

7035.5800 AGENCY REVIEW OF GRANT APPLICATIONS AND AWARD OF GRANTS.

Subpart 1. **Agency duty.** The agency shall review all applications received prior to the appropriate deadline specified in part 7035.5600, subpart 1, and shall exclude from consideration all applications received after that deadline.

Subp. 2. **Final grant applications.** Only grant applications considered final pursuant to part 7035.5600, subpart 4, items A and C, as of 4:30 p.m. on the 42nd day following the application deadlines specified in part 7035.5600, subpart 1, except as provided in part 7035.5600, subpart 5, shall be eligible for a grant award.

Subp. 3. **Establishing priorities.** The agency shall assign a priority ranking to each of the applications which are eligible for a grant award under subpart 2. This priority ranking shall be made pursuant to items A to C.

A. The agency shall make the lists and determinations specified in subitems (1) to (5).

(1) The agency shall make a list of the counties proposed to be studied under the grant eligible applications identified under subpart 2.

(2) The agency shall make a list of the landfills available to and being used by each county identified in subitem (1).

(3) The agency shall determine whether the remaining permitted landfill capacity available to and being used for a majority of the refuse from each of the counties identified in subitem (1) is greater than or equal to five years or is less than five years. An applicant may provide recent, reliable data to the agency to assist it in making these determinations.

(4) The agency shall determine whether the location of each of the landfills identified in subitem (2) is environmentally undesirable. The agency shall determine that a landfill's location is environmentally undesirable if the landfill meets one or more of the following criteria:

(a) the landfill is located less than 1,000 feet from the normal high water level of a lake, pond, or flowage;

(b) the landfill is located less than 300 feet from a stream;

(c) the landfill is located within a 100 year flood plain;

(d) the landfill is located within a wetland; and

(e) the landfill is located on Karst bedrock.

An applicant may provide recent, reliable data to the agency to assist it in making these determinations.

(5) After making the determinations specified in subitem (4), the agency shall determine which counties contribute a majority of their solid wastes to landfills that are considered to be in environmentally undesirable locations. An applicant may provide recent, reliable data to the agency to assist it in making these determinations.

B. The agency shall divide the grant applications into two groups. All applications whose study areas contain one or more counties that contribute a majority of their solid wastes to landfills having less than five years of permitted landfill capacity remaining, as determined under item A, subitem (3), or that contribute a majority of their solid wastes to landfills that are determined to be in environmentally undesirable locations, as determined under item A, subitem (5), shall be placed in group number one. All other applications shall be placed in group number two.

C. The agency shall determine the population growth rate within each application's proposed study area using 1970 and 1980 United States Census Bureau data. The agency shall assign a priority ranking to applications in groups one and two as provided in subitems (1) and (2).

(1) First, the agency shall divide the applications in group one and in group two into subgroups. Subgroup 1 shall contain the applications for planning by a regional development commission, for joint planning by two or more contiguous counties, and for joint planning by political subdivisions located in two or more contiguous counties. Subgroup 2 shall contain all other applications.

(2) Funds shall be awarded, on a priority basis, in the following order. Priority shall be determined by growth rate, with the highest priority within each subgroup being given to the applicant with the highest growth rate:

- (a) group 1, subgroup 1;
- (b) group 1, subgroup 2;
- (c) group 2, subgroup 1; and
- (d) group 2, subgroup 2.

Subp. 4. **Granting of awards.** The agency shall award grants to applicants in the order of the priority ranking in subpart 3, item C. No awards shall be made to any applicant in group two until all applicants in group one have been awarded grants.

Subp. 5. **Agency action after determination of grantees.** Once the agency has determined which applicants will receive grants, the agency shall proceed as follows:

A. the agency shall provide a complete listing of grant awards and of applicant rankings to each applicant; and

B. within three weeks of the notification required by item A, the agency shall draft a grant agreement for each applicant which is to receive a grant in accordance with the requirements and conditions set out in part 7035.5900.

Statutory Authority: *MS s 115A.42*

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