

**7035.4500 CRITERIA FOR ELIGIBILITY.**

Subpart 1. **Consistency with other plans.** To be eligible for state assistance, a program or project shall be consistent with all agency approved solid waste management plans of all affected counties. All projects or programs in the metropolitan area shall be consistent with the metropolitan council's plan for solid waste management.

Subp. 2. **High priority.** A high priority shall be given to applications for projects or programs designed to service more than one county or designed to service areas of the state where natural geologic conditions make sanitary landfill undesirable.

Subp. 3. **Environmental impact.** The agency shall seek those alternatives which maximize the conservation of energy and materials while minimizing the environmental impact and the cost to the people of the state.

Subp. 4. **Compliance with other law.** In addition to such other requirements as may be provided for by law, any project for which an application is submitted, shall comply in all respects with any local, state, and federal regulations, guidelines, instructions, criteria, standards, or other documents promulgated or issued by the local, state, and federal governments relative to such program or project.

Subp. 5. **Contracts.** All contract documents prepared by any region, municipality, or institution relative to a program or project pursuant to these parts shall conform to all state and local laws, ordinances, and rules, and in the event of more than one party seeking state aid for such project or program, all contracts shall be executed by each of the parties involved.

Subp. 6. **Prohibited funding.** Funding shall not be made available to any resource recovery system or facility which accepts solid waste material which is transported to the facility primarily in motor vehicles with a load capacity of less than ten cubic yards.

Subp. 7. **Review of grant applications.** In addition to other considerations provided for in these parts and other applicable laws for resource recovery projects and resource conservation programs, in reviewing grant applications the agency shall consider the following:

- A. the size of the service area if it is a resource recovery project;
- B. the degree of county, multicounty, or regional participation in the program or project;
- C. the priority of the program or project in relationship to the agency's immediate and long range goals for resource recovery in the state;
- D. the availability of other sources of financing;
- E. the state's share of the cost of the program or project;

- F. the time schedule for completion;
- G. conformance with county and regional solid waste management plans and other applicable laws;
- H. the statewide applicability of the program or project;
- I. the demand placed on other public service or commercial facilities;
- J. benefits, objectives, methods of obtaining the objectives, and the ultimate goal;
- K. the total cost of the project or program, and the proportion of the cost attributable to each phase of the project or program;
- L. the revenue to be generated upon completion of the project or program;
- M. the amount of materials or energy or both recovered from the solid waste entering the system;
- N. the degree to which the program or project promotes solid materials conservation and reduces the environmental impact of solid waste generation;
- O. the steps taken to assure proper, efficient, and economical operation and maintenance of the resource recovery project after construction is completed or the resource recovery system is implemented;
- P. the percentage of salable materials for which the applicant has obtained purchase commitments if the application is for a resource recovery project. If the application is for an engineering study for a resource recovery project, the commitments shall be an intention to purchase recoverable materials of a specified quality. If the application is for construction of a resource recovery project, the commitments shall be legally binding agreements specifying product quality and price acceptable to the purchaser. The agency shall not approve an application unless the application has commitments to purchase at least 50 percent by weight or of energy, by appropriate output measure, of the salable materials, unless the applicant can justify the failure to have such commitments.

**Statutory Authority:** *MS s 116.07*

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