaFond
8500 Normandale Lake Blvd., Ste 1510
Minneapolis, MN 55437

Mr. Robert Burk
Popham, Haik, Schnobrich & Kaufman
3300 Piper Jaffray Tower
Minneapolis, MN 55402

Ms. Susan Lund
Headwaters Reg'l Development Comm.
722 15th St. NW, P.O. Box 906
Bemidji, MN 56601

Ms. Karen Schaffer
Dakota County Attorney's Office
Dakota Cty Gov't Ctr, 1560 W Hwy 55
Hastings, MN 55033

Mr. Stephen Nichols
P.O. Box 10296
Minneapolis, MN 55458

Mr. Darrell Nelson
I.S.D. #2
500 Ione Ave.
Hill City, MN 55748

Mr. Ivan Jacobs
Mississippi Street Metals
800 Mississippi Str.
St. Paul, MN 55101

Mr. Vern Peterson
Assoc. of Metro. Municipalities
183 University Ave. East
St. Paul, MN 55101

Mr. Joel Jamnick
League of Minnesota Cities
183 University Ave. East
St. Paul, MN 55101

Mr. Bob Orth
Metro Inter-County Assoc.
114 Metro Sq, 7th & Robert Str
St. Paul, MN 55101

Ms. Kim Austrian
Legislative Comm. on Waster Mgt.
Room 85, State Office Bldg.
St. Paul, MN 55155

Mr. Tom Todd
House Research
17 State Capitol Bldg.
St. Paul, MN 55155

Ms. Susan Schmidt
Recycling Association of Minnesota
2222 Elm Street S.E.
Minneapolis, MN 55414

Ms. Lilias Jones
Eco-Solutions
116 12th Street
Moorhead, MN 56560

Mr. Carter Kuehn
Crow Wing County
505 Rosewood
Brainerd, MN 56401

Mr. Michael Kirchmeier
Southwest Recycling Task Force
Rural Route 4, Box 203
Slayton, MN 56172

Mr. Kevin Kelleher
Recycling Center
P.O. Box 548
Houston, MN 55943

Mr. Jeff Beddow
Hennepin Cty Public Affairs
300 South 6th Street
Minneapolis, MN 55489

Ms. Melody Fontaine
KBJR TV - Duluth
230 East Superior Street
Duluth, MN 55802

Mr. Gary Noren
Chisago County
Courthouse, Box 202
Center City, MN 55012

Ms. Paula Vanecek
East Cntrl Sld Wst Commission
Box 538
Rush City, MN 55069

Ms. Margit Johnson
Rice County
613 Union
Northfield, MN 55057

Ms. Ellen Sushak
Department of Education
993 Capitol Square
St. Paul, MN 55101

Mr. Rob Chalmers
People Magic
Uptown Station, PO Box 2271
St. Paul, MN 55102

Mr. Dana Donatuchi
U of M Recycling
B-25 Shops Building
Minneapolis, MN 55455

Mr. Michael Smith
333 9th Avenue North
Hopkins, MN 55343

Dr. Jack L. Anderson
HCR 2, Box 116E
Pequot Lakes, MN 56472

Ms. Marilyn Bayer
Houston Community Educ. Prog.
306 West Elm Street
Houston, MN 55943

Ms. Nancy S. Harger
Barlage Center for Science
Moorhead State University
Moorhead, MN 56560

Mr. Tom Fcearcy
N.L.F. Community Ed.
P. O. Box 69
Spicer, MN 56288

Ms. Patty Quiram
City of Mapleton
P. O. Box 366
Mapleton, MN 56065

Mr. Tim Titfin
Jordan Community Ed. Dept.
500 Sunset Drive
Jordan, WI 55352

Mr. Walter L. Witzke
771 Emerald Dr.
St. Paul, MN 55112

Ms. Mary A. Johnson
Box 232
Redby, MN 56670

Ms. Pauline Langsdorf
8100 33rd Ave. N.
Crystal, MN 55427

Ms. Julie Jones
City of Crystal
4141 Douglas Drive
Crystal, MN 55422

Ms. Irene Stern
Upsala Area Schools

Upsala, MN 56384

Mr. Darrell Nelson
Indep. School District #2
500 Ione Ave.
Hill City, MN 55748

Ms. Ann Duff
Minnetonka Public Schools
261 School Ave.
Excelsior, MN 55331

Mr. Jack Pichotta
Wolf Ridge Env. Learning Center
230 Cranberry Road
Finland, MN 55603

Mr. Ivan Jacobs
Mississippi St. Metals
800 Mississippi St.
St. Paul, MN 55101

Mr. Victor Niska
Westonka Schools
5600 Lynwood Blvd.
Mound, MN 55364

Ms. Sue Gunderson
Self Reliance Center
1916 2nd Ave. So.
Minneapolis, MN 55403

Mr. Bill Dix
Osseo School District
11200 93rd Ave. No.
Maple Grove, Mn 55369

Ms. Joy Korte
7001 Harriet Ave So.
Richfield, MN 55423

Mr. Jeffrey Johnson
Hamline University

St. Paul, MN 55104

Mr. Dan Schoepke
Washington Cty. Public Health
14900 61st. St. N., Box 6
Stillwater, MN 55082

Mr. Mike Meyer
Mpls. School District
807 N. E. Broadway
Minneapolis, MN 55413

Mr. Roger Kreidberg
Instit for Envir Assessment
433 Jackson Street
Anoka, MN 55303

Mr. Cliff Thorenson
Renville County Courthouse
Olivia, MN 56272

Ms. Wanda Erickson
Upsala Area Schools

Upsala, MN 56384

Ms. Margit Johnson
Rice County Courthouse
613 Union Street
Northfield, MN 55057

Ms. Nancy S. Harger
Barlage Center for Science
Moorhead State University
Moorhead, MN 56560

Ms. Colleen Jackson
St. Peter Public Schools
803 Davis St., PO Box 388
St. Peter, MN 56082

Mr. Sherwood Olson
4157 11th Avenue South
Minneapolis, MN 55407

Mr. Bob Rose
Roosevelt High School
4029 28th Avenue South
Minneapolis, MN 55406

Jeff Soloman
Owatonna Public Schools
515 West Bridge Street
Owatonna, MN 55060

Mr. Lawrence Gjabig
705 St. Olif
Canby, MN 56220

Mr. Greg Gernat
P. O. Box 265
Red Lake Falls, MN 56750

Sister Joan Sype
St. Anne's School
1023 Cedar, Box 130
Wabasso, MN 56293

Mr. Greg Mead
Minneapolis Schools
807 Broadway N. E.
Minneapolis, MN 55413

Ms. Nancy Rokke
Bloomington Schools
90th & Portland Ave.
Bloomington, MN 55420

Ms. Beth Slocum
St. Paul Academy &Summit Schls
1712 Randolph Ave.
St. Paul, MN 55102

Mr. Joe Meixel
Mankato Schools, Dist 77
1000 N. Broad St.
Mankato, MN 56001

Ms. Sarah Lynn Newberger
Talmud Torah
636 S. Mississippi River Blvd.
St. Paul, MN 55116

Mr. Dan Kehrberg
Fairmond High Scholl
Fairmont, MN 56031

x:\u...\maillist\rules.int
December 7, 1990
Nancy Delles

Mr. Dave Locey
MSD Recycle
1711 W County Road B, Ste 300N
Roseville, MN 55113

Mr. Steve Keefe
Metropolitan Council
Ste 300, Metro Square Bldg.
St. Paul, MN 55101

Mr. Jim Mulder
Association of Mn Counties
525 Park Street, Ste 404
St. Paul, MN 55103

Ms. Bonnie Holtz
Brown-Nicollet Human Service Brd
100 Freeman Drive
St. Peter, MN 56082

Mr. Tony Heinbaugh
American Crystal Sugar Company
101 North 3rd Street
Moorhead, MN 56560

Dr. Raymond Thron
Minnesota Department of Health
717 Delaware St. S.E., Box 9441
Minneapolis, MN 55440

Mr. Michael Moodie
Trinity Engineer
5615 Woodstock
Golden Valley, MN 55422

Ms. Annette Wayne Bair
Regional Development Commission
Box 265
Slayton, MN 56172

Mr. Patrick Story
Resource Recovery Project
1811 Weir Drive., Ste 235
Woodbury, MN 55125

Mr. Gregory Lie
Hennepin County, Haz. Waste Div.
822 S. 3rd Street
Minneapolis, MN 55415

Terry Hoffman
Ste 840, One Capital Centre Plaza
386 N. Wabasha Street
St. Paul, MN 55102

Ms. Norma Schumacher
O'Connor & Hannan
3800 IDS Tower, 80 S. 8th Str.
Minneapolis, MN 55402

Ms. Diane Heldt
Broeker, Geer, Fletcher & LaFond
8500 Normandale Lake Blvd., Ste 1510
Minneapolis, MN 55437

Mr. Robert Burk
Popham, Haik, Schnobrich & Kaufman
3300 Piper Jaffray Tower
Minneapolis, MN 55402

Ms. Susan Lund
Headwaters Reg'l Development Comm.
722 15th St. NW, P.O. Box 906
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Ms. Karen Schaffer
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183 University Ave. East
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Metro Inter-County Assoc.
114 Metro Sq, 7th & Robert Str
St. Paul, MN 55101

Ms. Kim Austrian
Legislative Comm. on Waster Mgt.
Room 85, State Office Bldg.
St. Paul, MN 55155

Mr. Tom Todd
House Research
17 State Capitol Bldg.
St. Paul, MN 55155

Ms. Susan Schmidt
Recycling Association of Minnesota
2222 Elm Street S.E.
Minneapolis, MN 55414

The statute contains certain exemptions. Questions should be directed to the Ethical Practices Board, 41 State Office Building, St. Paul, Minnesota 55155, telephone (612) 296-5615.

Any person may request notification of the date on which the administrative law judge's report will be available, after which date the agency may not take any final action on the rules for a period of five working days. If you desire to be so notified, you may request notification by sending a written request to the administrative law judge.

Any person may request notification of the date on which the rules are adopted and filed with the secretary of state. The notice must be mailed on the same date that the rules are filed. If you want to be so notified you may so indicate at the hearing or send a request in writing to the agency at any time prior to the filing of the rules with the secretary of state.

Notice is hereby given that a STATEMENT OF NEED AND REASONABLENESS is available for review at the agency and at the Office of Administrative Hearings. The Statement of Need and Reasonableness identifies the rule and gives a reason for the deletion of, amendment to, or addition of the rule. Copies may be reviewed at the agency or the Office of Administrative Hearings and copies may be obtained from the agency or the Office of Administrative Hearings at the cost of reproduction.

The adoption of the proposed rules will not require additional expenditure of local monies to implement the rule. The recommended changes to the rule are basically to improve the load carrying capacity of roads and streets and to provide geometric standards within safe boundaries. The requirement of a resolution that indemnifies, saves and holds harmless the State of Minnesota and its agents and employees of and from any claim, demands, actions, or causes of actions arising out of or by reason of the granting of a variance from the rule is not new to the process of granting variances. The practice of giving the aforementioned resolution has been in practice since 1980 when the authorization of granting variances began.

The adoption of the proposed rules will have no adverse affect on small business. Many comments were received objecting to the permissible use of local forces for local construction projects instead of open competitive bidding procedures. The practice has been permitted since 1958 when the rule was first adopted. The practice has been brought to the attention of concerned persons because a definition of the term "force account" has been proposed in the rule.

The adoption of the proposed rules will have no adverse affect on agricultural land. The proposed changes in rural design geometric standard for the traffic group 50 to 99, inslope change from 3:1 to 4:1 is for safety consideration of the travelling public. The additional width needed to comply to the proposed requirement is minimal. There are no changes of significance to agricultural land use.

The rule hearing procedure is governed by *Minnesota Statutes*, §§ 12.131 through 14.20 (1990) and by the rules of the Office of Administrative Hearings, *Minnesota Rules* parts 1400.0200 through 1400.1200 (1989). Questions concerning the rule hearing procedure should be directed to the administrative law judge at the address and telephone number stated below.

The matter will be heard before Administrative Law Judge Allen E. Giles, Office of Administrative Hearings, 500 Flour Exchange Building, 310 Fourth Avenue South, Minneapolis, Minnesota 55415. Telephone: (612) 349-2543.

Leonard W. Levine
Commissioner

Dated this 28th day of November, 1990.

Office of Waste Management

Proposed Permanent Rules Relating to Waste Education Grants

Notice of Intent to Adopt Rules Without a Public Hearing

NOTICE IS HEREBY GIVEN that the Minnesota Office of Waste Management (Office) intends to adopt the above-entitled rules without a public hearing following the procedures set forth in the Administrative Procedures Act for adopting rules without a public hearing in *Minnesota Statutes* §§ 14.22 to 14.28 (1988). The Office's authority to adopt the rules is set forth in *Minnesota Statutes* § 115A.06, subd. 2 (2nd 1989 Supp.).

All persons have until 4:30 p.m. on January 10, 1991, to submit comments in support of or in opposition to the proposed rules or any part or subpart of the proposed rules. 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 proposed 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 Office will proceed pursuant to *Minnesota Statutes* §§ 14.131 to 14.20 (1988).

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

Nancy Delles
Minnesota Office of Waste Management
1350 Energy Lane
St. Paul, Minnesota 55108
612-649-5482
1-800-877-6300 (Minnesota Toll-Free)

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

The proposed rules, if adopted, will establish the criteria and procedures for awarding grants under the Office's Waste Education Grant Program. The proposed rules are published below. One free copy of the proposed rules is available upon request from 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 rules and identifies the data and information relied upon to support the proposed rules has been prepared and is available from the Office upon request.

You are hereby advised, pursuant to *Minnesota Statutes* § 14.115 (1988), "Small business considerations in rulemaking," that the proposed rules will have no negative effect on small businesses, as the rules do not limit the ability of small businesses to participate in this program.

If no hearing is required, upon adoption of the 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 rules as adopted, must submit a written request to the name and address stated above.

Dated: 27 November 1990

Michael Robertson
Director

Rules as Proposed (all new material)

WASTE EDUCATION GRANT PROGRAMS

9210.1000 SCOPE AND AUTHORITY.

Parts 9210.1010 to 9210.1060 implement the waste education grant programs created and described in *Minnesota Statutes*, section 115A.072, by establishing the substantive criteria and procedural conditions under which the director may award grants for waste education information projects and for waste education facilities projects. Parts 9210.1020 to 9210.1040 establish conditions applicable to all grants under parts 9210.1000 to 9210.1060. Part 9210.1050 establishes conditions specific to waste education information projects. Part 9210.1060 establishes conditions specific to waste education facilities grants.

9210.1010 DEFINITIONS.

Subpart 1. **Scope.** The terms defined in this part apply to parts 9210.1000 to 9210.1060. For terms not defined in this part, the definitions in *Minnesota Statutes*, section 115A.03, apply, unless the context requires otherwise.

Subp. 2. **Director.** "Director" means the director of the Office of Waste Management.

Subp. 3. **Formal or informal education facility.** "Formal or informal education facility" means an establishment where, as a fundamental objective of the persons in charge, recognized and organized instruction takes place on a regular basis. Examples of formal or informal education facilities are public and nonpublic schools and secondary institutions, environmental learning centers, youth organization facilities and camps, and community centers.

Subp. 4. **In-kind contribution.** "In-kind contribution" means a noncash donation of goods or services, such as personnel time, materials or equipment, to which a cash value can be reasonably assigned.

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.

MINNESOTA
OFFICE
OF WASTE
MANAGEMENT

1350 Energy Lane
St. Paul, Minnesota 55108
(612) 649-5750
MN Toll Free
1-800-652-9747

January 24, 1991

The Honorable Arne Carlson
Governor of Minnesota
130 Capitol, 7 Constitution Avenue
St. Paul, Minnesota 55155

Dear Governor Carlson:

This letter is written to satisfy the notice requirement established by Minn. Stat. §14.12. That statute requires an agency: (1) to publish a notice of intent to adopt rules within 180 days after the effective date of a law requiring rules to be promulgated unless otherwise specified by law or (2) to notify the legislative commission to review administrative rules, other appropriate committees of the legislature, and the governor of its failure to meet the 180 day deadline and the reasons therefor.

On December 10, 1990, the Office of Waste Management (OWM) published a notice of its intent to adopt proposed permanent rules governing the waste education grant program. Minn. Stat. §115A.072, requiring the adoption of these rules became effective on October 4, 1989, 432 days before the notice was published. It took the OWM more than 180 days to publish these rules for the following reasons.

First, new staff had to be hired to work on these new mandates, and had to develop the program plan before the rules could be written.

Second, the OWM sought to resolve public concerns even before publishing notice of the proposed rules. By soliciting comments before publishing its rulemaking notice, the OWM hoped to preserve public finances by avoiding the need for multiple notices or more expensive, controversial rulemaking.

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Equal Opportunity Employer

To ensure adequate public comment, the OWM solicited comments from its citizen advisory council, before publishing its rulemaking notice. The OWM believes that these discussions provided for a better rule and assisted the OWM in proceeding through noncontroversial rulemaking. In conclusion, the OWM believes that the additional time it took to obtain meaningful community review of the proposed rules was well worth the effort and delay.

If you have questions regarding these rules, please call me or Nancy Delles of my staff at 649-5750.

Sincerely,

Linda S. Buemmer

for Michael Robertson
Director

MR:jc

MINNESOTA
OFFICE
OF WASTE
MANAGEMENT

1350 Energy Lane
St. Paul, Minnesota 55108
(612) 649-5750
MN Toll Free
1-800-652-9747

January 24, 1991

The Honorable Willard Munger
State Representative
479 State Office Building
St. Paul, Minnesota 55155

Dear Representative Munger:

This letter is written to satisfy the notice requirement established by Minn. Stat. §14.12. That statute requires an agency: (1) to publish a notice of intent to adopt rules within 180 days after the effective date of a law requiring rules to be promulgated unless otherwise specified by law or (2) to notify the legislative commission to review administrative rules, other appropriate committees of the legislature, and the governor of its failure to meet the 180 day deadline and the reasons therefor.

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Sincerely,

Linda S. Buemmer

for Michael Robertson
Director

MR:jc

MINNESOTA
OFFICE
OF WASTE
MANAGEMENT

1350 Energy Lane
St. Paul, Minnesota 55108
(612) 649-5750
MN Toll Free
1-800-652-9747

January 24, 1991

The Honorable Bob Lessard
State Senator
District 3
111 State Capitol
St. Paul, Minnesota 55155

Dear Senator Lessard:

This letter is written to satisfy the notice requirement established by Minn. Stat. §14.12. That statute requires an agency: (1) to publish a notice of intent to adopt rules within 180 days after the effective date of a law requiring rules to be promulgated unless otherwise specified by law or (2) to notify the legislative commission to review administrative rules, other appropriate committees of the legislature, and the governor of its failure to meet the 180 day deadline and the reasons therefor.

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If you have questions regarding these rules, please call me or Nancy Delles of my staff at 649-5750.

Sincerely,

Linda B. Bremmer
for Michael Robertson
Director

MR:jc

MINNESOTA
OFFICE
OF WASTE
MANAGEMENT

1350 Energy Lane
St. Paul, Minnesota 55108
(612) 649-5750
MN Toll Free
1-800-652-9747

January 24, 1991

Ms. Maryanne V. Hruby
Director
Legislative Commission to Review
Administrative Rules
55 State Office Building
St. Paul, Minnesota 55155-1201

Dear Ms. Hruby:

This letter is written to satisfy the notice requirement established by Minn. Stat. §14.12. That statute requires an agency: (1) to publish a notice of intent to adopt rules within 180 days after the effective date of a law requiring rules to be promulgated unless otherwise specified by law or (2) to notify the legislative commission to review administrative rules, other appropriate committees of the legislature, and the governor of its failure to meet the 180 day deadline and the reasons therefor.

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If you have questions regarding these rules, please call me or Nancy Delles of my staff at 649-5750.

Sincerely,

Linda L Bremmer

for Michael Robertson
Director

MR:jc

STATE OF MINNESOTA
OFFICE OF WASTE MANAGEMENT

In the Matter of the Proposed Rules Governing the Waste Education Grant Program, Minn. Rules Parts 9210.1000 to 9210.1060	NOTICE OF INTENT TO ADOPT RULES WITHOUT A PUBLIC HEARING

(1) Notice is hereby given that the Minnesota Office of Waste Management (Office) intends to adopt the above-entitled rules without a public hearing following the procedures set forth in the Administrative Procedures Act for adopting rules without a public hearing in Minn. Stat. §§14.22 to 14.28 (1988). The Office's authority to adopt the rules is set forth in Minn. Stat. §115A.06, subd. 2 (2nd 1989 Supp.).

(2) All persons have until 4:30 p.m. on January 10, 1991, to submit comments in support of or in opposition to the proposed rules or any part or subpart of the proposed rules. Comment is encouraged. (3) 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 proposed rules within the comment period. (4) 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. (6) 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. (7) If a public hearing is required, the Office will proceed pursuant to Minn. Stat. §§14.131 to 14.20 (1988).

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

Nancy Delles
Minnesota Office of Waste Management
1350 Energy Lane
St. Paul, Minnesota 55108
612-649-5482
1-800-877-6300 (Minnesota Toll-Free)

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

(11) The proposed rules, if adopted, will establish the criteria and procedures for awarding grants and loans under the Office's Waste Education Grant Program. One free copy of the proposed rules is available upon request from the address and telephone number stated above.

(12) A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rules and identifies the data and information relied upon to support the proposed rules has been prepared and is available from the Office upon request.

(14) You are hereby advised, pursuant to Minn. Stat. §14.115 (1988), "Small business considerations in rulemaking," that the proposed rules will have no negative effect on small businesses, as the rules do not limit the ability of small businesses to participate in this program.

(9) If no hearing is required, upon adoption of the 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 rules as adopted, must submit a written request to the name and address stated above.

11-27-90
DATE

Michael Robertson
MICHAEL ROBERTSON
Director

Minnesota Office of Waste Management
Solid Waste Program Development Unit
Waste Education Program

Notice of Intent to Solicit Outside Opinion Regarding Proposed Rules Governing Solid Waste Education Grants

Notice is hereby given that the Minnesota Office of Waste Management (Office) is seeking information or opinions from outside sources as it prepares to propose the adoption of rules establishing criteria and procedures for awarding solid waste education grants. The Office is authorized to award such grants by Minn. Stat. §115A.072. In accordance with subdivision 3 of Minn. Stat. §115A.072, the Office is preparing to propose rules governing grants: (1) to persons for the purpose of developing and distributing waste education information and (2) to formal and informal education facilities for the purpose of developing and implementing model and ongoing waste education programs.

The Office requests information and opinions concerning the subject matter of the rules. Interested persons or groups may submit data or views in writing or orally. Written or oral statements or comments on the first set of rules (for developing

and distributing waste education information) should be directed to Diane Wanner. Written or oral statements or comments on the second set of rules (for grants to formal and informal education facilities) should be directed to Ruth Marston:

Ruth Marston or Diane Wanner
Minnesota Office of Waste Management
1350 Energy Lane
St. Paul, MN 55108
Telephone: (612) 649-5750 or 1-800-652-9747

Oral statements will be received during regular business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday.

All statements of information and opinion will be accepted until August 8, 1990. Any written materials received by the Office shall become part of the rulemaking record in the event that rules are adopted.

Michael Robertson
Director

Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to Waste Education Grants

AGENCY: Office of Waste Management

MINNESOTA RULES: Chapter 9210

The attached rules are approved for publication in the State Register

Carla M. Riehle
Assistant Revisor

Office of Waste Management

Proposed Permanent Rules Relating to Waste Education Grants

Rules as Proposed (all new material)

WASTE EDUCATION GRANT PROGRAMS

9210.1000 SCOPE AND AUTHORITY.

Parts 9210.1010 to 9210.1060 implement the waste education grant programs created and described in Minnesota Statutes, section 115A.072, by establishing the substantive criteria and procedural conditions under which the director may award grants for waste education information projects and for waste education facilities projects. Parts 9210.1020 to 9210.1040 establish conditions applicable to all grants under parts 9210.1000 to 9210.1060. Part 9210.1050 establishes conditions specific to waste education information projects. Part 9210.1060 establishes conditions specific to waste education facilities grants.

9210.1010 DEFINITIONS.

Subpart 1. **Scope.** The terms defined in this part apply to parts 9210.1000 to 9210.1060. For terms not defined in this part, the definitions in Minnesota Statutes, section 115A.03, apply, unless the context requires otherwise.

Subp. 2. **Director.** "Director" means the director of the Office of Waste Management.

Subp. 3. **Formal or informal education facility.** "Formal or informal education facility" means an establishment where, as a fundamental objective of the persons in charge, recognized and organized instruction takes place on a regular basis. Examples of formal or informal education facilities are public and nonpublic schools and secondary institutions, environmental learning centers, youth organization facilities and camps, and community centers.

Subp. 4. **In-kind contribution.** "In-kind contribution" means a noncash donation of goods or services, such as personnel

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time, materials or equipment, to which a cash value can be reasonably assigned.

Subp. 5. **Person.** "Person" has the meaning given in Minnesota Statutes, section 116.06, subdivision 8, but does not include state agencies or the Metropolitan Council.

Subp. 6. **Problem materials.** "Problem materials" has the meaning given in Minnesota Statutes, section 115A.03, subdivision 24a.

Subp. 7. **Waste.** "Waste" means solid waste as defined in Minnesota Statutes, section 116.06, subdivision 10, and household hazardous waste as defined in Minnesota Statutes, section 115A.96, subdivision 1, paragraph (b).

Subp. 8. **Waste abatement management practices.** "Waste abatement management practices" means practical, sustained, and technically feasible methods of reducing waste generation, increasing recycling, or preventing litter.

9210.1020 APPLICATION PROCEDURES.

Subpart 1. **Notification by director.** To initiate the process for awarding grants for waste education projects, the director shall publish a notice in the State Register advising eligible applicants of the availability of waste education grants. The notice shall describe the procedure for awarding grants and shall establish a deadline by which proposals must be submitted. In the notice, the director may, consistent with parts 9210.1050 and 9210.1060, limit the types of eligible waste education projects for which a grant would be awarded in the funding round initiated by the notice and may specify the maximum amount of funding to be awarded to a project.

Subp. 2. **Proposals.** Following the publication of a notice in the State Register, eligible applicants seeking grant assistance shall submit proposals as described in item A or B to the director. Proposals must be received by the director by the deadline established in the notice or they will be rejected.

A. Proposals for education information projects must contain the information in part 9210.1050, subpart 6.

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B. Proposals for education facilities projects must contain the information in part 9210.1060, subpart 6.

Subp. 3. **Determination of eligibility and completeness.** For all proposals received by the director by the deadline established in the notice, the director shall determine the eligibility of the applicant and the proposed project; the costs identified in the proposal; and the completeness of the proposal.

Subp. 4. **Notice of determination of eligibility and completeness.** The director shall notify each applicant of the director's determination of eligibility and completeness. If the director determines that an applicant or project is ineligible, the director shall reject the proposal and notify the applicant. If the director determines that any of the project costs are ineligible or that the proposal is incomplete, the director shall notify the applicant of the ineligible portion of the costs or of the deficiency. The applicant has 14 days after receiving the notice to correct the inadequacies identified by the director; however, the director shall grant reasonable and brief extensions if the applicant requests an extension in writing within the 14 days and good cause exists for the extension. If the inadequacies are not corrected within the time allowed, the director shall reject the proposal.

Subp. 5. **Evaluation of proposal.** The director shall evaluate each proposal that is determined to be eligible and complete according to the applicable criteria in parts 9210.1000 to 9210.1060. Proposals for education information grants shall be evaluated using the criteria in part 9210.1050, subpart 7. Proposals for education facilities grants shall be evaluated using the criteria in part 9210.1060, subpart 7.

Subp. 6. **Award of grants.** The director shall award grants for those projects that the director determines best satisfy the applicable criteria. The director shall notify all applicants of the disposition of their applications.

Subp. 7. **No grant awards.** If the director determines that no proposal will provide sufficient assistance to the state in achieving its waste education goals, the director may decide not

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to award any grants. The director may then reinitiate the process for awarding grants by publishing a notice under subpart 1.

Subp. 8. **Consultation.** The director shall consider the advice of the waste education coalition in evaluating proposals.

9210.1030 LIMITATIONS.

Subpart 1. **Reduced grant awards.** The director shall ask an applicant to document the impacts of reduced financial assistance before awarding funds less than the eligible amount requested by the applicant. Reduced funds shall be awarded where the director determines that:

A. program resources are insufficient to provide full assistance to all applicants to which the director intends to award grants; or

B. the applicant could implement the project at a reduced level and still achieve project objectives.

Subp. 2. **Limitations on disbursal of funds.** No grant funds shall be disbursed until the grantee has executed a written grant agreement with the director.

Subp. 3. **Limitation on retroactive payments.** No grant funds shall be disbursed to repay costs incurred prior to the award of the grant.

9210.1040 GRANT AGREEMENTS.

A grant agreement shall:

A. incorporate by reference the proposal submitted to the director;

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

C. require that the grantee provide written reports to the director on the implementation and results of the project;

D. authorize the director to rescind the grant and require the grantee to repay the grant in full if the director determines that, due to the bad faith of the grantee, a project

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has not been developed and implemented according to the terms and conditions of the grant agreement;

E. authorize the director to cease making further disbursements to the grantee and to recover the unspent funds if the director determines that, for reasons other than bad faith, a project has not been developed and implemented according to the terms and conditions of the grant agreement and amendment of the agreement is not justified;

F. require that the grantee perform and complete project activities according to the terms and conditions of the grant agreement;

G. require that the grantee maintain detailed records of all expenditures related to the project;

H. require that the grantee deliver to the director at least one camera-ready copy of any original waste education information developed along with at least one copy of all waste education information disseminated as part of the project. Information developed using waste education grant funds may not be copyrighted;

I. require that any written waste education information developed as part of the project include a statement acknowledging the office as a funding source;

J. establish that all original products resulting from the proposal are part of the public domain and cannot be sold for profit; and

K. establish other conditions or terms needed to manage or implement the grant agreement.

9210.1050 WASTE EDUCATION INFORMATION GRANTS.

Subpart 1. **Scope.** This part establishes the conditions under which the director shall award waste education information grants.

Subp. 2. **Eligible applicants.** Eligible applicants are persons who propose to disseminate or develop and disseminate waste education information in Minnesota. Examples of eligible applicants include political subdivisions (counties, cities, and

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towns); schools, school districts, and higher education institutions, including state colleges and universities; public institutions; hospitals; public libraries; trade or industry organizations; solid waste management districts; private businesses; and nonprofit organizations.

Subp. 3. **Eligible projects.** Eligible projects are projects to disseminate or to develop and disseminate waste education information that will raise public awareness of waste abatement management practices and will assist the state in meeting the legislative goals established in Minnesota Statutes, chapter 115A.

Subp. 4. **Ineligible projects.** The following are not eligible to receive waste education information grants:

A. projects that receive at least 75 percent funding from money distributed to counties by the director under Minnesota Statutes, section 115A.557, or from money distributed by the Metropolitan Council under its landfill abatement fund grant and loan program;

B. projects that were eligible for, but did not apply for, funding from money distributed to counties by the director under Minnesota Statutes, section 115A.557, or from money distributed by the Metropolitan Council under its landfill abatement fund grant and loan program; and

C. curriculum development projects for kindergarten through 12th grade.

Subp. 5. **Eligible costs.** Eligible costs are limited to 75 percent of the total cost of the project. The remaining 25 percent must be satisfied with cash or in-kind contributions. Eligible costs include expenses necessary to undertake and complete eligible projects, except that the following are not eligible costs: capital costs, including the cost of purchasing or renting real property, and the cost of operating or maintaining equipment.

Subp. 6. **Proposal.** An eligible applicant shall submit a proposal in the form specified by the director. The director may request additional information from the applicant if it is

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necessary to clarify the proposal. A proposal must include the following information:

A. the names, qualifications, and addresses of the applicant and other project participants;

B. a description of the proposed project, including:

(1) a statement of the specific waste abatement issue or solution to be addressed by the project;

(2) a description of the target audience of the project;

(3) an estimate of the total number of persons expected to be reached by the project;

(4) a description of the benefits and other impacts that are likely to result from the project;

(5) a work plan that includes a list of project activities, an implementation schedule with specific time lines, and a list of persons involved in completing each activity;

(6) a description of all waste education information to be developed or disseminated as part of the project, as well as a list of all research sources the applicant plans to use in developing or disseminating waste education information; and

(7) a description of the location of the project and an evaluation of whether the project has a strong potential for use and replication in other waste abatement programs or projects in the state;

C. a description of how the project will complement local waste education and solid waste management projects, including projects to be conducted pursuant to the comprehensive solid waste management plans of the counties in which the project will be performed;

D. an evaluation of whether the project will duplicate other efforts to disseminate or develop and disseminate waste education information in the area to be served by the project;

E. information demonstrating that the project will comply and be consistent with applicable regulations;

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F. an itemized description of the project costs, including the total project cost, total grant eligible costs, and the amount of grant funding requested;

G. an itemized description of project financing, including the applicant contributions, other government or private cash or in-kind contributions, and, if applicable, any projected revenues from the project;

H. a demonstration of support from each county participating in the project; and

I. a description of the current status of the project.

Subp. 7. **Evaluation of proposals.** The director shall evaluate each proposal that is determined to be eligible and complete, and shall award grants to those projects that the director determines best satisfy the following criteria:

A. the project has a strong potential for use and replication in other waste abatement programs or projects in the state;

B. the project substantially furthers the waste abatement goals established by Minnesota Statutes, chapter 115A;

C. the project has a strong potential to reach and have a lasting impact on the waste management practices of a large number of persons;

D. the project will not duplicate other efforts to disseminate or develop and disseminate waste education information in the area to be served by the project;

E. the project will complement local waste education and solid waste management projects, including projects to be conducted pursuant to the comprehensive solid waste management plans of the counties in which the project which will be performed;

F. the project has the support of all public and private entities that are involved in the proposed project;

G. the project is conceptually and economically feasible;

H. the persons identified in the application have the experience and knowledge to implement the project and are

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committed to implementing the project in a timely manner upon receipt of a grant award;

I. the application includes comprehensive and reasonable plans for dissemination of information to a target audience;

J. the research sources to be used are reliable and likely to generate accurate and complete information;

K. the proposed project has the necessary financial commitment to cover all proposed project costs; and

L. the proposed project complies with federal, state, and local regulations.

9210.1060 WASTE EDUCATION FACILITIES GRANTS.

Subpart 1. **Scope.** This part establishes the conditions under which the director shall award waste education facilities grants.

Subp. 2. **Eligible applicants.** Eligible applicants are formal or informal education facilities.

Subp. 3. **Eligible projects.** The following are eligible projects:

A. projects to develop model programs to incorporate long-term waste abatement management practices, litter prevention, and improved problem materials management practices into the operation of formal or informal education facilities; and

B. projects to incorporate long-term waste abatement management practices, litter prevention, and improved problem materials management practices into the operation of formal or informal education facilities.

Subp. 4. **Ineligible projects.** The following are not eligible to receive waste education facilities grants:

A. projects that receive at least 75 percent funding from money distributed to counties by the director under Minnesota Statutes, section 115A.557, or from money distributed by the Metropolitan Council under its landfill abatement fund grant and loan program; and

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B. projects that were eligible for, but did not apply for, funding from money distributed to counties by the director under Minnesota Statutes, section 115A.557, or from money distributed by the Metropolitan Council under its landfill abatement fund grant and loan program.

Subp. 5. **Eligible costs.** Eligible costs are limited to 75 percent of the total cost of the project. The remaining 25 percent must be satisfied with cash or in-kind contributions. Eligible costs include expenses necessary to undertake and complete eligible projects, except that the following are not eligible costs: the cost of purchasing, constructing, or renting real property, and the cost of operating or maintaining equipment. However, the cost of equipment or structures for temporary storage of recyclables is eligible for waste education facilities grant funds, except for equipment or structures primarily needed for the collection or processing of waste.

Subp. 6. **Proposal.** An eligible applicant shall submit a proposal in the form specified by the director. The director may request additional information from the applicant if it is necessary to clarify the proposal. A proposal must include the following information:

A. the names, qualifications, and addresses of the applicant and other project participants;

B. a description of the proposed project, including:

(1) a statement of the specific waste abatement practices and problem materials management practices to be addressed by the project, as well as an explanation of the problem to be resolved by implementation of these practices at the location of the project;

(2) a work plan that includes a list of project activities, an implementation schedule with specific time lines, and a list of persons involved in completing each activity;

(3) an estimate of the total number of persons expected to be reached by the project;

(4) a description of the benefits and other impacts that are likely to result from the project;

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(5) a plan for active student participation in development and implementation of the project;

(6) a description of all waste education information to be developed or disseminated as part of the project;

(7) a description of the location of the project and an evaluation of whether the project has a strong potential for use and replication in other waste abatement programs or projects in the state; and

(8) a description of the educational benefit to be provided by the project to students and others;

C. a description of how the project will complement local waste education and solid waste management projects, including projects to be conducted under the comprehensive solid waste management plans of the counties in which the project will be performed;

D. an evaluation of whether the project will duplicate other efforts to implement waste abatement management practices in the area to be served by the project;

E. information demonstrating that the project will comply and be consistent with applicable regulations;

F. an itemized description of the project costs, including the total project cost, total grant eligible costs, and the amount of grant funding requested;

G. an itemized description of project financing, including the applicant contributions, other government or private cash or in-kind contributions, and, if applicable, any projected revenues from the project;

H. a demonstration of support from each county participating in the project; and

I. a description of the current status of the project.

Subp. 7. **Evaluation of proposals.** The director shall evaluate each proposal that is determined to be eligible and complete, and shall award grants to those projects that the director determines best satisfy the following criteria:

A. the project has a strong potential for use and

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replication in other waste abatement programs or projects in the state;

B. the project has a strong likelihood of resulting in the implementation of comprehensive, successful, and sustained waste abatement, litter prevention, and problem materials management practices at the location of the project;

C. the project has a strong potential to reach and have a lasting impact on the waste management practices of a large number of persons;

D. the project will not duplicate other efforts to implement waste abatement management practices in the area to be served by the project;

E. the project will complement local waste education and solid waste management projects, including projects to be conducted pursuant to the comprehensive solid waste management plan of the county in which the project will be performed;

F. the project has the support of all public and private entities that are involved in the proposed project;

G. the project is conceptually, technically, and economically feasible;

H. the persons identified in the application have the experience and knowledge to implement the project and are committed to implementing the project in a timely manner upon receipt of a grant award;

I. the proposed project has the necessary financial commitment to cover all proposed project costs;

J. the project involves a new or innovative approach to waste abatement, litter prevention, or problem materials management practices, or involves application of an existing approach to an educational facility to which it has not been previously applied;

K. the proposed project will provide a substantial educational benefit by enlisting student involvement or other hands-on experience; and

L. the proposed project complies with federal, state, and local regulations.

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STATE OF MINNESOTA
OFFICE OF WASTE MANAGEMENT

In the Matter of the Proposed Rule Amendments Governing the Waste Education Grant Program, Minn. Rules Parts 9210.1000 to 9210.1060

AFFIDAVIT REGARDING NOTICE OF SUBMISSION OF RULES ADOPTED WITHOUT A PUBLIC HEARING TO THE ATTORNEY GENERAL

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

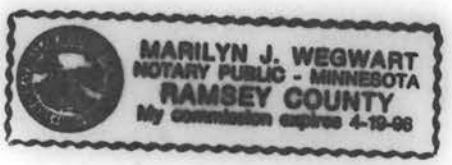
Nancy Delles, being duly sworn says:

I hereby certify that no persons or associations have requested notice that the rules in the above-entitled matter have been submitted to the Attorney General. Therefore, the Minnesota Office of Waste Management is not mailing a Notice of Submission of Rules Adopted Without a Public Hearing to the Attorney General.

Nancy Delles

Subscribed and sworn to before me
this 30th day of Jan., 1991.

Marilyn J. Wegwart
Notary Public



STATE OF MINNESOTA
OFFICE OF WASTE MANAGEMENT

In the Matter of the Proposed Rule Amendments Governing the Waste Education Grant Program, Minn. Rules Parts 9210.1000 to 9210.1060

FINDINGS OF FACT, CONCLUSIONS, AND ORDER ADOPTING RULES

The above-entitled matter came for decision before the Director of the Minnesota Office of Waste Management (Office) on the 29th day of Jan, 1991. After affording all interested persons the opportunity to present written and oral data, statements and arguments to the Office, 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 Office, being fully advised in the premises, hereby adopts the following Findings of Fact, Conclusions, and Order:

FINDINGS OF FACT

(1) 1. Notice of the Minnesota Office of Waste Management's intent to adopt the above-entitled rules without a public hearing was published in the State Register on December 10, 1990, and was sent by mail to all persons on the list maintained by the Office pursuant to Minn. Stat. §§14.14, subd. 1a and 14.22 (1988), on November 28, 1990.

(2) 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 January 10, 1991.

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 Office.

6. During the 30 day comment period the Office received no written comments.

7. The Office did not receive any oral comments on the clarity or reasonableness of the rules.

8. The Office adopts the Statement of Need and Reasonableness, in its entirety, as the factual basis for the proposed rules.

9. The above-captioned rule is needed and reasonable.

CONCLUSIONS

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

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

3. The Office has complied with all relevant legal and procedural requirements of statute and rule.

ORDER

(9)

NOW, THEREFORE, IT IS ORDERED, that the attached Minnesota Rules parts 9210.1000 to 9210.1060, governing the Waste Education Grant Program are adopted pursuant to the authority vested in the Minnesota Office of Waste Management by Minn. Stat. §§115A.06, subd. 2 and 115A.072, subd.3 (2nd 1989 Supp.).

(10)

MINNESOTA OFFICE OF WASTE MANAGEMENT

Dated: 1/29/91

Michael Robertson
Director

STATE OF MINNESOTA
OFFICE OF WASTE MANAGEMENT

In the Matter of the Proposed Rule
Amendments Governing the Waste
Eduation Grant Program, Minn. Rules
Parts 9210.1000 to 9210.1060

DECLARATION OF COUNSEL

I, LISA TIEGEL, 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 Procedures Act and Minnesota Rules ch. 2010 have been followed. For Attorney General billing purposes, the four-digit docket client code is 0835.

Lisa Tiegel
Special Assistant
Attorney General