

CHAPTER 9210
OFFICE OF ENVIRONMENTAL ASSISTANCE
SOLID WASTE GRANT AND LOAN PROGRAMS

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SOLID WASTE REDUCTION LOAN PROGRAM

9210.0700 SCOPE AND AUTHORITY.

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

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

History: *20 SR 2285*

9210.0710 DEFINITIONS.

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

Subp. 2. **Director.** "Director" means the director of the Office of Environmental Assistance.

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

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

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

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

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

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

History: *20 SR 2285*

9210.0720 APPLICATION PROCEDURES.

Subpart 1. **Notification by director.** To initiate the process for awarding loans for solid waste source reduction projects, the director shall publish a notice in the State Register advising eligible applicants of the availability of solid waste source reduction 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 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 loan shall be made available to persons through the office's public information program. Proposals for loans under part 9210.0770 shall contain the information in part 9210.0770, subpart 5.

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

Subp. 5. **Evaluation of proposal.** The director shall evaluate each proposal that is determined to be eligible and complete using the criteria in part 9210.0770, subpart 6.

Subp. 6. **Award of loans.** The director shall award 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 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 loan awards.** If the director determines that no proposal will provide sufficient assistance to the state in achieving its solid waste source reduction goals, the director may decide not to award any loan. The director may then reinitiate the process for awarding loans 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 advisory councils to the office.

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

History: 20 SR 2285

9210.0730 LIMITATIONS.

Subpart 1. **Reduced 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 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 loan funds shall be disbursed until the recipient has executed a written loan agreement with the director.

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

History: 20 SR 2285

9210.0740 LOAN AGREEMENTS.

A 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 determine that the loan recipient is in default and require that the 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;

F. authorize the director to cease making further disbursements to the 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 loan agreement and amendment of the agreement is not justified;

G. 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 loan agreement;

H. require that the recipient provide objective, detailed information in its final report listing the solid waste source reduction achieved during the project in terms of:

(1) changes in disposed volume when measured under uncompacted conditions;

(2) changes in disposed weight;

(3) cost changes in purchase and handling of materials;

(4) cost changes in solid waste disposal; and

(5) changes in toxicity, if any;

I. require that all information developed as a result of a 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 loan agreement.

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

History: *20 SR 2285*

9210.0750 [Repealed, 20 SR 2285]

9210.0760 [Repealed, 20 SR 2285]