

CHAPTER 9205
OFFICE OF ENVIRONMENTAL ASSISTANCE
HAZARDOUS; INDUSTRIAL WASTE MANAGEMENT

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9205.0400 SCOPE AND AUTHORITY.

Parts 9205 0400 to 9205.0445 implement the pollution prevention grant program created and described under Minnesota Statutes, sections 115A.154, 115A.55, and 115D.05, by establishing the substantive criteria and procedural conditions under which the director may award grants for waste source reduction and pollution prevention projects.

Statutory Authority: *MS s 115A.0715; 115A.55; 115D.05*

History: *20 SR 2285*

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, sections 115A.03 and 115D.03, apply, unless the context requires otherwise

Subp. 4. **Director.** "Director" means the director of the Office of Environmental Assistance.

[For text of subs 5a to 7, see M.R.]

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

Subp. 11. **Person.** "Person" has the meaning given it in Minnesota Statutes, section 115A.03, subdivision 23.

Subp. 16. **Pollution prevention, prevent pollution, or source reduction.** "Pollution prevention," "prevent pollution," or "source reduction" means eliminating or reducing at the source the quantity or intrinsic hazard of toxic pollutants, hazardous substances, hazardous wastes, solid wastes, or industrial wastes used, generated, or released.

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

Subp. 17a. **Solid waste.** "Solid waste" has the meaning given it in Minnesota Statutes, section 116.06, subdivision 22.

[For text of subp 18, see M.R.]

Statutory Authority: *MS s 115A.0715; 115A.55; 115D.05*

History: *20 SR 2285*

9205.0420 ELIGIBILITY CRITERIA.

Subpart 1. **Eligible applicants.** Eligible applicants are persons who use, generate, or release toxic pollutants, hazardous substances, hazardous wastes, solid wastes, or industrial wastes in Minnesota, or individuals or organizations in Minnesota that provide assistance to such persons and/or to other persons affected by the generation of such pollutants or wastes in Minnesota.

Subp. 2. **Eligible projects.** Eligible projects are projects that primarily develop or implement pollution prevention projects or practices.

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 developing or implementing pollution prevention projects or practices consistent with subpart 2. Eligible costs are limited to a maximum of three-quarters of the total cost of the project. The director may

restrict the use of grant funds for capital improvements or the purchase of equipment to a percentage of the grant, if all such restrictions appear in the Request for Proposals required by part 9205.0425 for the grant round to which they apply.

Statutory Authority: *MS s 115A.0715; 115A.55; 115D.05*

History: 20 SR 2285

9205.0425 REQUEST FOR PROPOSALS.

To initiate the process for awarding a pollution prevention grant, the director shall publish a Request for Proposals (RFP) notice in the State Register advising eligible applicants of the availability of pollution prevention grants. The RFP shall describe the procedure for awarding grants and establish a deadline by which applications must be submitted. In the RFP, the director may limit or prioritize the types of projects for which a grant would be awarded in the funding round initiated by the RFP, may specify the maximum amount of funding to be awarded to a project, and may set limitations on eligible costs as described in part 9205.0420, subpart 3. In the RFP, the director may establish application information requirements and evaluation criteria that correlate to specific grant program targets, in addition to the requirements of part 9205.0430, subparts 2 and 5.

Statutory Authority: *MS s 115A.0715; 115A.55; 115D.05*

History: 20 SR 2285

9205.0430 GRANT APPLICATION.

Subpart 1. [Repealed, 20 SR 2285]

Subp. 2. **Applications.** Following the publication of the RFP 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 RFP. 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;

C. project information, including:

(1) a work plan that includes a list of each project activity or task, an implementation schedule with specific timelines, and persons involved in completing each activity or task;

(2) the location of the proposed project;

(3) the type and source of pollution prevention to be achieved by the proposed project;

(4) a discussion of whether implementation of the proposed project is likely to minimize the transfer of pollution from one environmental medium to another;

(5) a description or identification of the potential applicability of the proposed project activities and results to other persons or organizations in Minnesota;

(6) a description of the statewide significance of the project; and

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

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

E. 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;

F. for projects addressing solid waste, evidence that affected counties, regions, or districts have been notified of the proposed projects; and

G additional program-specific information as established by the director in the RFP required in part 9205.0425.

Subp. 2a. **Nonpublic data.** Sales information or specific data in the grant application that meets the definition in Minnesota Statutes, section 13.37, subdivision 1, paragraph (b), shall be handled as provided by Minnesota Statutes, section 115A.06, subdivision 13; however, all information developed as a result of a pollution prevention grant shall be public data.

Subp. 3. [Repealed, 20 SR 2285]

Subp. 4. [Repealed, 20 SR 2285]

Subp. 5. **Evaluation of proposal.** In order to determine which projects should receive a pollution prevention grant, the director shall evaluate each application using the following criteria:

- A. clarity and completeness of application;
- B. potential of proposed project to prevent pollution;
- C. qualifications of the individuals who will perform the work described in the project;
- D. potential of the proposed project to minimize the transfer of pollution from one environmental medium to another;
- E. if applicable, compliance of the proposed project with regulatory requirements;
- F. emphasis of the proposed project on pollution prevention over other methods of management;
- G. cost-effectiveness of the proposed project;
- H. assets and resources available to the applicant to conduct the project;
- I. innovativeness of the proposed project,
- J. applicability of the proposed project and future dissemination of project results to other persons or organizations in the state;
- K. consistency of the proposed project with the legislative goals and policies in Minnesota Statutes, sections 115A.02 and 115D.02; and
- L. additional criteria specified in the RFP required by part 9205.0425

The director may request additional information from the applicant by letter or interview during the evaluation process to clarify the information provided pursuant to subpart 1.

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

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 reinstate the process for awarding grants by publishing the RFP 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 Environmental Assistance 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.0715; 115A.55; 115D.05*

History: *20 SR 2285*

9205.0432 FEDERAL GRANT MATCHES.

The director may award grants as a match to obtain federal pollution prevention grants without issuing a RFP under part 9205.0425, if the following conditions are met:

- A. the applicant is eligible under part 9205.0420, subpart 1;
 - B. the project is eligible under part 9205.0420, subpart 2;
 - C. a proposal is submitted to the director by the applicant containing all of the elements described in part 9205.0430, subpart 2;
 - D. the proposed project meets the criteria outlined in part 9205.0430, subpart 5;
- and
- E. the grant awarded under this part makes up no more than 25 percent of the total project costs.

Statutory Authority: *MS s 115A.0715; 115A.55; 115D.05*

History: *20 SR 2285*

9205.0435 LIMITATIONS.

Subpart 1. **Reduced grant awards.** The director may 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 RFP under part 9205.0425. Reduced funds shall be awarded where the director determines:

A. program resources are insufficient to provide full assistance to all applicants 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.

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

Statutory Authority: *MS s 115A.0715; 115A.55; 115D.05*

History: *20 SR 2285*

9205.0445 GRANT AGREEMENT.

A grant agreement shall:

[For text of items A and B, see M.R.]

C. require that the recipient provide periodic written and oral reports to the director on the progress and results of the project, and a one-page project summary at the conclusion of the project, in a format specified by the director;

[For text of items D and E, see M.R.]

F. provide that the results of the project performed under this agreement are public data;

[For text of items G to I, see M.R.]

Statutory Authority: *MS s 115A.0715; 115A.55; 115D.05*

History: *20 SR 2285*