

MINNESOTA RULES 1988

3 HAZARDOUS; INDUSTRIAL WASTE MANAGEMENT 9205.0110

CHAPTER 9205 WASTE MANAGEMENT BOARD HAZARDOUS; INDUSTRIAL WASTE MANAGEMENT

CAPITAL ASSISTANCE PROGRAM
9205 0100 SCOPE AND AUTHORITY
9205 0110 DEFINITIONS
9205 0200 ELIGIBILITY CRITERIA
9205 0210 GRANT APPLICATION
9205 0220 APPLICATION PROCESS
9205 0250 AWARD OF GRANTS
9205 0260 GRANT AGREEMENT

9205 0280 EVALUATION OF LOAN
APPLICATIONS
9205 0410 DEFINITIONS
9205 0420 ELIGIBILITY CRITERIA
9205 0430 GRANT APPLICATION
9205 0460 EVALUATION OF PROPOSALS
9205 0480 GRANT AGREEMENT

CAPITAL ASSISTANCE PROGRAM

9205.0100 SCOPE AND AUTHORITY.

Parts 9205.0100 to 9205.0110 govern the administration of development grants for waste processing and collection facilities and services as provided under Minnesota Statutes, section 115A.156, and certification of hazardous waste processing facility loan applications received by the agricultural and economic development board and forwarded to the waste management board for certification under Minnesota Statutes, section 115A.162.

Statutory Authority: *MS s 115A.06 subd 2; 115A.156; 115A.162*

History: *12 SR 1564*

9205.0110 DEFINITIONS.

[For text of subpart 1, see M.R. 1987]

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

[For text of subp 3, see M.R. 1987]

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

[For text of subp 4, items A to G, see M.R. 1987]

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

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

[For text of subp 4, items J to M, see M.R. 1987]

Subp. 5. Chair. "Chair" means the chair of the Waste Management Board.

[For text of subps 6 and 7, see M.R. 1987]

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

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

[For text of subp 10, see M.R. 1987]

MINNESOTA RULES 1988

9205.0110 HAZARDOUS; INDUSTRIAL WASTE MANAGEMENT

4

Subp. 11. **Industrial waste.** "Industrial waste" has the meaning given it in Minnesota Statutes, section 115A.03, subdivision 13a.

Subp. 12. **Loan.** "Loan" means a hazardous waste processing facility loan as defined in Minnesota Statutes 1986, section 116M.03, subdivision 15.

[For text of subps 13 to 16, see M.R. 1987]

Statutory Authority: *MS s 115A.06 subd 2; 115A.156; 115A.162*

History: *12 SR 1564*

9205.0200 ELIGIBILITY CRITERIA.

Subpart 1. **Eligible applicants.** Unless eligibility is limited under part 9205.0220, subpart 3, the following are eligible to apply for a development grant:

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

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

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

[For text of subp 2, items A to F, see M.R. 1987]

[For text of subps 3 to 6, see M.R. 1987]

Statutory Authority: *MS s 115A.06 subd 2; 115A.156; 115A.162*

History: *12 SR 1564*

9205.0210 GRANT APPLICATION.

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

[For text of items A to C, see M.R. 1987]

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

[For text of item E, see M.R. 1987]

Statutory Authority: *MS s 115A.06 subd 2; 115A.156; 115A.162*

History: *12 SR 1564*

9205.0220 APPLICATION PROCESS.

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

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

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

MINNESOTA RULES 1988

5 HAZARDOUS; INDUSTRIAL WASTE MANAGEMENT 9205.0260

[For text of subp 2, Item B, see M.R. 1987]

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

Statutory Authority: *MS s 115A.06 subd 2; 115A.156; 115A.162*

History: *12 SR 1564*

9205.0250 AWARD OF GRANTS.

Subpart 1. General procedure. The board shall award grants for those proposals which in the board's judgment will be the most beneficial in improving industrial or hazardous waste management in the state, based upon its evaluation of the factors identified in part 9205.0240.

[For text of subp 2, see M.R. 1987]

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

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

[For text of subp 4, see M.R. 1987]

Statutory Authority: *MS s 115A.06 subd 2; 115A.156; 115A.162*

History: *12 SR 1564*

9205.0260 GRANT AGREEMENT.

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

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

[For text of subpart 1, items B and C, see M.R. 1987]

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

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

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

MINNESOTA RULES 1988

9205.0260 HAZARDOUS; INDUSTRIAL WASTE MANAGEMENT

6

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

Statutory Authority: *MS s 115A.06 subd 2; 115A.156; 115A.162*

History: *12 SR 1564*

9205.0280 EVALUATION OF LOAN APPLICATIONS.

[For text of subpart 1, see M.R. 1987]

Subp. 2. Certification factors. In addition to determining whether the requirements of part 9205.0290, subpart 1, have been satisfied, the board shall consider the following factors in evaluating whether a loan application will be certified and in determining the share of capital costs that must be provided by the applicant:

[For text of subp 2, items A to H, see M.R. 1987]

I. the availability of funds from the lending authority.

[For text of subp 3, see M.R. 1987]

Statutory Authority: *MS s 115A.06 subd 2; 115A.156; 115A.162*

History: *12 SR 1564*

9205.0410 DEFINITIONS.

[For text of subps 1 to 3, see M.R. 1987]

Subp. 4. Chair. "Chair" means the chair of the board.

Subp. 5. Generator. "Generator" means a person or a local government unit who produces a hazardous or industrial waste in Minnesota.

[For text of subp 6, see M.R. 1987]

Subp. 7. Industrial waste. "Industrial waste" has the meaning given in Minnesota Statutes, section 115A.03, subdivision 13a.

[For text of subps 8 to 11, see M.R. 1987]

Subp. 12. Recipient. "Recipient" means an applicant who has received a grant under the hazardous and industrial waste reduction grants program.

Subp. 13. Recycling. "Recycling" has the meaning given in Minnesota Statutes, section 115A.03, subdivision 25b.

Subp. 14. Reduction. "Reduction" means action by a generator that:

A. decreases the total quantity of hazardous or industrial waste generated by the generator through abatement, minimization, reuse, or recycling; or

B. decreases the quantity of one or more types of hazardous or industrial waste that results in a decrease in risk to the public health and safety and the environment, but does not decrease the total quantity of hazardous or industrial wastes generated by the generator.

[For text of subp 15, see M.R. 1987]

Statutory Authority: *MS s 115A.06 subd 2; 115A.154*

History: *12 SR 2044*

9205.0420 ELIGIBILITY CRITERIA.

Subpart 1. Eligible applicants. The following are eligible to apply for a hazardous or industrial waste reduction grant:

MINNESOTA RULES 1988

7 HAZARDOUS; INDUSTRIAL WASTE MANAGEMENT 9205.0460

A. a generator; or

B. an association that consists of or represents two or more generators generating similar hazardous or industrial wastes in Minnesota.

Subp. 2. **Eligible projects.** Projects designed to determine the feasibility of applying specific methods and technologies to reduce the generation of hazardous or industrial waste are eligible to receive a hazardous or industrial waste reduction grant. Eligible projects include projects to study the specific application of a method or technology already developed and projects to analyze a method or technology for which additional research is necessary to establish the feasibility of the method or technology.

Application or research projects currently under development by the applicant and new projects are eligible.

[For text of subs 3 and 4, see M.R. 1987]

Statutory Authority: *MS s 115A.06 subd 2; 115A.154*

History: *12 SR 2044*

9205.0430 GRANT APPLICATION.

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

A. A description of the applicant's managerial and technical ability to undertake a hazardous or industrial waste reduction feasibility study, including any consultant help that may be anticipated.

B. A statement outlining the method or technology that will be studied by the applicant and the waste reduction that may result from application of the method or technology. This statement must include a discussion of the following items:

(1) a description of the method or technology to be studied;

(2) whether the study involves the application of an existing method or technology, or original or continuing research on a method or technology for which additional research is necessary to determine the feasibility of the method or technology;

(3) a description of the hazardous or industrial waste affected by the proposed project that is generated by the applicant, including the quantity generated in the previous calendar year;

(4) an estimate of the decrease in the quantity of hazardous or industrial waste generated; and

(5) the current method used to manage the hazardous or industrial waste generated by the applicant, and any anticipated change in management occurring after the reduction.

[For text of item C, see M.R. 1987]

Statutory Authority: *MS s 115A.06 subd 2; 115A.154*

History: *12 SR 2044*

9205.0460 EVALUATION OF PROPOSALS.

Subpart 1. **Evaluation schedule.** Within 45 days of the completion of the eligibility and documentation review, the board shall evaluate eligible proposals and set a deadline for action.

Subp. 2. **Evaluation factors.** In evaluating each proposal the board shall consider the following factors:

A. The relationship of the proposed hazardous or industrial waste reduction to the goals and policies of the Waste Management Board.

B. The significance of the proposed waste reduction measured by:

MINNESOTA RULES 1988

9205.0460 HAZARDOUS; INDUSTRIAL WASTE MANAGEMENT

8

(1) the decrease in total hazardous or industrial waste generated in Minnesota as a result of the waste reduction and the potential future decrease as a result of application of the waste reduction method by other generators; and

(2) the decrease in risk to the public health and safety and the environment resulting from the waste reduction including:

(a) the decrease in the quantity of waste with a high degree of intrinsic hazard;

(b) the decrease in the quantity of untreatable waste requiring land disposal; or

(c) the effect of waste reduction on the subsequent management of any remaining waste, including the need for further processing and disposal steps to properly manage the waste.

C. The merits of the specific method or technology proposed by the applicant which will be based on the following factors:

(1) the percentage decrease in the quantity of hazardous or industrial waste affected by the reduction;

(2) the percentage increase or decrease in the total quantity of hazardous or industrial wastes generated by the applicant;

(3) the general applicability of the hazardous or industrial waste reduction method or technology to other generators located in Minnesota; and

(4) the likelihood of the success of the specific method or technology to reduce hazardous or industrial wastes, the estimated reliability of the proposed method or technology, and capital, operating, and maintenance costs required to operate and maintain the proposed method or technology if it is implemented.

D. Other factors including:

(1) Whether an applicant is an association of two or more generators. In considering this factor, the board may give preference to an association of two or more generators if the board determines that the association significantly contributes to cooperation among generators in reducing hazardous or industrial waste generation.

(2) The recommendations of the board's hazardous waste management planning council.

[For text of subp 2, item D, subitems (3) and (4), see M.R. 1987]

Statutory Authority: *MS s 115A.06 subd 2; 115A.154*

History: *12 SR 2044*

9205.0480 GRANT AGREEMENT.

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

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

B. Provide that the recipient is authorized to enter into contracts to complete the work specified in the agreement.

C. Identify the product of the proposal and provide that the results of all studies or analyses performed under this agreement are made available to the board and to the general public. All information and techniques developed through a project assisted by a board grant will be made available to all hazardous and industrial waste generators in the state through the technical assistance program established by the board.

[For text of subps 2 to 4, see M.R. 1987]

Subp. 5. Audit. Since this program involves the expenditure of public funds,

MINNESOTA RULES 1988

9 HAZARDOUS; INDUSTRIAL WASTE MANAGEMENT 9205.0480

the books, records, documents, and accounting procedures and practices of the recipient of grant funds that are only relevant to this program are subject to examination at any time by the chair of the board and other appropriate state officials. Any audit exceptions identified by the board must be reimbursed at the board's discretion.

[For text of subp 6, see M.R. 1987]

Statutory Authority: *MS s 115A.06 subd 2; 115A.154*

History: *12 SR 2044*