

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

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9210.0620 APPLICATION PROCEDURES.

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

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 or loan assistance under part 9210.0635 must contain the information set out in part 9210.0635, subpart 6.

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

[For text of subps 3 to 8, see M.R.]

Statutory Authority: *MS s 115A.48*

History: *16 SR 1647*

9210.0630 GRANT AND LOAN AGREEMENTS.

A grant or loan agreement shall:

A. incorporate by reference all or portions of the proposal submitted to the director;

[For text of items B to J, see M.R.]

Statutory Authority: *MS s 115A.48*

History: *16 SR 1647*

9210.0635 COUNTY 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 applied for by counties.

Subp. 2. Eligible applicants.

A. Eligible applicants are counties that have submitted plans under Minnesota Statutes, section 115A.551, subdivision 6, as amendments to their approved comprehensive solid waste management plans or solid waste master plans.

B. An eligible county may apply for grant funds on behalf of any person, including itself, a group of counties, or a sole proprietorship, partnership, or corporation, but the applicant county shall be a named recipient of the grant award.

C. An eligible county may apply for loan funds on behalf of a sole proprietorship, partnership, or corporation, but the applicant county shall also be a named recipient of the loan award.

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

Subp. 4. Eligible costs. Eligible costs for grant funds are limited to 25 percent of the capital costs of the project and 75 percent of other project costs. Eligible costs for loan funds are limited to 50 percent of the capital costs of 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. The maximum loan award is \$500,000, unless the notice provided by the director under part 9210.0620, subpart 1, establishes a lesser maximum loan.

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 all project participants, including other counties participating in the proposed project;

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

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

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

[For text of item F, see M.R.]

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

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; and

I. a resolution from each county applying on behalf of a person other than the county that states that the project is important to the county's market development efforts.

The director may request financial or other information from the applicant or project participants, including a business plan, historical and projected financial statements, and credit information 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:

[For text of item A, see M.R.]

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

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

Statutory Authority: *MS s 115A.48*

History: *16 SR 1647*

9210.0640 CAPITAL GRANT AND LOAN PROGRAM.

[For text of subps 1 to 6, see M.R.]

Subp. 7. Proposal. An eligible applicant shall submit a proposal in the form specified by the director. A proposal must include the following information:

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

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

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

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

G. 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 financial or other information from the applicant, including a business plan, historical and projected financial statements, and credit information if it is necessary to clarify and evaluate the proposal.

[For text of subp 8, see M.R.]

Statutory Authority: *MS s 115A.48*

History: *16 SR 1647*

WASTE EDUCATION GRANT PROGRAMS

9210.1000 SCOPE AND AUTHORITY.

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

Statutory Authority: *MS s 115A.06*

History: *15 SR 2049*

9210.1010 DEFINITIONS.

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

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

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

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

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

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

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

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

Statutory Authority: *MS s 115A.06*

History: *15 SR 2049*

9210.1020 APPLICATION PROCEDURES.

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

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

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

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

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

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

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

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

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

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

Statutory Authority: *MS s 115A.06*

History: *15 SR 2049*

9210.1030 LIMITATIONS.

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

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

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

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

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

Statutory Authority: *MS s 115A.06*

History: *15 SR 2049*

9210.1040 GRANT AGREEMENTS.

A grant agreement shall:

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

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

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

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

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

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

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

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

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

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

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

Statutory Authority: *MS s 115A.06*

History: *15 SR 2049*

9210.1050 WASTE EDUCATION INFORMATION GRANTS.

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

Subp. 2. Eligible applicants. Eligible applicants are persons who propose to disseminate or develop and disseminate waste education information in Minnesota. Examples of eligible applicants include political subdivisions (counties, cities, and towns); schools, school districts, and higher education institutions, including state colleges and universities; public institutions; hospitals; public libraries; trade or industry organizations; solid waste management districts; private businesses; and nonprofit organizations.

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

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

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

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

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

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

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

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

- B. a description of the proposed project, including:
- (1) a statement of the specific waste abatement issue or solution to be addressed by the project;
 - (2) a description of the target audience of the project;
 - (3) an estimate of the total number of persons expected to be reached by the project;
 - (4) a description of the benefits and other impacts that are likely to result from the project;
 - (5) a work plan that includes a list of project activities, an implementation schedule with specific time lines, and a list of persons involved in completing each activity;
 - (6) a description of all waste education information to be developed or disseminated as part of the project, as well as a list of all research sources the applicant plans to use in developing or disseminating waste education information; and
 - (7) a description of the location of the project and an evaluation of

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

G. the project is conceptually and economically feasible;

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

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

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

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

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

Statutory Authority: *MS s 115A.06*

History: *15 SR 2049*

9210.1060 WASTE EDUCATION FACILITIES GRANTS.

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

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

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

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

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

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

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

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

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

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

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

B. a description of the proposed project, including:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Statutory Authority: *MS s 115A.06*

History: *15 SR 2049*