

MINNESOTA RULES 1991

9371

SOLID WASTE GRANT AND LOAN PROGRAMS 9210.0100

CHAPTER 9210 OFFICE OF WASTE MANAGEMENT SOLID WASTE GRANT AND LOAN PROGRAMS

SOLID WASTE PROCESSING FACILITY CAPITAL ASSISTANCE PROGRAM	
9210.0100	DEFINITIONS.
9210.0110	SOLID WASTE PROCESSING FACILITIES CAPITAL ASSISTANCE PROGRAM.
9210.0120	GRANT APPLICATION PROCEDURES.
9210.0130	ELIGIBILITY CRITERIA.
9210.0131	PRELIMINARY GRANT APPLICATION.
9210.0132	INVITATION TO SUBMIT FINAL GRANT APPLICATION.
9210.0140	FINAL GRANT APPLICATION.
9210.0150	SUPPORTING DOCUMENTATION REQUIRED TO BE SUBMITTED WITH FINAL GRANT APPLICATION.
9210.0160	REVIEW AND EVALUATION OF FINAL GRANT APPLICATIONS.
9210.0170	LIMITATIONS.
9210.0180	GRANT AGREEMENT.
ENVIRONMENTAL TESTING GRANTS	
9210.0190	DEFINITIONS.
9210.0200	ENVIRONMENTAL TESTING GRANTS.
SOLID WASTE PROCESSING FACILITY DEMONSTRATION PROGRAM	
9210.0300	DEFINITIONS.
9210.0310	SOLID WASTE PROCESSING FACILITIES DEMONSTRATION PROGRAM.
9210.0320	ELIGIBILITY CRITERIA.
9210.0330	INFORMATION REQUIRED ON APPLICATION.
9210.0340	SUPPORTING DOCUMENTATION REQUIRED TO BE SUBMITTED WITH APPLICATION.
9210.0350	GRANT AND LOAN APPLICATION PROCEDURES.
9210.0360	REVIEW AND EVALUATION OF APPLICATIONS.
9210.0370	AWARD OF GRANTS AND LOANS.
9210.0380	GRANT, LOAN, OR GRANT AND LOAN AGREEMENT.
SOLID WASTE SEPARATION GRANT PROGRAM	
9210.0400	DEFINITIONS.
9210.0410	PURPOSE AND ADMINISTRATION.
9210.0420	ELIGIBILITY CRITERIA.
9210.0425	GRANT APPLICATION PROCEDURES.
9210.0435	PROPOSAL.
9210.0440	REVIEW AND EVALUATION OF PROPOSALS.
9210.0450	LIMITATIONS.
9210.0460	GRANT AGREEMENT.
SOLID WASTE LITTER PREVENTION, CONTROL, AND ABATEMENT GRANT PROGRAM	
9210.0500	DEFINITIONS.
9210.0510	PURPOSE AND ADMINISTRATION.
9210.0520	ELIGIBILITY CRITERIA.
9210.0530	GRANT APPLICATION PROCEDURES.
9210.0540	INFORMATION AND DOCUMENTATION REQUIRED IN GRANT APPLICATION.
9210.0550	REVIEW AND EVALUATION OF APPLICATIONS.
9210.0560	LIMITATIONS.
9210.0570	GRANT AGREEMENT.
RECYCLABLE MATERIAL MARKET DEVELOPMENT GRANT AND LOAN PROGRAMS	
9210.0600	SCOPE AND AUTHORITY.
9210.0610	DEFINITIONS.
9210.0615	PURPOSE.
9210.0620	APPLICATION PROCEDURES.
9210.0625	LIMITATIONS.
9210.0630	GRANT AND LOAN AGREEMENTS.
9210.0635	COUNTY GRANT PROGRAM.
9210.0640	CAPITAL GRANT AND LOAN PROGRAM.
9210.0645	DIRECTED RESEARCH AND FEASIBILITY STUDY GRANT PROGRAM.
SOLID WASTE REDUCTION GRANT AND LOAN PROGRAM	
9210.0700	SCOPE AND AUTHORITY.
9210.0710	DEFINITIONS.
9210.0720	APPLICATION PROCEDURES.
9210.0730	LIMITATIONS.
9210.0740	GRANT AND LOAN AGREEMENTS.
9210.0750	PUBLIC INSTITUTION GRANT PROGRAM.
9210.0760	FEASIBILITY STUDY GRANT PROGRAM.
9210.0770	IMPLEMENTATION LOAN PROGRAM.

NOTE: Minnesota Statutes, section 115A.055, and Laws 1989, chapter 335, article 1, section 269, changed the Waste Management Board to the Office of Waste Management. Some of the office's rules have not been amended to reflect the change.

SOLID WASTE PROCESSING FACILITY CAPITAL ASSISTANCE PROGRAM

9210.0100 DEFINITIONS.

Subpart 1. **Scope.** For the purposes of parts 9210.0100 to 9210.0180 the following terms have the meaning given them, unless the context requires otherwise.

Subp. 2. [Repealed, 15 SR 839]

Subp. 3. [Repealed, 15 SR 839]

Subp. 4. **Cities.** "Cities" has the meaning given it in Minnesota Statutes, section 115A.03, subdivision 4.

Subp. 5. **Comprehensive solid waste management plan.** "Comprehensive solid

waste management plan” means a written plan prepared under Minnesota Statutes, section 115A.46.

Subp. 5a. **Director.** “Director” means the director of the Minnesota Office of Waste Management.

Subp. 6. **Disposal.** “Disposal” has the meaning given it in Minnesota Statutes, section 115A.03, subdivision 9.

Subp. 7. **Final design and engineering/architectural plans.** “Final design and engineering/architectural plans” means those engineering drawings and specifications used to secure bids for construction or equipment.

Subp. 8. **Institutional arrangements.** “Institutional arrangements” means methods of financing, marketing, procurement, or securing the waste supply.

Subp. 9. **Mixed municipal solid waste.** “Mixed municipal solid waste” has the meaning given it in Minnesota Statutes, section 115A.03, subdivision 21.

Subp. 9a. **Office.** “Office” means the Minnesota Office of Waste Management established in Minnesota Statutes, section 115A.055.

Subp. 10. **On-site utilities.** “On-site utilities” means gas, electrical, water, and sewer facilities within the geographic boundaries of the waste processing facility site, that are used for facility operations, excluding transmission of energy to markets.

Subp. 11. **Preliminary design and engineering/architectural plans.** “Preliminary design and engineering/architectural plans” means conceptual plans adequate to obtain preconstruction permits and to meet the needs of an environmental assessment.

Subp. 12. **Processing.** “Processing” has the meaning given it in Minnesota Statutes, section 115A.03, subdivision 25.

Subp. 13. **Project.** “Project” means a processing facility, together with any transfer stations, transmission facilities, and other related and appurtenant facilities primarily serving the processing facility.

Subp. 14. **Recyclable materials.** “Recyclable materials” has the meaning given it in Minnesota Statutes, section 115A.03, subdivision 25a.

Subp. 15. **Recycling.** “Recycling” has the meaning given it in Minnesota Statutes, section 115A.03, subdivision 25b.

Subp. 16. **Recipient.** “Recipient” means an applicant who has received a grant under the solid waste processing facilities capital assistance program.

Subp. 17. **Resource recovery.** “Resource recovery” has the meaning given it in Minnesota Statutes, section 115A.03, subdivision 27.

Subp. 18. **Resource recovery facility.** “Resource recovery facility” has the meaning given it in Minnesota Statutes, section 115A.03, subdivision 28.

Subp. 19. **Solid waste.** “Solid waste” has the meaning given it in Minnesota Statutes, section 116.06, subdivision 10.

Subp. 20. **Solid waste disposal facilities and equipment.** “Solid waste disposal facilities and equipment” means structures, machinery, or devices at a disposal site necessary for efficient land disposal of solid wastes, including machinery or devices designed to move earth during burial of wastes or to increase the density of wastes buried or to be buried, and facilities in which solid waste is temporarily stored and concentrated before transport to a disposal site.

Subp. 21. **Solid waste management district.** “Solid waste management district” has the meaning given it in Minnesota Statutes, section 115A.03, subdivision 32.

Subp. 22. **Special waste stream.** “Special waste stream” means materials normally found in the solid waste stream in sufficient quantity to be recovered for subsequent use, if separated from the solid waste stream and processed separately. Examples of special waste streams include waste tires, wood wastes, and agricultural wastes.

MINNESOTA RULES 1991

9373

SOLID WASTE GRANT AND LOAN PROGRAMS 9210.0120

Subp. 23. **Transmission facilities.** "Transmission facilities" means any steam, water, or electrical lines that are used to transport energy to markets.

Subp. 24. **Transfer station.** "Transfer station" has the meaning given it in Minnesota Statutes, section 115A.03, subdivision 33.

Subp. 25. **Waste processing equipment.** "Waste processing equipment" means machinery or devices acquired and used as an integral component of a waste processing facility.

Subp. 26. **Waste processing facility.** "Waste processing facility" means structures and equipment, singly or in combination, that are designed, constructed, and used to separate, modify, convert, heat, prepare, or otherwise process solid waste so that materials, substances, or energy contained within the waste may be recovered for subsequent use.

Statutory Authority: *MS s 115A.06; 115A.49 to 115A.54*

History: *11 SR 432; 15 SR 839*

9210.0110 SOLID WASTE PROCESSING FACILITIES CAPITAL ASSISTANCE PROGRAM.

Parts 9210.0100 to 9210.0180 implement the solid waste processing facilities capital assistance program created and described in Minnesota Statutes, sections 115A.49 to 115A.54, by establishing the substantive criteria and procedural conditions under which the director may award grants for capital costs of solid waste processing facilities.

Statutory Authority: *MS s 115A.06; 115A.49 to 115A.54*

History: *11 SR 432; 15 SR 839*

9210.0120 GRANT APPLICATION PROCEDURES.

Subpart 1. [Repealed, 15 SR 839]

Subp. 2. [Repealed, 15 SR 839]

Subp. 3. [Repealed, 15 SR 839]

Subp. 4. [Repealed, 15 SR 839]

Subp. 5. **Notification by director.** To initiate the process for awarding grants under the capital assistance program, the director shall publish a notice in the State Register. The notice shall advise eligible applicants of the availability of grant funds, inform eligible applicants of the procedure and projected schedule for the application process, and establish a date by which a preliminary grant application must be received by the director.

Subp. 6. **Preliminary grant applications.** Eligible applicants may submit to the director preliminary grant applications containing the information in part 9210.0131. Applications received by the director after the deadline in the State Register notice shall not be considered for funding and shall be returned to the applicants.

Subp. 7. **Invitation by director.** After the date established in the State Register notice, the director shall review the preliminary grant applications. Using the criteria in part 9210.0132, the director shall notify each applicant, in writing, as to whether it is invited to submit a final grant application. Only applicants so invited remain eligible for a grant. The director's invitation shall specify a date by which the final grant application must be received by the office.

Subp. 8. **Applications accepted.** Eligible applicants that have been invited to submit a final grant application may submit an application to the office. Final grant applications must contain the information in part 9210.0140. Final grant applications received by the office after the deadline in the director's invitation shall not be considered for funding and shall be returned to the applicant.

Statutory Authority: *MS s 115A.06; 115A.49 to 115A.54*

History: *11 SR 432; 12 SR 847; 15 SR 839*

9210.0130 ELIGIBILITY CRITERIA.

Subpart 1. **Eligible applicants.** Eligible applicants are limited to cities, counties, and solid waste management districts established under Minnesota Statutes, sections 115A.62 to 115A.72, and sanitary districts as defined in Minnesota Statutes, section 115A.03, subdivision 28b.

Subp. 2. **Eligible project.** For purposes of parts 9210.0100 to 9210.0180, "eligible project" means a waste processing facility that includes resource recovery, together with transfer stations, transmission facilities, or other related and appurtenant facilities primarily serving the waste processing facility. A transfer station that will initially transfer waste to a landfill is an eligible project if the transfer station is part of a resource recovery project proposed in an approved comprehensive solid waste management plan. Examples of eligible projects include waste to energy; materials recovery; chemical, physical, or biological modifications; processing of special waste streams including household hazardous waste; and waste incineration with resource recovery. Eligible projects are limited to those in which the land, buildings, and equipment are publicly owned.

Subp. 3. **Eligible costs.** Eligible costs under parts 9210.0100 to 9210.0180 are limited to the costs of land; waste processing equipment; structures necessary to house the waste processing equipment; transmission facilities; appropriate and necessary on-site utilities; landscaping; on-site roads and parking; structures necessary to concentrate and temporarily store solid waste before transportation to a waste processing facility; trailers, containers, and rolloff boxes necessary to transport wastes from transfer stations to a processing facility, to transport processing facility products to market, or to transport residue from the processing facility to a solid waste land disposal facility; and final design and engineering/architectural plans.

Subp. 4. **Ineligible costs.** Ineligible costs include costs related to solid waste disposal facilities and equipment; structures for housing and maintenance of rolling stock; collection equipment including drop boxes not located on the waste processing facility site; costs related to resource recovery studies, feasibility analyses, or preliminary design and engineering/architectural plans; and costs of leasing equipment.

Statutory Authority: *MS s 115A.06; 115A.49 to 115A.54*

History: *11 SR 432; 12 SR 847; 15 SR 839*

9210.0131 PRELIMINARY GRANT APPLICATION.

Subpart 1. **Preliminary grant application.** A preliminary grant application must include the following information:

A. the name of each applicant and the name and qualifications of the project manager, a description of the proposed waste processing facility, a description of the institutional arrangements necessary for project implementation and operation, a description of the method of facility procurement, and a description of the waste stream for the facility;

B. the status of the comprehensive solid waste management plan for each county to be affected by the proposed project, and an explanation of how the proposed project is consistent with the goals established by those plans;

C. information demonstrating:

(1) whether and to what extent the natural geologic and soil conditions of the counties that would be affected by the proposed project are unsuitable for land disposal of solid waste;

(2) whether and to what extent the area to benefit from the project has existing solid waste disposal capacity of less than five years; and

(3) whether the project serves more than one local government unit and, for projects serving eligible jurisdictions in only a single county, the extent to which cooperation with jurisdictions in other counties is not feasible;

MINNESOTA RULES 1991

9375

SOLID WASTE GRANT AND LOAN PROGRAMS 9210.0140

D. a preliminary financial plan that includes:

- (1) estimated total capital costs and total grant eligible costs for the project;
- (2) estimated annual operating and maintenance costs, including disposal costs of residuals and anticipated equipment replacement costs; and
- (3) anticipated sources of funding for the project, including projected tipping fees and revenues from recovered materials and energy;

E. a resolution from each political subdivision participating in the project that demonstrates that, if a grant is awarded, it will implement the project, provide necessary local financing, and accept and exercise the governmental powers necessary to develop and operate the project;

F. a description of the type and quantity of materials to be recovered and the existing and potential markets for those materials; and

G. an implementation plan for the proposed project that specifies the anticipated completion dates for environmental review, Pollution Control Agency permitting, facility construction, and the anticipated date of operation.

Subp. 2. Completeness. Applicants shall be notified by the director if their preliminary grant applications are not complete and shall be given 30 days from the notification in which to complete their applications. Extensions shall be granted if requested in a timely manner and good cause exists for the extension. Applications that are not completed and received by the director within the time allowed shall be considered ineligible for funding.

Statutory Authority: *MS s 115A.06*

History: *15 SR 839*

9210.0132 INVITATION TO SUBMIT FINAL GRANT APPLICATION.

Subpart 1. Criteria. The director shall evaluate preliminary grant applications to determine which eligible projects will best assist the state in achieving its solid waste management goals. The director shall base this evaluation on the following factors:

A. the consistency of the proposed project with the comprehensive solid waste management plan of each affected county;

B. the consistency of the proposed project with the legislative priorities in Minnesota Statutes, sections 115A.02 and 115A.49;

C. the consistency of the proposed project with regional solid waste management needs;

D. the extent to which the applicant is prepared to implement the proposed project upon receipt of the grant award; and

E. for projects serving eligible jurisdictions in only a single county, the extent to which cooperation with jurisdictions in other counties to develop the proposed project is not feasible.

Subp. 2. Invitation to submit final grant application. The director shall invite the eligible applicants that the director determines best meet the criteria in subpart 1 to submit final grant applications. If the director determines that no application will provide sufficient assistance to the state in achieving its solid waste management goals, the director may decide not to award any grant. The director may then reinstate the process for awarding grants or loans by publishing a notice under part 9210.0120, subpart 5.

Statutory Authority: *MS s 115A.06*

History: *15 SR 839*

9210.0140 FINAL GRANT APPLICATION.

Subpart 1. Final grant applications. Final grant applications must include the

following information as required in the application forms supplied by the director:

- A. the name of each applicant making the grant application;
- B. the name of each political subdivision affected by the project, located in the area studied in the project, or located in the area in which the project is intended to be implemented;
- C. resolutions from each applicant in conformance with Minnesota Statutes, section 115A.54, subdivision 3;
- D. the name, qualifications, and address of the project manager;
- E. the name and qualifications of the facility operator, if available;
- F. the total capital cost of the project;
- G. the total grant-eligible cost of the project;
- H. the amount of grant funding requested;
- I. the amount and sources of all other funding contributions, including the amount of funds to be contributed by the applicant; and
- J. the type of waste processing facility for which the grant application is being submitted: waste to energy; materials recovery; chemical, physical, or biological modification; transfer stations; processing of special waste stream including household hazardous waste; or waste incineration with resource recovery.

Subp. 2. **Project changes.** Before submitting its final grant application, an eligible applicant may change the components of the proposed project as described in the preliminary grant application. If, however, those changes would result in a project that the director determines no longer best meets the criteria in part 9210.0132, subpart 1, the director shall remove the project from further consideration.

Statutory Authority: *MS s 115A.06; 115A.49 to 115A.54*

History: *11 SR 432; 15 SR 839*

9210.0150 SUPPORTING DOCUMENTATION REQUIRED TO BE SUBMITTED WITH FINAL GRANT APPLICATION.

Applicants shall submit the following supporting documentation with their final grant application:

- A. A copy of the original preliminary grant application submitted under part 9210.0131.
- B. A financial plan that contains:
 - (1) initial capital development costs and the method of financing those costs;
 - (2) annual operating and maintenance costs, including disposal costs of residuals and anticipated equipment replacement costs;
 - (3) projections of total facility costs and revenues over 20 years or for the term of the longest debt obligation, whichever is longer; and
 - (4) total capital costs per ton of installed daily capacity.
- C. A report demonstrating that the project is not financially prudent without state assistance, due to the applicant's financial capacity and the problems inherent in waste management in the area. The report shall include the following documentation:
 - (1) capital financing alternatives and operational cost financing alternatives, both public and private, explored by the applicant for the project and reasons for selecting the proposed financing methods;
 - (2) information on the applicant's financial situation including the applicant's current credit rating on general obligation bonds, the amount of general obligation bonds outstanding, general obligation debt divided by market val-

MINNESOTA RULES 1991

9377

SOLID WASTE GRANT AND LOAN PROGRAMS 9210.0160

uation, and debt service levy divided by total levy. If the applicant has issued general obligation bonds in the past two years, the documentation must include the most recent general purpose financial statements, current year budgets, and official statement on bond issuance;

(3) projected facility tipping fees, product revenues, and other project revenues, with and without office assistance;

(4) impact of proposed project on existing solid waste commitments, obligations and expenditures, and total current solid waste management costs on a per capita and per ton basis;

(5) general information pertinent to a determination of the applicant's financial capacity, including such factors as location, population characteristics, employment base, and other characteristics;

(6) transportation distances and estimated costs, both in waste collection and to markets for recovered resources;

(7) waste supply characteristics;

(8) availability of markets for recovered resources; and

(9) other characteristics of waste management in the area that render office assistance important to the financial feasibility of the project.

D. For each county affected by the project, a comprehensive solid waste management plan, developed under Minnesota Statutes, section 115A.46 and approved by the director.

E. Preliminary design and engineering/architectural plans and equipment specifications of the proposed waste processing facility, and a description of the management and staffing plans for the proposed project.

F. Documentation explaining how waste supplies will be committed to the project for the life of the project and that the applicant has mechanisms to commit the wastes.

G. A market analysis of recovered materials/energy, including documentation of market commitments such as letters of intent or contracts.

H. A report on the status of required permits from permitting agencies.

I. A report on time frames of project development.

J. Resolutions that comply with Minnesota Statutes, section 115A.54, subdivision 3.

Statutory Authority: *MS s 115A.06; 115A.49 to 115A.54*

History: *11 SR 432; 12 SR 847; 15 SR 839*

9210.0160 REVIEW AND EVALUATION OF FINAL GRANT APPLICATIONS.

Subpart 1. Determination of eligibility and completeness. Upon receipt of a final grant application, the director shall confirm the eligibility of the applicant and the eligibility of the project, and shall determine the eligibility of the costs identified in the final grant application and the completeness of the final grant application.

Subp. 2. Notice of determination of eligibility and completeness. After receiving the final grant application, the director shall notify the applicant of the director's determinations of eligibility and completeness. If the director determines that the applicant or the project is ineligible, the director shall reject the final grant application, return it to the applicant, and notify the applicant of the reasons for the rejection. If the director determines that any project costs are ineligible or that the final grant application is incomplete, the director shall notify the applicant of the ineligible costs or shall identify the portions of the final grant application that are incomplete. The applicant has 30 days after receiving the notice to correct any inadequacies identified by the director. If the inadequacies are corrected and the corrected application is received by the director within the time allowed, the final grant application will be further considered.

Subp. 3. [Repealed, 15 SR 839]

Subp. 4. **Evaluation of final grant applications.** If the director determines that the final grant application is eligible and complete, the director shall evaluate the final grant application to determine whether the final grant application demonstrates:

A. that the project is conceptually and technically feasible;

B. that affected political subdivisions are committed to implementing the project, providing necessary local financing, and accepting and exercising the governmental powers necessary for project implementation and operation;

C. that operating revenues from the project, considering the availability and security of sources of solid waste and of markets for recovered resources together with any proposed federal, state, or local financial assistance, will be sufficient to pay all costs over the projected life of the project;

D. that the applicant has evaluated the feasible and prudent alternatives to disposal and has compared and evaluated the costs of the alternatives, including capital and operating costs, the effects of the alternatives on the cost to generators, and the effects of the alternatives on the solid waste management and recycling industry within the project's service area;

E. that for projects serving eligible jurisdictions in only a single county, cooperation with jurisdictions in other counties to develop the project is not needed or not feasible; and

F. that the project is not financially prudent without office assistance, because of the applicant's financial capacity and the problems inherent in the waste management situation in the area, particularly transportation distances and limited waste supply and markets for resources recovered.

Subp. 5. **Award of grants.** If the director determines that the final grant application satisfies the requirements of subpart 4, the director shall determine the amount of the grant award and the applicant shall be notified. If the director determines that the final grant application fails to satisfy the requirements of subpart 4, the director shall reject the final grant application and shall return the final grant application to the applicant, together with a statement of the reasons for the determination. An applicant that does not receive a grant award may resubmit a preliminary grant application upon future notice by the director under part 9210.0120, subpart 5.

Subp. 6. **Consultation with other agencies.** During the evaluation of the final grant application, the director shall consider any recommendations provided by the Pollution Control Agency, the State Planning Agency, and the appropriate regional development commission or the Metropolitan Council.

Statutory Authority: *MS s 115A.06; 115A.49 to 115A.54*

History: *11 SR 432; 12 SR 847; 15 SR 839*

9210.0170 LIMITATIONS.

Subpart 1. **Maximum grant award.** The maximum grant award is 25 percent of the eligible capital costs of the project or \$2,000,000, whichever is less, unless the project is a recycling project or a project to compost or cocompost waste. A recycling project or a project to compost or cocompost waste may receive grant assistance up to 50 percent of the capital cost of the project or \$2,000,000, whichever is less.

Subp. 1a. **Reduced grant award.** The director may award a grant for less than the maximum grant amount. The director shall ask an applicant to document the impacts of reduced grant assistance before reducing the amount of a grant award. The director shall only reduce the amount of a grant award under the following conditions:

A. program resources are insufficient to provide full assistance to all applicants that are awarded grants by the director;

MINNESOTA RULES 1991

9379

SOLID WASTE GRANT AND LOAN PROGRAMS 9210.0180

B. the cost figures provided in the final grant application are significantly higher than the cost figures in the preliminary grant application without a change in the project scope approved by the director under part 9210.0140, subpart 2, to justify the higher cost; or

C. the director determines that the applicant has not adequately demonstrated financial need for the full grant amount.

Subp. 2. Limitations on grant award. The amount of the director's grant award shall be limited to an amount needed to complete the project considering all the sources of funding presently available to the applicant.

Grants shall not be awarded to cover any cost associated with tasks performed before the execution of the grant agreement or after the expiration of the grant agreement.

Subp. 3. Limitations on disbursement of funds. No grant funds shall be disbursed until the director has:

A. determined the total estimated cost of the project;

B. ascertained that financing of the project cost is assured by the recipient; and

C. received commitments from the recipient to implement the project.

Statutory Authority: *MS s 115A.06; 115A.49 to 115A.54*

History: *11 SR 432; 12 SR 847; 15 SR 839*

9210.0180 GRANT AGREEMENT.

Subpart 1. Requirements. A grant agreement shall:

A. include as attachments the resolutions required under Minnesota Statutes, section 115A.54, subdivision 3;

B. incorporate by reference the final grant application submitted to the director under part 9210.0120;

C. allow the recipient to enter into contracts to complete the work specified in the agreement subject to any approval by the director that may be required in the agreement;

D. provide that any cost overruns incurred in the development of the proposed facility shall be the sole responsibility of the recipient;

E. provide that the director will not accept amendments requesting that additional funds be awarded to the recipient;

F. require that the recipient provide periodic written reports to the director on the developmental and operational history of the project so that knowledge and experience gained from the project may be made available to other communities in the state;

G. require total repayment of the grant if the facility is sold to a private enterprise within three years of the effective date of the grant agreement. Beginning on the third anniversary of the grant, the amount of the grant that must be repaid shall be reduced ten percent each year. The sales agreement between the recipient and the private enterprise shall transfer the responsibilities in subpart 1, item F to the private enterprise; and

H. require that the facility may only be sold to a private enterprise in accordance with the constitution of the state of Minnesota and any applicable Minnesota statutes and rules.

Subp. 2. Rescission of grant. If a project is not completed and operational according to the terms and conditions of the grant agreement, including time schedules, the grant shall be rescinded, and the entire amount of the grant shall be repaid unless the director determines that an amendment to the grant agreement is justified. The director shall agree to an amendment if it will allow the original objectives of the project to be accomplished.

Subp. 3. **Disbursement.** The director shall disburse grants according to the payment schedule in the grant agreement.

Statutory Authority: *MS s 115A.06; 115A.49 to 115A.54*

History: *11 SR 432; 12 SR 847; 15 SR 839*

ENVIRONMENTAL TESTING GRANTS

9210.0190 DEFINITIONS.

The definitions in Minnesota Statutes, section 115A.03, and in chapters 9205 and 9210 apply to part 9210.0200 unless the context requires otherwise.

Statutory Authority: *MS s 115A.49 to 115A.54*

History: *12 SR 847*

9210.0200 ENVIRONMENTAL TESTING GRANTS.

Subpart 1. **Eligible applicants.** Eligible applicants are limited to those eligible under Minnesota Statutes, section 115A.50.

Subp. 2. **Eligible projects.** Eligible projects are limited to those eligible for funding under Minnesota Statutes, section 115A.54.

Subp. 3. **Eligible costs.** Eligible costs under this part are limited to the costs of tests necessary to determine the appropriate pollution control equipment for the project or the environmental effects of the use of any product or material produced by the project. The cost of routine environmental monitoring is not eligible for funding under this part.

Subp. 4. **Information on grant application.** Applications for environmental testing grants shall include the following information as required in the application forms supplied by the board:

- A. the name of each applicant making the grant application;
- B. the name of each political subdivision affected by the project;
- C. the name, qualifications, and address of the project manager;
- D. the name, qualifications, and address of the facility operator;
- E. the total costs of testing eligible for funding under this part as documented by a proposal from a testing laboratory to perform the testing setting out the costs of the testing that will be performed;
- F. the amount of grant funding requested;
- G. the type of waste processing facility for which the application is being submitted, and the type of testing that is needed for the facility; and
- H. a work plan including a detailed description of the type of testing that will be performed, who will be performing the testing, and a time schedule for the testing. Applicants must contact the Pollution Control Agency before developing a work plan to receive assistance in determining the tests that are needed.

Subp. 5. **Review and approval of applications.** The chair shall review each application for funding under this part for eligibility and completeness. When the chair has determined that the applicant is eligible and that the application is complete, the chair shall forward the application to the Pollution Control Agency, or other appropriate regulatory agencies, for review.

Subp. 6. **Board determination.** The board shall evaluate the application to determine if the proposed testing is necessary to determine the appropriate pollution control equipment for the project or the environmental effects of the use of any product or material produced by the project. In making this determination, the board shall consider the comments of the Pollution Control Agency or other regulatory agency that has reviewed the application. If the board determines that the proposed testing is necessary, the board shall determine the amount to be awarded and authorize the chair to enter into an agreement with the applicant governing disbursement of funds.

MINNESOTA RULES 1991

9381

SOLID WASTE GRANT AND LOAN PROGRAMS 9210.0300

Subp. 7. Funding level. The board shall fund 100 percent of the cost of testing under this part. The maximum grant award per project shall be limited to \$200,000. Grants shall not be awarded to cover any cost associated with tasks performed before the grant award or after the expiration of the grant agreement.

Subp. 8. Grant agreement. The grant agreement shall incorporate by reference the final grant application submitted to the board under this part; provide that any cost overruns incurred by the testing program shall be the sole responsibility of the recipient; provide that the board will not accept amendments requesting that additional funds be awarded to the recipient unless the board determines that additional testing is necessary; and require that the recipient make the information developed as a result of the testing available to the state and other persons who request the information.

Statutory Authority: *MS s 115A.49 to 115A.54*

History: *12 SR 847*

SOLID WASTE PROCESSING FACILITY DEMONSTRATION PROGRAM

9210.0300 DEFINITIONS.

Subpart 1. Scope. For the purposes of parts 9210.0300 to 9210.0380, the following terms have the meanings given them, unless the context requires otherwise.

Subp. 2. Board. "Board" means the Minnesota Waste Management Board established in Minnesota Statutes, section 115A.04.

Subp. 3. Chair. "Chair" means the chair and chief executive officer of the board.

Subp. 4. Cities. "Cities" has the meaning given it in Minnesota Statutes, section 115A.03, subdivision 4.

Subp. 5. Comprehensive solid waste management plan. "Comprehensive solid waste management plan" means a written plan prepared under Minnesota Statutes, section 115A.46.

Subp. 6. Disposal. "Disposal" has the meaning given it in Minnesota Statutes, section 115A.03, subdivision 9.

Subp. 7. Final design and engineering/architectural plans. "Final design and engineering/architectural plans" means those engineering drawings and specifications used to secure bids for construction or equipment.

Subp. 8. Institutional arrangements. "Institutional arrangements" means methods of financing, marketing, procurement, securing the waste supply, or joint efforts by more than one local government unit.

Subp. 9. Mixed municipal solid waste. "Mixed municipal solid waste" has the meaning given it in Minnesota Statutes, section 115A.03, subdivision 21.

Subp. 10. On-site utilities. "On-site utilities" means gas, electrical, water, and sewer facilities within the geographic boundaries of the waste processing facility.

Subp. 11. Preliminary design and engineering/architectural plans. "Preliminary design and engineering/architectural plans" means conceptual plans adequate to obtain preconstruction permits and to meet the needs of an environmental assessment.

Subp. 12. Processing. "Processing" has the meaning given it in Minnesota Statutes, section 115A.03, subdivision 25.

Subp. 13. Project. "Project" means a processing facility, together with any transfer stations, transmission facilities, and other related and appurtenant facilities primarily serving the processing facility.

Subp. 14. Recipient. "Recipient" means an applicant who has received a grant or loan under the solid waste processing facilities demonstration program.

Subp. 15. **Recyclable materials.** "Recyclable materials" has the meaning given it in Minnesota Statutes, section 115A.03, subdivision 25a.

Subp. 16. **Recycling.** "Recycling" has the meaning given it in Minnesota Statutes, section 115A.03, subdivision 25b.

Subp. 17. **Resource recovery.** "Resource recovery" has the meaning given it in Minnesota Statutes, section 115A.03, subdivision 27.

Subp. 18. **Resource recovery facility.** "Resource recovery facility" has the meaning given it in Minnesota Statutes, section 115A.03, subdivision 28.

Subp. 19. **Solid waste.** "Solid waste" has the meaning given it in Minnesota Statutes, section 116.06, subdivision 10.

Subp. 20. **Solid waste disposal facilities and equipment.** "Solid waste disposal facilities and equipment" means structures, machinery, or devices at a disposal site necessary for efficient land disposal of solid wastes, including machinery or devices designed to move earth during burial of wastes or to increase the density of wastes buried or to be buried, and facilities in which solid waste is temporarily stored and concentrated prior to transport to a disposal site.

Subp. 21. **Solid waste management district.** "Solid waste management district" has the meaning given it in Minnesota Statutes, section 115A.03, subdivision 32.

Subp. 22. **Special waste stream.** "Special waste stream" means materials that are normally found in the solid waste stream in sufficient quantity to be recovered for subsequent use, if separated from the solid waste stream and processed separately. Examples of special waste streams include waste tires, wood wastes, and agricultural wastes.

Subp. 23. **Transfer station.** "Transfer station" has the meaning given it in Minnesota Statutes, section 115A.03, subdivision 33.

Subp. 24. **Waste processing equipment.** "Waste processing equipment" means machinery or devices acquired and used as an integral component of a waste processing facility.

Subp. 25. **Waste processing facility.** "Waste processing facility" means structures and equipment singly or in combination, designed, constructed, and used to separate, modify, convert, heat, prepare, or otherwise process solid waste so that materials, substances, or energy contained within the waste may be recovered for subsequent use.

Statutory Authority: *MS s 115A.06 subd 2; 115A.49 to 115A.54*

History: *9 SR 1480; 11 SR 432*

9210.0310 SOLID WASTE PROCESSING FACILITIES DEMONSTRATION PROGRAM.

Parts 9210.0300 to 9210.0380 implement the solid waste processing facilities demonstration program created and described in Minnesota Statutes, sections 115A.49 to 115A.54, by establishing the substantive criteria and procedural conditions under which the board may award grants and loans for capital costs of waste processing facilities.

Statutory Authority: *MS s 115A.06 subd 2; 115A.49 to 115A.54*

History: *11 SR 432*

9210.0320 ELIGIBILITY CRITERIA.

Subpart 1. **Eligible applicants.** Eligible applicants are limited to cities, counties, and solid waste management districts established pursuant to Minnesota Statutes, sections 115A.62 to 115A.72.

Subp. 2. **Eligible projects.** Only projects that demonstrate feasible and prudent alternatives to disposal are eligible for loans and grants. Three types of projects are eligible for loans and grants: materials recovery; chemical, physical, or

MINNESOTA RULES 1991

9383

SOLID WASTE GRANT AND LOAN PROGRAMS 9210.0340

biological modifications; and special waste streams. Eligible projects are limited to those in which the land, buildings, and equipment are publicly owned.

Subp. 3. Eligible costs. Except as provided in part 9210.0200, eligible costs under parts 9210.0300 to 9210.0380 shall be limited to the costs of land, waste processing equipment, structures necessary to house the waste processing equipment, appropriate and necessary on-site utilities, landscaping; on-site roads and parking; trailers, containers, and rolloff boxes necessary to transport products to market, or to transport residue from the processing facility to a solid waste land disposal facility, and final design and engineering/architectural plans.

Subp. 4. Ineligible costs. Except as provided in part 9210.0200, ineligible costs include any costs related to solid waste disposal facilities and equipment, structures for housing and maintenance of rolling stock, or any costs related to resource recovery studies, feasibility analyses, or preliminary design and engineering/architectural plans.

Statutory Authority: *MS s 115A.06 subd 2; 115A.49 to 115A.54*

History: *8 SR 1876; 11 SR 432; 12 SR 847*

9210.0330 INFORMATION REQUIRED ON APPLICATION.

Applications for grants, loans, or grants and loans for waste processing facilities shall include the following information as required in the application forms supplied by the board:

- A. the name of each applicant making the application;
- B. the name of each political subdivision affected by the project, located in the area studied in the project, or located in the area in which the project is intended to be implemented;
- C. the name, qualifications, and address of the project manager;
- D. the name and qualifications of the facility operator, if available;
- E. the total capital cost of the project;
- F. the total grant- or loan-eligible cost of the project;
- G. the amount of grant, loan, or grant and loan funding requested;
- H. the amount and sources of all other funding contributions, including the amount of funds to be contributed by the applicant;
- I. the type of assistance applied for (grant, loan, or grant and loan together);
- J. the type of waste processing facility for which assistance is being requested: materials recovery; chemical, physical, or biological modification; or special waste stream.

Statutory Authority: *MS s 115A.06 subd 2; 115A.49 to 115A.54*

History: *8 SR 1876; 11 SR 432*

9210.0340 SUPPORTING DOCUMENTATION REQUIRED TO BE SUBMITTED WITH APPLICATION.

Applications for grants or loans for waste processing facilities shall include the following supporting documentation:

A. a conceptual and technical feasibility report that includes at least the following: a detailed description of the proposed waste processing facility; a description of the institutional arrangements necessary for project implementation and operation; a description of the method of facility procurement; and an analysis of the waste stream for the facility;

B. a financial plan that contains:

- (1) initial capital development costs and the method of financing those costs;
- (2) annual operating and maintenance costs;

MINNESOTA RULES 1991

9210.0340 SOLID WASTE GRANT AND LOAN PROGRAMS

9384

(3) projections of total facility costs and revenues over 20 years or for the term of the longest debt obligation, whichever is longer; and

(4) total capital costs per ton of installed daily capacity;

C. a comprehensive solid waste management plan;

D. preliminary design and engineering/architectural plans and equipment specifications of the proposed waste processing facility;

E. documentation that waste supplies will be committed to the project and that the applicant has the mechanism to commit the wastes;

F. a market analysis of recovered materials/energy, including documentation of market commitments such as letters of intent or contracts;

G. a report on the status of required permits from permitting agencies;

H. a report on time frames of project development;

I. resolutions that comply with Minnesota Statutes, section 115A.54, subdivision 3; and

J. if the applicant requests priority under Minnesota Statutes, section 115A.49, documentation:

(1) that the natural geologic and soil conditions are especially unsuitable for land disposal of solid waste;

(2) that the available capacity of existing solid waste disposal facilities is less than five years; or

(3) that the proposed project would serve more than one local government unit.

Statutory Authority: *MS s 115A.06 subd 2; 115A.49 to 115A.54*

History: *11 SR 432; 12 SR 847*

9210.0350 GRANT AND LOAN APPLICATION PROCEDURES.

Subpart 1. Applications. An application may be submitted to the board when the applicant has met the information and documentation requirements in parts 9210.0330 and 9210.0340. The applicant is encouraged to contact the chair and request a preapplication review of the proposed project.

Subp. 2. Review of applications. Upon receipt of an application, the chair or a designee shall conduct an initial review of the application under part 9210.0360. The board shall evaluate projects and award grants and loans.

Subp. 3. Applications accepted. The board shall accept applications for funds under the solid waste processing facilities demonstration program until all funds for the program are awarded or until three months before the expiration of the board pursuant to law, whichever occurs first.

Subp. 4. Legislative priorities. The board shall give priority to projects located in cities, counties, or districts in which:

A. the natural geologic and soil conditions are especially unsuitable for land disposal of solid waste;

B. the capacity of existing solid waste disposal facilities is less than five years; or

C. the project serves more than one local government unit.

Statutory Authority: *MS s 115A.06 subd 2; 115A.49 to 115A.54*

History: *9 SR 1480; 11 SR 432; 12 SR 847*

9210.0360 REVIEW AND EVALUATION OF APPLICATIONS.

Subpart 1. Determination of eligibility and completeness. Upon receipt of an application, the chair or a designee shall determine the eligibility of the applicant, the eligibility of the costs specified in the application, the eligibility of the project specified in the application, and the completeness of the application.

Subp. 2. Notice of determination of eligibility and completeness. Within 14 days after receiving the application, the chair shall notify the applicant of the chair's determinations of eligibility and completeness. If the chair determines that the applicant or the project is ineligible, the chair shall reject the application, return it to the applicant, and notify the applicant of the reasons for the rejection. If the chair determines that any part of the project costs is ineligible or that the application is incomplete, the chair 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 inadequacies identified by the chair. If the inadequacies are corrected within the time allowed, the application will be further considered.

Subp. 3. Evaluation of applications. If the applicant, the costs, and the project are determined to be eligible and the application is complete, the board shall evaluate the application to determine whether the documentation demonstrates:

A. that the project is conceptually and technically feasible;

B. that affected political subdivisions are committed to implementing the project, providing necessary local financing, and accepting and exercising the government powers necessary for project implementation and operation;

C. that operating revenues from the project, considering the availability and security of sources of solid waste and of markets for recovered resources together with any proposed federal, state, or local financial assistance, will be sufficient to pay all costs over the projected life of the project; and

D. that the applicant has evaluated the feasible and prudent alternatives to disposal and has compared and evaluated the costs of the alternatives, including capital and operating costs, the effects of the alternatives on the cost to generators, and the effects of the alternatives on the solid waste management and recycling industry within the project's service area.

Subp. 4. Consultation with other agencies. In its evaluation of the application, the board shall consider any recommendations provided by the Pollution Control Agency, the State Planning Agency, and the appropriate regional development commission or the Metropolitan Council.

Subp. 5. Board determination. If the board determines that the application satisfies the requirements of subpart 3, the board shall determine the amount of the grant, loan, or grant and loan award and the applicant shall be notified of the grant, loan, or grant and loan awarded. If the board determines that the application fails to satisfy the requirements of subpart 3, the board shall reject the application and the chair shall return the application to the applicant, together with a statement of the reasons for rejection.

Statutory Authority: *MS s 115A.06 subd 2; 115A.49 to 115A.54*

History: *9 SR 1480; 11 SR 432*

9210.0370 AWARD OF GRANTS AND LOANS.

Subpart 1. Maximum awards. The maximum loan award shall be 50 percent of the eligible costs specified in the application or \$400,000, whichever is less. Except as provided in part 9210.0200, the maximum grant award shall be 50 percent of the eligible costs specified in the application or \$400,000, whichever is less. Except as provided in part 9210.0200, the maximum combined grant and loan award is \$400,000.

Subp. 2. Limitations. The amount of the board's grant, loan, or grant and loan award shall be limited to an amount needed to complete the project considering all sources of funding presently available to the applicant.

Grants and loans shall not be awarded to cover any cost associated with tasks performed before the award of a grant, loan, or grant and loan or after the expiration of the grant, loan, or grant and loan agreement.

Subp. 3. Limitations on disbursement of funds. No funds shall be disbursed until the board has determined the total estimated capital cost of the project and ascer-

tained that financing of the cost is assured by funds provided by the state, by an agency of the federal government within the amount of funds then appropriated to that agency and allocated by it to projects within the state, by any person, or by the appropriation of proceeds of bonds or other funds of the recipient to a fund for the construction of the project.

Statutory Authority: *MS s 115A.06 subd 2; 115A.49 to 115A.54*

History: *9 SR 1480; 11 SR 432; 12 SR 847*

9210.0380 GRANT, LOAN, OR GRANT AND LOAN AGREEMENT.

Subpart 1. Requirements. A grant, loan, or grant and loan agreement shall:

A. include as attachments the resolutions required under Minnesota Statutes, section 115A.54, subdivision 3;

B. incorporate by reference the final application submitted to the board in accordance with part 9210.0350;

C. establish the term of the grant, loan, or grant and loan. Grants awarded under parts 9210.0300 to 9210.0380 shall have a maximum term of two years. Loans awarded under parts 9210.0300 to 9210.0380 shall have a loan life determined by considering facility type, expected life of equipment, capital cost of the project, and loan amount;

D. in the case of a loan agreement, include schedules for the repayment of principal and interest;

E. allow the recipient to enter into contracts to complete the work specified in the agreement subject to any board approval that may be required in the agreement;

F. provide that any cost overruns incurred in the development of the proposed facility shall be the sole responsibility of the recipients;

G. provide that the board will not accept amendments requesting that additional funds be awarded to the recipient except as provided in part 9210.0200;

H. require that the recipient provide periodic reports to the board on the developmental and operational history of the project so that knowledge and experience gained from the project may be made available to other communities in the state;

I. provide that if the recipient sells the facility to a private enterprise, all outstanding loan obligations to the board shall become due and payable upon sale to the private enterprise;

J. require total repayment of the grant if the facility is sold to a private enterprise within three years of the effective date of the grant agreement. Beginning on the third anniversary of the grant, the amount of the grant that must be repaid shall be reduced ten percent each year. The sales agreement between the recipient and the private enterprise shall transfer the responsibilities outlined in item H to the private enterprise; and

K. require that the facility may only be sold to a private enterprise in accordance with the constitution of the state of Minnesota and any applicable Minnesota statutes and rules.

Subp. 2. Rescission of grants and loans. If projects are not completed and operational in accordance with the terms and conditions of the respective agreements, including time schedules, the grants and loans for those projects shall be rescinded, and the entire amount of grants and loans shall be repaid unless the board determines that variances from the respective agreements are justified and that the original objectives of the project will be accomplished.

Subp. 3. Disbursement. The board shall disburse grants in accordance with the payment schedule in the grant, loan, or grant and loan agreement.

Subp. 4. Interest payments. Interest payments on the loan shall be due annu-

ally and shall begin to accrue from the date the loan agreement is signed. The first repayment of the principal amount of the loan shall be due one year after the facility becomes operational or two years after the date the loan agreement is executed, whichever is earlier. The board shall consider the facility operational at the point where the facility meets all vendor guaranteed operating specifications. Subsequent repayments of principal and interest shall be due annually on the anniversary date of the first repayment.

Statutory Authority: *MS s 115A.06 subd 2; 115A.49 to 115A.54*

History: *9 SR 1480; 11 SR 432; 12 SR 847*

SOLID WASTE SEPARATION GRANT PROGRAM

9210.0400 DEFINITIONS.

Subpart 1. **Scope.** The terms defined in Minnesota Statutes, section 115A.03, and in this part apply to parts 9210.0400 to 9210.0460, unless the context requires otherwise.

Subp. 2. [Repealed, 15 SR 695]

Subp. 3. **Comprehensive solid waste management plan.** "Comprehensive solid waste management plan" means a written plan prepared under Minnesota Statutes, section 115A.46.

Subp. 3a. **Director.** "Director" means the director of the Minnesota Office of Waste Management.

Subp. 4. **Household hazardous waste.** "Household hazardous waste" has the meaning given it in Minnesota Statutes, section 115A.96, subdivision 1.

Subp. 5. **Household hazardous waste management.** "Household hazardous waste management" means activities that are intended to affect or control the generation of household hazardous waste, and activities that provide for or control the collection, processing, and disposal of household hazardous waste.

Subp. 5a. **Institutional arrangements.** "Institutional arrangements" means methods of financing, marketing, procurement, or securing the waste supply.

Subp. 5b. **Office.** "Office" means the Minnesota Office of Waste Management established in Minnesota Statutes, section 115A.055.

Subp. 6. **Person.** "Person" has the meaning given it in Minnesota Statutes, section 116.06, but does not include the director.

Subp. 7. **Project.** "Project" means a solid waste separation project.

Subp. 8. **Solid waste.** "Solid waste" has the meaning given it in Minnesota Statutes, section 116.06, subdivision 10.

Subp. 9. **Solid waste disposal facilities and equipment.** "Solid waste disposal facilities and equipment" means structures, machinery, or devices at a disposal site necessary for efficient land disposal of solid wastes, including machinery or devices designed to move earth during burial of wastes and machinery or devices designed to increase the density of wastes buried or to be buried, and facilities in which solid waste is temporarily stored and concentrated before transport to a disposal site.

Subp. 10. **Waste processing equipment.** "Waste processing equipment" means machinery or devices used as an integral component of a waste processing facility.

Subp. 11. **Waste processing facility.** "Waste processing facility" means structures and equipment, singly or in combination, that are designed, constructed, and used to separate, modify, convert, heat, prepare, or otherwise process solid waste so that materials, substances, or energy contained within the waste may be recovered for subsequent use.

Subp. 12. [Repealed, 15 SR 695]

Subp. 13. **Waste separation.** "Waste separation" means the process of segregation, accumulation, or collection of recyclable or compostable solid wastes.

Statutory Authority: *MS s 115A.06; 115A.49 to 115A.53*

History: *12 SR 846; 15 SR 695*

9210.0410 PURPOSE AND ADMINISTRATION.

Parts 9210.0400 to 9210.0460 implement the solid waste separation grant program created and described in Minnesota Statutes, sections 115A.49 to 115A.53, by establishing the substantive criteria and procedural conditions under which the director may award grants for the costs of solid waste separation projects. Applicants are encouraged to develop solid waste separation projects that are innovative in terms of the materials to be separated, the institutional arrangements to implement the project, or the technologies to separate materials or collect separated materials.

Statutory Authority: *MS s 115A.06; 115A.49 to 115A.53*

History: *12 SR 846; 15 SR 695*

9210.0420 ELIGIBILITY CRITERIA.

Subpart 1. Eligible applicants. Eligible applicants are limited to cities, counties, and solid waste management districts established under Minnesota Statutes, sections 115A.62 to 115A.72, and sanitary districts defined in Minnesota Statutes, section 115A.03, subdivision 28b. Eligible applicants may apply for grants on behalf of any person who is not an eligible applicant, but the named recipient shall be the city, county, or district.

Subp. 2. Eligible projects. Only solid waste separation projects and collection systems for separated solid wastes are eligible for grants. To be eligible for funding, a project must be a new project or an expansion of an existing project, and must be designed to operate for a minimum of three years after a grant is received. A project may include household hazardous waste management or problem materials management.

Subp. 3. Eligible costs. Eligible costs under parts 9210.0400 to 9210.0460 are limited to the following:

A. preliminary planning and development, feasibility study, and preliminary design costs, but not more than 20 percent of a grant award may be spent on these activities;

B. capital, operating, and maintenance costs of waste separation equipment such as source separation collection vehicles, collection trailers, drop boxes, curbside collection bins, and other containers used exclusively for the collection or transport of separated wastes or the management of household hazardous waste or problem materials; and

C. costs of any necessary legal, financial, economic, educational, marketing, social, governmental, and administrative activities required for the implementation of the project.

Subp. 4. [Repealed, 15 SR 695]

Subp. 5. [Repealed, 15 SR 695]

Subp. 6. Household hazardous waste disposal costs. The cost of household hazardous waste or problem materials disposal is eligible provided no feasible alternative to disposal exists and no funding is available from federal, state, metropolitan, local, or private sources to fund the cost of disposal.

Subp. 7. Ineligible costs. Ineligible costs include any costs related to the purchase or lease of real property, waste processing equipment, structures necessary to house waste collection or processing equipment, and costs related to solid waste disposal facilities and equipment used exclusively for disposal of solid waste.

Statutory Authority: *MS s 115A.06; 115A.53*

History: *12 SR 846; 12 SR 2747; 15 SR 695*

MINNESOTA RULES 1991

9389

SOLID WASTE GRANT AND LOAN PROGRAMS 9210.0435

9210.0425 GRANT APPLICATION PROCEDURES.

Subpart 1. **Notification by director.** To initiate the process for awarding grants for solid waste separation projects, the director shall publish a notice in the State Register advising eligible applicants of the availability of waste separation project grants. The notice shall describe the procedure for awarding grants and shall establish a deadline by which proposals must be submitted.

Subp. 2. **Proposals.** Following the publication of a notice in the State Register, eligible applicants may submit grant proposals to the director. Proposals must contain the information in part 9210.0435, and must be received by the director by the deadline established in the State Register notice. Proposals received by the director after that deadline shall not be considered for funding and shall be returned to the applicant.

Subp. 3. **Award of grants.** Using the criteria in part 9210.0440, the director shall review all proposals received by the director before the deadline established in the State Register notice and shall award waste separation project grants. Grants shall be awarded through a grant agreement meeting the limitations in part 9210.0450 and containing the terms established in part 9210.0460.

Statutory Authority: *MS s 115A.06*

History: *15 SR 695*

9210.0430 [Repealed, 15 SR 695]

9210.0435 PROPOSAL.

An eligible applicant shall submit a proposal in the form specified by the director. A proposal shall include the following information:

A. a detailed description of the project, including the project participants, the waste separation activities, the amounts of each type of waste to be separated, and the implementation schedule;

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

C. an itemized description of the project financing, including applicant contributions, other government contributions, and private contributions;

D. a list of each political subdivision affected by the project and a description of any potential barriers to successful project implementation;

E. a detailed work plan and budget for implementing the project, including a budget item for the preparation of a report to the office on the results of the project;

F. for each county affected by the project, documentation that a comprehensive solid waste management plan, developed under Minnesota Statutes, section 115A.46, has been approved by the director;

G. a resolution from each political subdivision participating in the project that demonstrates that, if a grant is awarded, it will implement the project, provide necessary local financing, and accept and exercise the governmental powers necessary to develop and operate the project;

H. documentation explaining how waste supplies will be committed to the project for the life of the project and that the applicant has mechanisms to commit the wastes;

I. a preliminary market analysis for recovered materials, including documentation of commitments from markets for recovered materials, such as letters of intent or contracts;

J. documentation explaining the promotion and education program to be developed in conjunction with the project and a description of the program, its timeline and budget, and how it relates to the education component of the comprehensive solid waste management plan for each affected county;

K. a discussion of the status of required permits from permitting agencies;

L. a discussion of any potential adverse environmental effects from the project and how they will be mitigated;

M. information demonstrating:

(1) whether and to what extent the natural geologic and soil conditions of the counties that would be affected by the proposed project are especially unsuitable for land disposal of solid waste;

(2) whether and to what extent the area to benefit from the proposed project has existing solid waste disposal capacity of less than five years; and

(3) whether the proposed project serves more than one local government unit and, for projects serving eligible jurisdictions in only a single county, the extent to which cooperation with jurisdictions in other counties is not feasible.

Statutory Authority: *MS s 115A.06*

History: *15 SR 695*

9210.0440 REVIEW AND EVALUATION OF PROPOSALS.

Subpart 1. Determination of eligibility and completeness. Upon receipt of a proposal, the director shall determine the eligibility of the applicant, the eligibility of the project proposed, the eligibility of the costs identified in the proposal, and the completeness of the proposal. A proposal is complete if it enables the director to determine whether:

A. the project is conceptually and technically feasible;

B. the affected political subdivisions are committed to developing, implementing, and operating the project, providing necessary local financing, and accepting and exercising the governmental powers necessary for project development, implementation, and operation; and

C. operating revenue from the project, considering the availability and security of sources of solid waste and of markets for recyclable materials together with any proposed federal, state, local, or private financial assistance, will be sufficient to pay all costs over the life of the project.

Subp. 2. Notice of determination of eligibility and completeness. After receiving the proposal, the director shall notify the applicant of the eligibility and completeness of the proposal. If the director determines that the applicant or the project is ineligible, the director shall reject the proposal, return it to the applicant, and notify the applicant of the reasons for the rejection. If the director determines that any part of the project costs is 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 30 days after receiving the notice to correct any inadequacies identified by the director. If the inadequacies are corrected within the time allowed, the proposal will be further considered. If the inadequacies are not corrected within the time allowed, the proposal is rejected. If the director determines that the proposal is complete and the project is eligible to receive grant funds, the director shall evaluate the proposal under subpart 3a.

Subp. 3. [Repealed, 15 SR 695]

Subp. 3a. Evaluation of proposals. The director shall evaluate each proposal that is determined to be eligible and complete. In evaluating each proposal, the director shall consider whether:

A. the scope of the proposed project is consistent with the comprehensive solid waste management plan of each affected county;

B. the applicant is prepared to implement the proposed project upon receipt of the grant award;

C. the proposed project represents an innovative approach to solid waste separation activities, including:

MINNESOTA RULES 1991

9391

SOLID WASTE GRANT AND LOAN PROGRAMS 9210.0450

(1) separation of materials that are inadequately addressed by existing solid waste separation programs;

(2) institutional arrangements that present unique advantages for the type of waste separation and the materials to be separated; or

(3) new technologies that improve or expand existing solid waste separation programs, or support new solid waste separation activities;

D. the applicant has evaluated the opportunities for private investment in the capital costs or operating costs of the proposed project; and

E. the proposed project provides information transferable to other political subdivisions throughout the state.

Subp. 4. [Repealed, 15 SR 695]

Subp. 4a. **Award of grants.** The director shall award grants for those proposals that will be the most beneficial in improving solid waste separation in the state, based upon the director's evaluation of the factors identified in subpart 3a. The director shall return those proposals that do not receive grant awards, together with a statement of the reasons for the determination. An applicant that does not receive a grant award may resubmit a proposal upon future notice by the director under part 9210.0425, subpart 1.

Subp. 5. **Consultation with other agencies.** During the evaluation of the proposal, the director shall consider any recommendations provided by the Pollution Control Agency, the State Planning Agency, the appropriate regional development commission, the Metropolitan Council, and other state and regional authorities.

Statutory Authority: *MS s 115A.06; 115A.53*

History: *12 SR 846; 12 SR 2747; 15 SR 695*

9210.0450 LIMITATIONS.

Subpart 1. [Repealed, 15 SR 695]

Subp. 2. **Maximum grant.** The maximum grant award for each eligible project is 50 percent of the total eligible costs, or \$50,000 whichever is less.

Subp. 2a. **Reduced grant award.** The director may award a grant for less than the maximum grant amount if program resources are insufficient to provide full assistance to all applicants to be awarded grants by the director. The director shall ask an applicant to document the impacts of reduced grant assistance before reducing the amount of a grant award.

Subp. 2b. **No grant awards.** If the director determines that no proposal will provide sufficient assistance to the state in achieving its solid waste management goals, the director may decide not to award any grant. The director may then reinstate the process for awarding grants by publishing a notice under part 9210.0425, subpart 1.

Subp. 3. **Limitations on grant award.** The amount of the director's grant award shall be limited to an amount needed to complete the project considering all the sources of funding presently available to the applicant. Grants shall not be awarded to cover any cost associated with tasks performed before the execution of the grant agreement or after the expiration of the grant agreement.

Subp. 4. **Limitations on disbursement of funds.** No grant funds shall be disbursed until the director has:

A. determined the total estimated cost of the project;

B. ascertained that financing of the project is assured by the recipient;

and

C. received commitments from the recipient to implement the project.

Statutory Authority: *MS s 115A.06; 115A.53*

History: *12 SR 846; 12 SR 2747; 15 SR 695*

9210.0460 GRANT AGREEMENT.

Subpart 1. **Requirements.** No grant funds shall be paid to an applicant awarded a grant until that applicant has executed a written grant agreement with the director. The grant agreement shall:

A. incorporate by reference the proposal submitted to the director according to part 9210.0430;

B. allow the recipient to enter into contracts to complete the work specified in the agreement subject to any approval by the director that may be required in the agreement;

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

D. provide that the director will not accept amendments requesting that additional funds be awarded to the recipient; and

E. require the recipient to provide periodic written reports to the director on the implementation of the project so that knowledge and experience gained from the project may be made available to other communities in the state.

Subp. 2. **Rescission of grant.** If a project is not implemented according to the terms and conditions of the grant agreement, including time schedules, the grant shall be rescinded, and the entire amount of the grant shall be repaid unless the director determines that an amendment to the grant agreement is justified. The director shall agree to an amendment if it will allow the original objectives of the project to be accomplished.

Subp. 3. **Disbursement.** The director shall pay grant funds to the recipient according to the payment schedule in the grant agreement.

Statutory Authority: *MS s 115A.06; 115A.49 to 115A.53*

History: *12 SR 846; 15 SR 695*

SOLID WASTE LITTER PREVENTION, CONTROL, AND ABATEMENT GRANT PROGRAM**9210.0500 DEFINITIONS.**

Subpart 1. **Scope.** The terms defined in this part and in Minnesota Statutes, section 115A.03, apply to parts 9210.0500 to 9210.0570, unless the context requires otherwise.

Subp. 2. **Comprehensive solid waste management plan.** "Comprehensive solid waste management plan" means a written plan prepared under Minnesota Statutes, section 115A.46.

Subp. 3. **Director.** "Director" means the director of the Minnesota Office of Waste Management.

Subp. 4. **Litter.** "Litter" means solid waste improperly disposed of along roads, in vacant lots, or in other areas not specifically designated as solid waste disposal facilities.

Subp. 5. **Litter prevention, control, or abatement.** "Litter prevention, control, or abatement" means eliminating or reducing the improper disposal of solid waste, or containing or removing existing solid waste litter.

Subp. 6. **Office.** "Office" means the Minnesota Office of Waste Management established in Minnesota Statutes, section 115A.055.

Subp. 7. **Person.** "Person" has the meaning given it in Minnesota Statutes, section 116.06, but does not include the director.

Subp. 8. **Project.** "Project" means a solid waste litter prevention, control, or abatement project.

Subp. 9. **Recipient.** "Recipient" means an applicant who has received a grant under the solid waste litter prevention, control, and abatement grant program.

MINNESOTA RULES 1991

9393

SOLID WASTE GRANT AND LOAN PROGRAMS 9210.0530

Subp. 10. Solid Waste. "Solid waste" has the meaning given it in Minnesota Statutes, section 116.06, subdivision 10.

Subp. 11. Waste processing equipment. "Waste processing equipment" means machinery or devices used as an integral component of a waste processing facility.

Subp. 12. Waste separation. "Waste separation" means the process of segregation, accumulation, or collection of recyclable or compostable solid wastes.

Statutory Authority: *MS s 115A.06*

History: *15 SR 695*

9210.0510 PURPOSE AND ADMINISTRATION.

Parts 9210.0500 to 9210.0570 implement the solid waste litter prevention, control, and abatement grant program created and described in Minnesota Statutes, section 115A.991, by establishing the substantive criteria and procedural conditions under which the director may award grants for the costs of solid waste litter prevention, control, and abatement projects.

Statutory Authority: *MS s 115A.06*

History: *15 SR 695*

9210.0520 ELIGIBILITY CRITERIA.

Subpart 1. Eligible applicants. Eligible applicants are limited in Minnesota Statutes, section 115A.991, to each county that has included programs to prevent, control, or abate litter in its comprehensive solid waste management plan or solid waste master plan. Eligible applicants may apply for grants on behalf of a person who is not an eligible applicant, but the named recipient shall be the county.

Subp. 2. Eligible projects. Eligible projects are limited to programs developed for the prevention, control, or abatement of solid waste litter.

Subp. 3. Eligible costs. Eligible costs under parts 9210.0500 to 9210.0570 are limited to the following implementation costs:

A. operating and maintenance costs of equipment used to collect litter, operating costs of processing litter to recover recyclable materials, and disposal costs of residual litter;

B. purchase costs, not to exceed ten percent of the grant award, for additional waste receptacles to prevent litter;

C. administrative, enforcement, and legal costs necessary to implement the proposed project; and

D. educational and promotional costs, including financial incentives for organizations that participate in litter prevention, control, or abatement activities.

Subp. 4. Ineligible costs. Ineligible costs include costs related to the purchase or lease of real property, collection equipment, waste processing equipment or structures, or costs related to equipment used exclusively for disposal of solid waste.

Statutory Authority: *MS s 115A.06*

History: *15 SR 695*

9210.0530 GRANT APPLICATION PROCEDURES.

Subpart 1. Notice. To initiate the process for awarding litter grants, the director shall publish a notice in the State Register advising eligible applicants of the availability of litter grants. The notice shall describe the procedure for awarding grants and shall establish a deadline by which grant applications must be submitted.

Subp. 2. Grant applications. Following the publication of a notice in the State

Register, eligible applicants may submit to the director litter grant applications. Grant applications must contain the information in part 9210.0540 and must be received by the director by the deadline established in the State Register notice. Grant applications received by the director after that deadline shall not be considered for funding and shall be returned to the applicant.

Subp. 3. **Award of grants.** Using the criteria in part 9210.0550, the director shall review all grant applications received by the director before the deadline established in the State Register notice and shall award litter grants. Grants shall be awarded through a grant agreement meeting the limitations in part 9210.0560 and containing the terms established in part 9210.0570.

Statutory Authority: *MS s 115A.06*

History: *15 SR 695*

9210.0540 INFORMATION AND DOCUMENTATION REQUIRED IN GRANT APPLICATION.

An application for a solid waste litter project grant shall include the following information, as required in the application form supplied by the director:

- A. the name of each applicant making the grant application;
- B. the name of each political subdivision affected by the project or located in the area in which the project is intended to be implemented;
- C. the name, address, and qualifications of the project manager;
- D. an itemized description of the project costs, including the total estimated cost, total grant eligible cost, and the amount of grant funding requested;
- E. the amount and source of all other money to be used to fund the project, including the amount of money to be contributed by the applicant;
- F. a detailed description of the proposed project, including a list of organizations that intend to participate in the project;
- G. for each county affected by the proposed project, documentation that a comprehensive solid waste management plan, developed under Minnesota Statutes, section 115A.46, has been approved by the director;
- H. a resolution from each political subdivision participating in the proposed project that demonstrates that, if a grant is awarded, it will implement the project, provide necessary local financing, and accept and exercise the governmental powers necessary to develop and operate the project;
- I. a description of the promotion and education program to be developed in conjunction with the proposed project, including its timeline and budget, and how it relates to the education component of the comprehensive solid waste management plan for each affected county;
- J. a discussion of any potential environmental impacts from the proposed project; and
- K. a work plan that describes how the applicant will implement the proposed project, including:
 - (1) the specific tasks to be completed under the grant;
 - (2) the work hours of staff and employees of local government units needed to complete each task;
 - (3) the costs of completing each task;
 - (4) the time schedule needed to complete each task; and
 - (5) a description of the reports, documents, public education material, and other written materials to be developed.

Statutory Authority: *MS s 115A.06*

History: *15 SR 695*

9210.0550 REVIEW AND EVALUATION OF APPLICATIONS.

Subpart 1. Determination of eligibility and completeness. Upon receipt of an application, the director shall determine the eligibility of the applicant, the eligibility of the project specified in the application, the eligibility of the costs specified in the application, and the completeness of the application.

Subp. 2. Notice of determination of eligibility and completeness. After receiving the application, the director shall notify the applicant of the director's determinations of eligibility and completeness. If the director determines that the applicant or the project is ineligible, the director shall reject the application, return it to the applicant, and notify the applicant of the reasons for the rejection. If the director determines that any part 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 30 days after receiving the notice to correct any inadequacies identified by the director. If the inadequacies are corrected and the corrected application is received by the director within the time allowed, the application will be further considered. If the inadequacies are not corrected within the time allowed, the application is rejected. If the director determines that the application is complete and the project is eligible to receive grant funds, the director shall evaluate the application under subpart 3.

Subp. 3. Evaluation of applications. The director shall evaluate each application that is determined to be eligible and complete. In evaluating each application, the director shall consider whether:

- A. the proposed project is conceptually and technically feasible;
- B. the scope of the proposed project is consistent with the comprehensive solid waste management plan of each affected county;
- C. the affected political subdivisions are committed to implementing the proposed project, providing necessary local financing, and accepting and exercising the governmental powers necessary for project implementation and operation;
- D. the applicant is prepared to implement the proposed project upon receipt of the grant award;
- E. the proposed project demonstrates a high probability of success due to community support, and encourages citizens and private and nonprofit organizations to participate in litter prevention, control, or abatement activities; and
- F. the proposed project provides information transferable to other political subdivisions throughout the state.

Subp. 4. Award of grants. The director shall award grants for those projects that will be the most beneficial in promoting the prevention, control, or abatement of litter, based upon the director's evaluation of the factors identified in subpart 3. The director shall return those applications that do not receive grant awards, together with a statement of reasons for the determination. An applicant that does not receive a grant award may resubmit the application upon future notice by the director.

Subp. 5. Consultation with other agencies. In evaluating the applications, the director shall consider any recommendations provided by the Pollution Control Agency, the State Planning Agency, the Department of Natural Resources, the Department of Trade and Economic Development, the Department of Transportation, and the appropriate regional development commission or the Metropolitan Council.

Statutory Authority: *MS s 115A.06*

History: *15 SR 695*

9210.0560 LIMITATIONS.

Subpart 1. **Maximum grant.** The maximum grant award for each eligible project is 50 percent of the total eligible costs, or \$20,000, whichever is less.

Subp. 2. **Reduced grant award.** The director may award a grant for less than the maximum grant amount. The director shall ask an applicant to document the impacts of reduced grant assistance before reducing the amount of a grant award. The director shall reduce the amount of the grant award under the following conditions:

A. program resources are insufficient to provide full assistance to all applicants awarded grants by the director; or

B. the director determines that the applicant has not adequately demonstrated financial need for the full grant amount.

Subp. 3. **No grant awards.** If the director determines that no applications will provide sufficient assistance to the state in achieving its solid waste management goals, the director may decide not to award any grant. The director may then reinstate the process for awarding grants by publishing a notice under part 9210.0530, subpart 1.

Subp. 4. **Limitations on grant award.** The amount of the grant award shall be limited to an amount needed to complete the project considering all the sources of funding presently available to the applicant. Grants shall not be awarded to cover any cost associated with tasks performed before execution of the grant agreement or after the expiration of the grant agreement.

Subp. 5. **Limitations on disbursement of funds.** No grant funds shall be disbursed until the director has:

A. determined the total estimated cost of the project;

B. ascertained that financing of the project cost is assured by the recipient; and

C. received commitments from the recipient to implement the project.

Statutory Authority: *MS s 115A.06*

History: *15 SR 695*

9210.0570 GRANT AGREEMENT.

Subpart 1. **Requirements.** No grant funds shall be paid to an applicant awarded a grant until that applicant has executed a written grant agreement with the director. The grant agreement shall:

A. incorporate by reference the grant application submitted to the director according to part 9210.0540;

B. allow the recipient to enter into contracts to complete the work specified in the agreement subject to any approval by the director that may be required in the agreement;

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

D. provide that the director will not accept amendments requesting that additional funds be awarded to the recipient; and

E. require the recipient to provide periodic written reports to the director on the developmental and implementation history of the project so that knowledge and experience gained from the project may be made available to other communities in the state.

Subp. 2. **Rescission of grant.** If a project is not developed and implemented according to the terms and conditions of the grant agreement, including time schedules, the grant shall be rescinded and the entire amount of the grant shall be repaid unless the director determines that an amendment to the grant agree-

MINNESOTA RULES 1991

9397

SOLID WASTE GRANT AND LOAN PROGRAMS 9210.0610

ment is justified. The director shall agree to an amendment if it will allow the original objectives of the project to be accomplished.

Subp. 3. Disbursement. The director shall pay grant funds to the recipient according to the payment schedule in the grant agreement.

Statutory Authority: *MS s 115A.06*

History: *15 SR 695*

RECYCLABLE MATERIAL MARKET DEVELOPMENT GRANT AND LOAN PROGRAMS

9210.0600 SCOPE AND AUTHORITY.

Parts 9210.0600 to 9210.0645 implement the recyclable material market development grant and loan programs created and described under Minnesota Statutes, section 115A.48, by establishing the substantive criteria and procedural conditions under which the director may award grants or loans for recyclable material market development projects.

Statutory Authority: *MS s 115A.48*

History: *15 SR 964*

9210.0610 DEFINITIONS.

Subpart 1. Scope. The terms defined in this part apply to parts 9210.0600 to 9210.0645. 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. Office. "Office" means the Minnesota Office of Waste Management established in Minnesota Statutes, section 115A.055.

Subp. 4. Postconsumer material. "Postconsumer material" means material generated by a business or a consumer that has served its intended end use and has been separated from solid waste for collection and recycling.

Subp. 5. Preconsumer material. "Preconsumer material" means material generated after completion of a manufacturing process that has not been used by a final consumer and would normally be disposed of as solid waste. This definition does not include postconsumer material or residual material generated during a manufacturing process that is commonly reused by the generator.

Subp. 6. Project. "Project" means all components of an organized undertaking described in a proposal.

Subp. 7. Recipient. "Recipient" means an applicant selected by the director to receive a grant or loan under parts 9210.0600 to 9210.0645.

Subp. 8. Recyclable material. "Recyclable material" means preconsumer or postconsumer material that can presently be recycled or that demonstrates potential to be recycled. Refuse-derived fuel or other material that is used as fuel for incineration is not a recyclable material.

Subp. 9. Recycled products. "Recycled products" means products containing preconsumer or postconsumer material.

Subp. 10. Research institution. "Research institution" means a public or private nonprofit organization whose activities include directed research and scientific investigations.

Subp. 11. Solid waste. "Solid waste" has the meaning given it in Minnesota Statutes, section 116.06, subdivision 10.

Statutory Authority: *MS s 115A.48*

History: *15 SR 964*

9210.0615 PURPOSE.

The short-term objective of the program is to increase the demand for and use of recyclable material, thus maximizing land disposal abatement. The long-term objective of the program is to facilitate the development of recycling activities that conserve resources.

Statutory Authority: *MS s 115A.48*

History: *15 SR 964*

9210.0620 APPLICATION PROCEDURES.

Subpart 1. Notification by director. To initiate the process for awarding grants and loans for recyclable material market development projects, the director shall publish a notice in the State Register advising eligible applicants of the availability of market development grants and loans. The notice shall describe the procedure for awarding grants and loans and establish a deadline by which proposals must be submitted. In the notice, the director may also limit the types of projects for which a grant or loan 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 that seek assistance must submit proposals to the director. Proposals 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 as nonpublic data pursuant to Minnesota Statutes, section 115A.06, subdivision 13.

A. Proposals for grant assistance under part 9210.0635 must contain the information set out in part 9210.0635, subpart 6.

B. Proposals for grant or loan assistance under part 9210.0640 must contain the information set out in part 9210.0640, subpart 7.

C. Proposals for grant assistance under part 9210.0645 must contain the information set out in part 9210.0645, 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, the proposed project, and the costs identified in the proposal and shall determine the completeness of the proposal.

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 proposal. If the director determines that the applicant or the 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 any inadequacies identified by the director. Extensions shall be granted if requested in a timely manner and good cause exists for the extension. If the inadequacies are not corrected within the time allowed, the proposal shall be rejected.

Subp. 5. Evaluation of proposal. The director shall evaluate each proposal that is determined to be eligible and complete according to items A to C.

A. Proposals for grant assistance under part 9210.0635 shall be evaluated using the criteria set out in part 9210.0635, subpart 7.

B. Proposals for grant or loan assistance under part 9210.0640 shall be evaluated using the criteria set out in part 9210.0640, subpart 8.

C. Proposals for grant assistance under part 9210.0645 shall be evaluated using the criteria set out in part 9210.0645, subpart 7.

Subp. 6. Award of grants or loans. The director shall award grants or loans

MINNESOTA RULES 1991

9399

SOLID WASTE GRANT AND LOAN PROGRAMS 9210.0630

for those projects that the director determines will be the most beneficial in facilitating the development of markets for recyclable material and recycled products. The director shall notify those applicants that do not receive grant or loan awards. An applicant that does not receive an award may resubmit a proposal upon future notice by the director under subpart 1.

Subp. 7. No grant or loan awards. If the director determines that no proposal will provide sufficient assistance to the state in achieving its market development goals, the director may decide not to award any grant or loan. The director may then reinstate the process for awarding grants and loans by publishing a notice under subpart 1.

Subp. 8. Consultation. In the director's evaluation of a proposal, the director shall solicit and consider any recommendations provided by the Market Development Coordinating Council established in Minnesota Statutes, section 115A.12, subdivision 1, paragraph (d).

Statutory Authority: *MS s 115A.48*

History: *15 SR 964*

9210.0625 LIMITATIONS.

Subpart 1. Reduced grant or loan 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 9210.0620, subpart 1. 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.

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

A. determined the total estimated cost of the project;

B. ascertained that financing of the project cost is assured by the recipient;

C. received commitments from the recipient to implement the project; and

D. executed a written grant or loan agreement with the recipient and, if applicable, the recipient has submitted final design plans for projects under the Capital Grant and Loan Program in part 9210.0640.

Statutory Authority: *MS s 115A.48*

History: *15 SR 964*

9210.0630 GRANT AND LOAN AGREEMENTS.

A grant or loan 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 recipient;

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

D. identify the interest rate and repayment obligations for a loan recipient;

E. 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 developed and implemented in accordance with the terms and conditions of the grant agreement;

F. authorize the director to determine that the loan recipient is in default and require the loan recipient to immediately repay the loan in full if the director determines that, due to the bad faith of the loan recipient, a project has not been developed and implemented in accordance with the terms and conditions of the loan agreement;

G. 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 been developed and implemented in accordance with the terms and conditions of the grant or loan agreement and amendment to the agreement is not justified;

H. require that the recipient perform and complete project activities in accordance with the work schedule in the proposal submitted to the director and incorporated into the grant or loan agreement;

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

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

Statutory Authority: *MS s 115A.48*

History: *15 SR 964*

9210.0635 COUNTY GRANT PROGRAM.

Subpart 1. Scope. This part establishes the conditions under which the director shall award recyclable material market development program grants to counties.

Subp. 2. Eligible applicants. Eligible applicants are counties that have submitted plans under Minnesota Statutes, section 115A.551, subdivision 6, or amendments to their approved comprehensive solid waste management plans or solid waste master plans. Eligible counties may apply for funds on behalf of any person, but named recipients shall be the counties.

Subp. 3. Eligible projects. Eligible projects are projects in Minnesota that enhance the quality of the supply of recyclable materials, create or expand the capacity to use recyclable materials in a manufacturing process, or increase the demand for recycled products.

Subp. 4. Eligible costs. Eligible costs are limited to 25 percent of the capital costs of the project and 75 percent of other project costs.

Subp. 5. Maximum grant. The maximum grant award is \$100,000, unless the notice provided by the director under part 9210.0620, subpart 1, establishes a lesser maximum grant.

Subp. 6. Proposal. An eligible applicant shall submit a proposal in the form specified by the director. A proposal must include the following information:

A. the names, qualifications, and addresses of the applicant and other project participants, including other counties participating in the proposed project;

B. a description of the proposed project, including:

(1) a description of project activities and an implementation schedule;

(2) location of the project;

(3) type, quantity, and source of recyclable material and recycled products relevant to the project; and

(4) current status of the project;

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

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

MINNESOTA RULES 1991

9401

SOLID WASTE GRANT AND LOAN PROGRAMS 9210.0640

E. an itemized description of project financing, including applicant contributions, other government contributions, private contributions, and, if applicable, any projected revenues from the project;

F. information demonstrating, where applicable, the technical feasibility of the project, including preliminary design and engineering plans;

G. information demonstrating, where applicable, how the applicant will secure the supply of and demand for recyclable material and recycled products; and

H. a resolution from each county participating in the project that demonstrates that, if a grant is awarded, it will implement the project, provide necessary local financing, and accept and exercise the governmental powers necessary to develop and operate the project.

The director may request additional information from the applicant if it is necessary to clarify and evaluate the proposal.

Subp. 7. Evaluation of proposals. The director shall evaluate each proposal that is determined to be eligible and complete. The director shall base this evaluation on the following factors:

A. the technical and economic feasibility of the proposed project;

B. the applicant's ability and intention to implement the proposed project in a timely manner upon receipt of a grant award;

C. the proposed project's compliance with federal, state, and local regulations;

D. the consistency of the proposed project with state market development priorities;

E. the extent to which the proposed project would benefit the market development efforts of more than one county;

F. the extent to which the applicant has achieved significant land disposal abatement through source separation of recyclable materials;

G. the extent to which the proposed project would use postconsumer material; and

H. the extent to which the proposed project provides information transferable to other persons throughout the state.

Statutory Authority: *MS s 115A.48*

History: *15 SR 964*

9210.0640 CAPITAL GRANT AND LOAN PROGRAM.

Subpart 1. Scope. This part establishes the conditions under which the director shall award recyclable material market development program grants and loans for capital investment projects.

Subp. 2. Eligible applicants. Eligible applicants are private organizations.

Subp. 3. Eligible projects. Eligible projects are projects in Minnesota that create or expand capacity to use recyclable materials as a feedstock in a manufacturing process or to transform recyclable materials into other usable products.

Subp. 4. Eligible costs. Eligible costs are limited to the capital costs of the proposed project.

Subp. 5. Maximum grant. A project may receive a grant for up to 25 percent of the total eligible costs of the project or \$500,000, whichever is less, unless the notice provided by the director under part 9210.0620, subpart 1, establishes a lesser maximum grant.

Subp. 6. Maximum loan. A project may receive a loan for up to 50 percent of the total eligible costs of the project or \$2,000,000, whichever is less, unless the notice provided by the director under part 9210.0620, subpart 1, establishes a lesser maximum loan.

Subp. 7. Proposal. An eligible applicant shall submit a proposal in the form specified by the director. 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 list of project activities and an implementation schedule;

(2) location of the project;

(3) type, quantity, and source of recyclable material and recycled products relevant to the project; and

(4) current status of the project;

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

D. a financial report, including:

(1) a five-year business plan;

(2) an itemized description of the project costs, including the total estimated cost, total eligible cost, and the amount of grant or loan funding requested;

(3) an itemized description of project financing, including applicant contributions, other government contributions, private contributions, and projected revenues from the project;

(4) a credit history of the organization; and

(5) financial statements for the last three years;

E. information demonstrating the technical feasibility of the project, including preliminary design and engineering plans, if applicable; and

F. a market analysis for the proposed project, including information demonstrating that the applicant has secured the supply of and demand for recyclable material and recycled products necessary for sustained market development.

The director may request additional information from the applicant if it is necessary to clarify and evaluate the proposal.

Subp. 8. Evaluation of proposals. The director shall evaluate each proposal that is determined to be eligible and complete. The director shall base this evaluation on the following factors:

A. the technical and economic feasibility of the proposed project;

B. the applicant's financial capacity and managerial ability, and the applicant's intention to implement the project in a timely manner upon receipt of a grant or loan award;

C. the proposed project's compliance with federal, state, and local regulations;

D. the consistency of the proposed project with state market development priorities; and

E. the extent to which the proposed project would use postconsumer material.

Statutory Authority: *MS s 115A.48*

History: *15 SR 964*

9210.0645 DIRECTED RESEARCH AND FEASIBILITY STUDY GRANT PROGRAM.

Subpart 1. Scope. This part establishes the conditions under which the director shall award recyclable material market development program grants for directed research and feasibility study projects.

Subp. 2. Eligible applicants. Eligible applicants are research institutions and private organizations.

MINNESOTA RULES 1991

9403

SOLID WASTE GRANT AND LOAN PROGRAMS 9210.0645

Subp. 3. Eligible projects. Eligible projects are limited to the following:

A. development of performance data on recycled products that are or could be manufactured in Minnesota;

B. feasibility studies for the development of manufacturing capacity to use recyclable materials from Minnesota as a feedstock; and

C. directed research on products that could be manufactured using recyclable materials from Minnesota as a feedstock or on manufacturing processes that could use recyclable materials from Minnesota as a feedstock.

Subp. 4. Eligible costs. Eligible costs for research institutions are limited to 100 percent of the project costs, including labor and supplies necessary to implement the project. Eligible costs for private organizations are limited to 50 percent of the project costs, including labor and supplies necessary to implement the project.

Subp. 5. Maximum grant. The maximum grant award is \$100,000, unless the notice provided by the director under part 9210.0620, subpart 1, establishes a lesser maximum grant.

Subp. 6. Proposal. An eligible applicant shall submit a proposal in the form specified by the director. 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 list of project activities and an implementation schedule;

(2) location of the project;

(3) type, quantity, and source of recyclable material and recycled products relevant to the project; and

(4) description or identification of persons that may benefit from project activities and results;

C. the projected economic viability of implementing project results;

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

E. an itemized description of the project financing, including applicant contributions, other government contributions, and private contributions.

The director may request additional information from the applicant if it is necessary to clarify and evaluate the proposal.

Subp. 7. Evaluation of proposals. The director shall evaluate each proposal that is determined to be eligible and complete. The director shall base this evaluation on the following factors:

A. the technical and economic feasibility of the proposed project;

B. the applicant's ability and intention to implement the project in a timely manner upon receipt of a grant award;

C. the extent to which the proposed project promotes market development activities for recyclable materials and recycled products;

D. the consistency of the proposed project with state market development priorities;

E. the extent to which the proposed project promotes the use of postconsumer material; and

F. the extent to which the project provides information transferable to other organizations and the absence of available information in the proposed area of study.

Statutory Authority: *MS s 115A.48*

History: *15 SR 964*

SOLID WASTE REDUCTION GRANT AND LOAN PROGRAM**9210.0700 SCOPE AND AUTHORITY.**

Parts 9210.0700 to 9210.0770 implement the solid waste reduction grant and loan program created and described under Minnesota Statutes, sections 115A.53 and 115A.55, by establishing the substantive criteria and procedural conditions under which the director may award grants or loans for solid waste reduction projects.

Statutory Authority: *MS s 115A.53; 115A.55*

History: *15 SR 1017*

9210.0710 DEFINITIONS.

Subpart 1. **Scope.** The terms defined in this part apply to parts 9210.0700 to 9210.0770. For terms not defined in this part, the definitions in Minnesota Statutes, section 115A.03, apply unless the context states otherwise.

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

Subp. 3. **Office.** "Office" means the Minnesota Office of Waste Management established in Minnesota Statutes, section 115A.055.

Subp. 4. **Person.** "Person" means an individual, partnership, association, public or private organization, or other legal entity, the state, or an agency, department, or political subdivision of the state.

Subp. 5. **Program.** "Program" means the Solid Waste Reduction Grant and Loan Program.

Subp. 6. **Solid waste.** "Solid waste" has the meaning given it in Minnesota Statutes, section 116.06, subdivision 10.

Subp. 7. **Solid waste reduction.** "Solid waste reduction" means an activity that prevents the generation of solid waste including:

A. producing, procuring, or using products or packaging with a longer useful life;

B. producing, procuring, or using products or packaging with reduced material; or

C. changing solid waste generation habits to result in smaller quantities of solid waste generated.

Subp. 8. **Useful life.** "Useful life" means the length of time or number of times that a product may be used or reused in its original form.

Statutory Authority: *MS s 115A.53; 115A.55*

History: *15 SR 1017*

9210.0720 APPLICATION PROCEDURES.

Subpart 1. **Notification by director.** To initiate the process for awarding grants and loans for solid waste reduction projects, the director shall publish a notice in the State Register advising eligible applicants of the availability of solid waste reduction grants and loans. The notice shall describe the maximum amount of funding available for a project, and establish a deadline by which proposals must be submitted. In the notice, the director may also limit the types of projects for which a grant or loan would be awarded in the funding round initiated by the notice.

Subp. 2. **Proposals.** Following the publication of a notice in the State Register, eligible applicants that seek assistance must submit proposals to the director. Proposals 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 as nonpublic data pursuant to Minnesota Statutes, section 115A.06, subdivision 13; however, all information developed as a result of a grant or loan shall be made available to persons through the office's public information program.

MINNESOTA RULES 1991

9405

SOLID WASTE GRANT AND LOAN PROGRAMS 9210.0730

A. Proposals for grants under part 9210.0750 shall contain the information in part 9210.0750, subpart 5.

B. Proposals for grants under part 9210.0760 shall contain the information in part 9210.0760, subpart 5.

C. Proposals for loans under part 9210.0770 shall contain the information in part 9210.0770, subpart 5.

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, 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 the applicant of the director's determination of eligibility and completeness of the proposal. If the director determines that the applicant or the 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 any inadequacies. Extensions shall be granted if requested in a timely manner and good cause exists for the extension. If the inadequacies are not corrected within the time allowed, the proposal shall be rejected.

Subp. 5. Evaluation of proposal. The director shall evaluate each proposal that is determined to be eligible and complete.

A. Proposals for grants under part 9210.0750 shall be evaluated using the criteria in part 9210.0750, subpart 6.

B. Proposals for grants under part 9210.0760 shall be evaluated using the criteria in part 9210.0760, subpart 6.

C. Proposals for loans under part 9210.0770 shall be evaluated using the criteria in part 9210.0770, subpart 6.

Subp. 6. Award of grants or loans. The director shall award grants or loans for those projects that the director determines best satisfy the criteria applicable to the program under which the applicant is requesting financial assistance. The director shall notify those applicants that do not receive grant or loan awards. An applicant that does not receive an award may resubmit a proposal upon future notice by the director under subpart 1.

Subp. 7. No grant or loan awards. If the director determines that no proposal will provide sufficient assistance to the state in achieving its solid waste reduction goals, the director may decide not to award any grant or loan. The director may then reinstate the process for awarding grants by publishing a notice under subpart 1.

Subp. 8. Consultation. In the director's evaluation of the proposal, the director shall consider recommendations provided by the Solid Waste Management Advisory Council.

Statutory Authority: *MS s 115A.53; 115A.55*

History: *15 SR 1017*

9210.0730 LIMITATIONS.

Subpart 1. Reduced grant or loan 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 or less than the maximum award established in the notice under part 9210.0720, subpart 1. 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 loans; or

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

9210.0730 SOLID WASTE GRANT AND LOAN PROGRAMS

9406

Subp. 2. **Limitations on disbursement of funds.** No grant or loan funds shall be disbursed until the recipient has executed a written grant or loan agreement with the director.

Statutory Authority: *MS s 115A.53; 115A.55*

History: *15 SR 1017*

9210.0740 GRANT AND LOAN AGREEMENTS.

A grant or loan 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 recipient;
- C. require that the recipient provide periodic written reports to the director on the implementation and results of the project;
- D. identify the interest rate and repayment obligations for the loan recipient;
- E. 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 developed and implemented according to the terms and conditions of the grant agreement;
- F. authorize the director to determine that the loan recipient is in default and require that loan recipient immediately repay the loan in full if the director determines that, due to the bad faith of the loan recipient, a project has not been developed and implemented according to the terms and conditions of the loan agreement;
- G. authorize the director to cease making further disbursements to the grant or loan recipient 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 or loan agreement and amendment of the agreement is not justified;
- H. require that the recipient perform and complete project activities according to the work plan in the proposal submitted to the director and incorporated into the grant and loan agreement;
- I. require that all information developed as a result of a grant or loan shall be made available to other persons through the office's public information program;
- J. require that the recipient maintain detailed records of all expenditures related to the project; and
- K. establish other conditions or terms needed to manage or implement the grant or loan agreement.

Statutory Authority: *MS s 115A.53; 115A.55*

History: *15 SR 1017*

9210.0750 PUBLIC INSTITUTION GRANT PROGRAM.

Subpart 1. **Scope.** This part establishes the conditions under which the director shall award solid waste reduction public institution grants.

Subp. 2. **Eligible applicants.** Eligible applicants are political subdivisions and other public entities, including state, county, and local agencies; school districts, universities, and hospitals; and solid waste management districts established under Minnesota Statutes, sections 115A.62 to 115A.72. An eligible applicant may apply for a grant on behalf of any person who is not an eligible applicant, but the named recipient shall be the eligible applicant.

Subp. 3. **Eligible projects.** Eligible projects are projects that study the techni-

MINNESOTA RULES 1991

9407

SOLID WASTE GRANT AND LOAN PROGRAMS 9210.0750

cal and economic feasibility of solid waste reduction activities or projects that implement solid waste reduction activities. Projects that study or implement composting or recycling are not considered eligible projects.

Subp. 4. Eligible costs. Eligible costs are limited to:

A. 75 percent of the costs of technical and economic feasibility studies, including labor and supplies necessary to conduct these studies; and

B. 75 percent of the costs of implementing a waste reduction project, except that only 50 percent of the cost of purchasing and installing equipment are eligible.

The cost of operating or maintaining equipment, or of purchasing or renting real property, are not eligible costs. Regardless of the amount of eligible costs, no grant shall be awarded for an amount that exceeds the maximum established by the notice under part 9210.0720, subpart 1.

Subp. 5. 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, addresses of the applicant and other project participants, and letters of commitment or resolutions from the public entities participating in the proposed project;

B. a description of the proposed project, including:

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

(2) location of the proposed project;

(3) type, source, and quantity of solid waste to be eliminated by the proposed project, including an explanation on how these estimates were determined;

(4) current status of the proposed project; and

(5) description or identification of persons that the proposed project activities and results may be applicable to;

C. a financial report including:

(1) an itemized description of the proposed project costs, including the total estimated cost, total grant eligible costs, the amount of grant funding requested, and a discussion of the economic feasibility of implementing the proposed project;

(2) an itemized description of the proposed project financing, including the applicant contributions, other government contributions, private contributions, and where applicable, any projected revenues from the proposed project;

(3) a business plan that demonstrates ongoing financial commitment over the life of the proposed project, including financial commitment over the projected life of equipment funded by the grant;

(4) if the applicant is applying on behalf of another person that is not an eligible applicant, the proposal must provide a credit history and the last three years' financial statements for the ineligible applicant;

D. information demonstrating, where applicable, the technical feasibility of the proposed project, including preliminary design and engineering plans for capital expenditures; and

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

Subp. 6. 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, in the director's view, best satisfy the following criteria:

- A. the proposed project is technically and economically feasible;
- B. the applicant has the experience and knowledge to complete the proposed project and is committed to implementing the proposed project in a timely manner upon receipt of a grant award;
- C. the proposed project is consistent with the office's solid waste reduction priorities;
- D. the proposed project has the necessary financial commitment to cover all proposed project costs;
- E. the applicant has demonstrated that the proposed project has the support of all public entities that are involved in the proposed project; and
- F. the proposed project complies with federal, state, and local regulations.

In addition, the director shall give priority to solid waste reduction projects that have broad application in the state and that have the potential to significantly reduce the generation of solid waste.

Statutory Authority: *MS s 115A.53; 115A.55*

History: *15 SR 1017*

9210.0760 FEASIBILITY STUDY GRANT PROGRAM.

Subpart 1. Scope. This part establishes the conditions under which the director shall award solid waste reduction feasibility study grants.

Subp. 2. Eligible applicants. Eligible applicants are private organizations that generate solid waste in Minnesota.

Subp. 3. Eligible projects. Eligible projects are projects that study the technical and economic feasibility of solid waste reduction activities that may be implemented by an eligible applicant. Projects that study composting or recycling are not considered eligible projects.

Subp. 4. Eligible costs. Eligible costs are limited to 50 percent of technical and economic feasibility studies, including labor and supplies necessary to conduct these studies. Regardless of the amount of eligible project costs, no grant shall be awarded for an amount that exceeds the maximum established by the notice under part 9210.0720, subpart 1.

Subp. 5. 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 work plan that includes a list of project activities, an implementation schedule with specific timelines, and persons involved in completing each activity;

- (2) location of the proposed project;

- (3) type, source, and quantity of solid waste that implementation of the proposed project may eliminate, including an explanation on how these estimates were determined;

- (4) current status of the proposed project; and

- (5) identification of persons or organizations that proposed project results may be applicable to;

- C. a financial report including:

- (1) an itemized description of the proposed project costs, including the total estimated costs, total grant eligible costs, the amount of grant funding requested, and a discussion of the economic feasibility of implementing the proposed project; and

MINNESOTA RULES 1991

9409

SOLID WASTE GRANT AND LOAN PROGRAMS 9210.0770

(2) an itemized description of the proposed project financing, including the applicant contributions, other government contributions, private contributions, and where applicable, any projected revenues from the proposed project; and

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

Subp. 6. 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, in the director's view, best satisfy the following criteria:

A. the proposed project is technically and economically feasible;

B. the applicant has the experience and knowledge to complete the proposed project and is committed to implementing the proposed project in a timely manner upon receipt of a grant award;

C. the proposed project is consistent with the office's solid waste reduction priorities;

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

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

In addition, the director shall give priority to solid waste reduction projects that have broad application in the state and that have the potential to significantly reduce the generation of solid waste.

Statutory Authority: *MS s 115A.53; 115A.55*

History: *15 SR 1017*

9210.0770 IMPLEMENTATION LOAN PROGRAM.

Subpart 1. Scope. This part establishes the conditions under which the director shall award solid waste reduction loans.

Subp. 2. Eligible applicants. Eligible applicants are private organizations that generate solid waste in Minnesota.

Subp. 3. Eligible projects. Eligible projects are projects that implement solid waste reduction activities. Projects that implement composting or recycling are not considered eligible projects.

Subp. 4. Eligible costs. Eligible costs are limited to 50 percent of the costs of implementing a solid waste reduction activity, except that only 20 percent of a loan award may be spent for final design and engineering plan costs. In addition, the cost of operating or maintaining equipment, or of purchasing or renting real property, are not eligible costs. Regardless of the amount of eligible costs, no loan shall be awarded for an amount that exceeds the maximum established by the notice under part 9210.0720, subpart 1.

Subp. 5. 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 work plan that includes a list of project activities, an implementation schedule with specific timelines, and persons involved in completing each activity;

(2) location of the proposed project;

(3) type, source, and quantity of solid waste to be eliminated by the proposed project, including an explanation on how these estimates were determined;

(4) current status of the proposed project; and
 (5) description or identification of persons that the proposed project results may be applicable to;

C. a financial report including:

(1) an itemized description of the proposed project costs, including the total estimated cost, total grant eligible costs, the amount of grant funding requested, and a discussion of the economic feasibility of implementing the proposed project;

(2) an itemized description of the proposed project financing, including the applicant contributions; other government contributions, private contributions, and if applicable, any projected revenues from the proposed project;

(3) a business plan that demonstrates ongoing financial commitment over the life of the proposed project, including financial commitment over the projected life of equipment funded by the loan;

(4) a credit history of the organization; and

(5) financial statements for the last three years;

D. information demonstrating the technical feasibility of the proposed project, including preliminary design and engineering plans for capital expenditures, if applicable; and

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

Subp. 6. 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, in the director's view, best satisfy the following criteria:

A. the proposed project is technically and economically feasible;

B. the applicant has the experience and knowledge to complete the proposed project and is committed to implementing the proposed project in a timely manner upon receipt of a loan award;

C. the proposed project is consistent with the office's solid waste reduction priorities;

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

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

In addition, the director shall give priority to solid waste reduction projects that have broad application in the state and that have the potential to significantly reduce the generation of solid waste.

Statutory Authority: *MS s 115A.53; 115A.55*

History: *15 SR 1017*