

CHAPTER 9205
OFFICE OF WASTE MANAGEMENT
HAZARDOUS; INDUSTRIAL WASTE
MANAGEMENT

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9205.0400 SCOPE AND AUTHORITY.

Parts 9205.0400 to 9205.0445 govern the administration of grants for hazardous waste reduction under Minnesota Statutes, section 115A.154 and for the prevention of pollution under Minnesota Statutes, section 115D.05.

Statutory Authority: *MS s 115A 06; 115D.05*

History: *17 SR 353*

9205.0410 DEFINITIONS.

Subpart 1. **Scope.** The terms defined in this part apply to parts 9205.0400 to 9205.0445. For terms not defined in this part, the definitions in Minnesota Statutes, section 115D.03, apply, unless the context requires otherwise.

Subp. 2. [Repealed, 17 SR 353]

Subp. 3. [Repealed, 17 SR 353]

Subp. 4. **Director.** "Director" means the director of the Office of Waste Management.

Subp. 5. [Repealed, 17 SR 353]

Subp. 5a. **Hazardous substance.** "Hazardous substance" has the meaning given it in Minnesota Statutes, section 115B.02, subdivision 8.

Subp. 6. **Hazardous waste.** "Hazardous waste" has the meaning given it in Minnesota Statutes, section 116.06, subdivision 13.

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

Subp. 8. [Repealed, 17 SR 353]

Subp. 9. [Repealed, 17 SR 353]

Subp. 10. [Repealed, 17 SR 353]

Subp. 10a. **Office.** "Office" means the Office of Waste Management established in Minnesota Statutes, section 115A.055.

[For text of subp 11, see M.R.]

Subp. 12. [Repealed, 17 SR 353]

Subp. 13. [Repealed, 17 SR 353]

Subp. 14. [Repealed, 17 SR 353]

Subp. 15. [Repealed, 17 SR 353]

Subp. 16. **Pollution prevention or prevent pollution.** "Pollution prevention" or "prevent pollution" means eliminating or reducing at the source the quantity or toxicity of toxic pollutants, hazardous substances, hazardous wastes, or industrial wastes used, generated, or released. Examples of technologies or methods to prevent pollution include process modification, inventory control measures, feedstock substitutions, various housekeeping and management practices, and improved efficiency of machinery.

Subp. 17. **Release.** "Release" has the meaning given it in Minnesota Statutes, section 115D.03, subdivision 10.

Subp. 18. **Toxic pollutant.** "Toxic pollutant" has the meaning given it in Minnesota Statutes, section 115D.03, subdivision 11.

Statutory Authority: *MS s 115A.06; 115D.05*

History: *17 SR 353*

9205.0420 ELIGIBILITY CRITERIA.

Subpart 1. **Eligible applicants.** Eligible applicants are persons who use, generate, or release toxic pollutants, hazardous substances, hazardous wastes, or industrial wastes in a business, institutional, or governmental setting in Minnesota or associations that represent persons who use, generate, or release toxic pollutants, hazardous substances, hazardous wastes, or industrial wastes in a business, institutional, or governmental setting in Minnesota.

Subp. 2. **Eligible projects.** Eligible projects are:

A. projects to study or demonstrate the feasibility of applying new technologies or methods to prevent pollution by the eligible applicant; and

B. projects to study or demonstrate the feasibility of applying existing technologies or methods to prevent pollution by the eligible applicant in previously untested applications. Decreases in quantity or toxicity are not reductions where the decrease is solely the result of a decrease in the output of the facility.

Projects currently under development by the applicant and new projects are eligible; however, grant funds shall only be awarded for costs incurred after the effective date of the grant agreement.

Subp. 3. **Eligible costs.** Eligible costs are limited to the costs of conducting studies and analyses consistent with subpart 2. Eligible costs are limited to a maximum of two-thirds of the total cost of the project. Grant money awarded through this program may not be spent for capital improvements or the purchase of equipment.

Subp. 4. [Repealed, 17 SR 353]

Statutory Authority: *MS s 115A.06; 115D.05*

History: *17 SR 353*

9205.0430 GRANT APPLICATION.

Subpart 1. **Notification by director.** To initiate the process for awarding a pollution prevention grant, the director shall publish a notice in the State Register advising eligible applicants of the availability of pollution prevention grants. The notice shall describe the procedure for awarding grants and establish a deadline by which applications must be submitted. In the notice, the director may limit the types of 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. **Applications.** Following the publication of a notice in the State Register, applicants that seek assistance must submit applications in the form specified by the director. Applications must be received by the director by the deadline established in the notice. Upon the request of the applicant, the office shall handle specific information in the grant application as nonpublic data in accordance with the criteria established by Minnesota Statutes, section 115A.06, subdivision 13; however, all information developed as a result of a pollution prevention grant shall be public data. Each application must include the following:

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

B. a description of the proposed project, including:

(1) a description of the method or technology proposed to be studied, with a list of project activities and an implementation schedule;

(2) a statement as to whether this method or technology is new or

existing, with a literature search or similar demonstration in support of this statement;

(3) a discussion of whether implementation of this method or technology is likely to minimize the transfer of pollution from one environmental medium to another;

(4) a listing of the toxic pollutants, hazardous substances, hazardous wastes, or industrial wastes that are the subject of the proposed project, with a statement, in pounds, of the quantity of each of these pollutants, substances, or wastes that the applicant generated in the previous calendar year;

(5) an estimate, in pounds, of the decrease in the quantity of the toxic pollutants, hazardous substances, hazardous wastes, or industrial wastes that the applicant believes could be realized if the methods and technologies to be studied in the proposed project were implemented; and

(6) a statement of the current status of the proposed project;

C. information demonstrating that the project will comply with applicable regulations, including a list of permits required for the project;

D. a statement of the willingness of the applicant to implement the methods and technologies proposed to be studied, if those methods and technologies are found to be technically and economically feasible;

E. a statement of the willingness of the applicant to assist the director in disseminating information about the results of the project;

F. a statement describing the statewide significance of the information to be gained from the proposed project;

G. a project budget that:

(1) identifies the total cost of the proposed project and identifies each of the expenditures that make up this cost; and

(2) states the amount of grant funds being requested and the amount of matching funds being supplied by the applicant or others. If a person other than the applicant is providing matching funds, the application must identify the sources of the additional funds.

Subp. 3. Eligibility and completeness review. For all applications received by the director by the deadline established in the notice under subpart 1, the director shall determine the eligibility of the applicant, the proposed project, and the costs identified in the application and shall determine the completeness of the application.

Subp. 4. Notice of determination of eligibility and completeness. The director shall notify the applicant of the director's determination of eligibility and completeness of the application. If the director determines that the applicant or the project is ineligible, the director shall reject the application and notify the applicant. If the director determines that any of the project costs are ineligible or that the application 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 any inadequacies.

Subp. 5. Evaluation of proposal. In order to determine which projects should receive a pollution prevention grant, the director shall evaluate each application that is determined to be eligible and complete. In making this evaluation, the director shall consider whether:

A. the proposed project involves the study or analysis of a method or technology that has a significant potential to prevent pollution;

B. the proposed project involves the study or analysis of a method or technology that is consistent with the legislative goals and policies in Minnesota Statutes, sections 115A.02 and 115D.02;

C. the persons who will undertake the proposed project are qualified to perform the work described in the project;

D. implementation of the method or technology that is the subject of the proposed project is likely to minimize the transfer of pollution from one environmental medium to another;

E. the proposed project will comply with regulatory requirements;

F. the applicant is willing to implement methods and technologies that the proposed project finds to be feasible;

G. the applicant is willing to assist the director in disseminating information about the results of the project; and

H. the proposed project has statewide significance.

Subp. 6. Award of grants. The director shall award grants to those projects that the director determines best meets the evaluation criteria in subpart 5. The director shall promptly notify all applicants as to whether they have been awarded a grant.

Subp. 7. No grant awards. If the director determines that no proposed project has sufficient potential to prevent pollution in Minnesota, the director shall not award any grants. The director may then reinitiate the process for awarding grants by publishing a notice under subpart 1.

Subp. 8. Consultation. In the director's evaluation of an application, the director may solicit and consider any recommendations provided by Office of Waste Management advisory councils, task forces, citizen groups, or any independent consultant hired by the director to assist in the review of applications.

Statutory Authority: *MS s 115A.06; 115D.05*

History: *17 SR 353*

9205.0435 LIMITATIONS.

Subpart 1. Reduced grant awards. The director shall ask an applicant to document the impacts of reduced financial assistance before finalizing an award for less than the eligible amount requested by an applicant or less than the maximum award established in the notice under part 9205.0430, subpart 1. Reduced funds shall be awarded where the director determines:

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

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

Subp. 2. Limit on disbursement of funds. No grant shall be disbursed until the director has:

A. determined the total estimated cost of the project;

B. ascertained that the provision of matching funds is assured by the recipient; and

C. executed a written grant agreement with the recipient meeting the requirements in part 9205.0445.

Statutory Authority: *MS s 115A.06; 115D.05*

History: *17 SR 353*

9205.0440 [Repealed, 17 SR 353]

9205.0445 GRANT AGREEMENT.

A grant agreement shall:

A. establish a work plan and schedule and require that the recipient perform and complete project activities according to this work plan and schedule;

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

C. require that the recipient provide periodic written reports to the director on the progress and results of the project;

D. authorize the director to rescind the grant and require the grant recipient to repay the grant in full if the director determines that, due to the bad faith of the grant recipient, a project has not been conducted according to terms and conditions of the grant agreement;

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

F. provide that the results of all studies or analyses performed under this agreement are public data;

G. require that a percentage of funds not be paid to the recipient until the director approves the recipient's final report;

H. require that the recipient maintain detailed records of all expenditures related to the agreement; and

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

Statutory Authority: *MS s 115A.06; 115D.05*

History: *17 SR 353*

9205.0450 [Repealed, 17 SR 353]

9205.0460 [Repealed, 17 SR 353]

9205.0470 [Repealed, 17 SR 353]

9205.0480 [Repealed, 17 SR 353]