

CHAPTER 1585

AGRICULTURAL AND ECONOMIC DEVELOPMENT BOARD

HAZARDOUS WASTE PROCESSING FACILITY LOANS

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1585.0100 SCOPE AND AUTHORITY.

Parts 1585.0100 to 1585.0700 apply to applications for financial assistance for hazardous waste processing facilities made to the authority under Minnesota Statutes, sections 115A.162 and 41A.066.

Statutory Authority: *MS s 41A.04 subd 4; 41A.066*

History: *11 SR 713; L 1987 c 386 art 9 s 20 subd 2*

1585.0200 DEFINITIONS.

Subpart 1. **Scope.** For the purposes of parts 1585.0100 to 1585.0700, the following terms have the meanings given to them.

Subp. 2. **Authority.** "Authority" means the Minnesota Agricultural and Economic Development Board created in Minnesota Statutes, section 41A.01.

Subp. 3. **Board.** "Board" means the Waste Management Board established in Minnesota Statutes, section 115A.04.

Subp. 4. **Chairperson.** "Chairperson" means the chairperson of the board.

Subp. 5. **Commissioner.** "Commissioner" means the commissioner of the Department of Trade and Economic Development.

Subp. 6. **Hazardous waste processing facility.** "Hazardous waste processing facility" means any real or personal property to be used for the collection or processing of hazardous waste as those terms are defined in Minnesota Statutes, section 115A.03, subdivisions 5, 13, and 25.

Subp. 7. **Hazardous waste processing facility loan or loan.** "Hazardous waste processing facility loan" or "loan" has the meaning given to it in Minnesota Statutes 1986, section 116M.03, subdivision 15.

Subp. 8. **Private person.** "Private person" means any person, including individuals, firms, partnerships, associations, societies, trusts, private corporations, or natural persons. "Private person" includes the plural or the singular and does not include a public or governmental body.

Statutory Authority: *MS s 41A.04 subd 4; 41A.066*

History: *11 SR 713; L 1987 c 312 art 1, 386 art 9 s 20 subd 2*

1585.0300 ELIGIBLE APPLICANTS FOR THE HAZARDOUS WASTE PROCESSING FACILITY LOAN PROGRAM.

A private person proposing to develop and operate a hazardous waste processing facility is eligible to apply to the authority for a loan.

Statutory Authority: *MS s 41A.04 subd 4; 41A.066*

History: *11 SR 713; L 1987 c 386 art 9 s 20 subd 2*

1585.0400 ELIGIBLE PROJECT FOR HAZARDOUS WASTE PROCESSING FACILITY LOAN.

An eligible project must be a hazardous waste processing facility as defined in part 1585.0200, subpart 6.

Statutory Authority: *MS s 41A.04 subd 4; 41A.066*

History: *11 SR 713; L 1987 c 386 art 9 s 20 subd 2*

1585.0500 PROCEDURES FOR HAZARDOUS WASTE PROCESSING FACILITY LOAN APPLICATIONS.

Subpart 1. **In general.** To apply for assistance from the authority, an applicant shall submit an application to the commissioner on a form provided by the commissioner. An application must be completed, dated, and signed by an owner, general partner, or an authorized officer of an applicant. The commissioner shall follow the procedures under part 1587.1200, subparts 2 to 7 and 9 to 11.

Subp. 2. **Contents.** Applications must comply with part 1587.1000, subparts 2 and 3.

Also, applications must include information necessary for certification by the board under Minnesota Statutes, section 115A.162 and information demonstrating that general casualty and pollution liability insurance is available for the proposed hazardous waste processing facility and the cost of obtaining the insurance must be included in all financial data required to be provided under part 1587.1000, subpart 3, item J.

In addition, the application must contain a certification that the applicant, the officers and directors of the applicant, any shareholder or partner which has a five percent or more ownership of the applicant, and the proposed hazardous waste processing facility, if any, have never been a defendant in any civil or criminal action or the respondent in any administrative consent decree or assurance relating to the collection or processing of hazardous waste as those terms are defined in Minnesota Statutes, section 115A.03, subdivisions 5, 13, and 25.

Statutory Authority: *MS s 41A.04 subd 4; 41A.066*

History: *11 SR 713; L 1987 c 386 art 9 s 20 subd 2*

1585.0600 PROCEDURES FOR APPLICATION PROCESSING.

Subpart 1. **In general.** Processing of applications must comply with parts 1587.1100 and 1587.1200, subparts 2 to 7 and 9 to 11.

Subp. 2. **Initial review for completeness.** When an application is received by the commissioner, a copy of the application will be sent to the chairperson or a designee for review. Upon receipt of the notification from the chairperson or a designee that the application is either complete or incomplete for certification by the board, the commissioner will follow the procedure under subpart 1.

Subp. 3. **Forward application to board.** Upon determination that the application is complete it will be forwarded to the board for certification pursuant to Minnesota Statutes, section 115A.162.

Statutory Authority: *MS s 41A.04 subd 4; 41A.066*

History: *11 SR 713; L 1987 c 386 art 9 s 20 subd 2*

1585.0700 REVIEW AND APPROVAL.

Subpart 1. **Certification must be completed.** The authority may not approve an application nor make a loan to an applicant unless the application has been certified by the board.

Subp. 2. **Authority review and approval.** If the board has certified an application, the authority shall approve the application and make the loan if funds are available and if the authority finds that the following criteria are satisfied:

- A. the applicant is eligible under part 1585.0300;

B. the project is eligible under part 1585.0400;

C. the application is complete and contains all required certifications;

D. the development and operation of the hazardous waste processing facility as proposed in the application is economically feasible; and that the hazardous waste processing facility's feasibility is sufficient to allow the authority to sell the bonds as required for its financing;

E. upon review of the application, there is a reasonable expectation that the principal and interest on the loan will be fully repaid;

F. the hazardous waste processing facility is unlikely to be developed and operated without a loan from the authority as certified to by the applicant in the application; and

G. the applicant has complied with parts 1585.0300 to 1585.0700.

Subp. 3. **Authority review and disapproval.** The authority shall disapprove the application if it finds that one or more of the criteria set forth in subpart 2 have not been satisfied.

Subp. 4. **Additional information and certifications.** The following additional information is required by the authority, if applicable, prior to disbursing financial assistance:

A. all additional information and certifications required under part 1587.1100, subpart 2; and

B. a certificate of the general casualty insurer and a certificate of the pollution liability insurer that the insurance is in full force and effect. Prior to expiration of any insurance policy, the applicant shall furnish the commissioner with evidence that the policy has been renewed, replaced, or is no longer required.

Statutory Authority: *MS s 41A.04 subd 4; 41A.066*

History: *11 SR 713; L 1987 c 386 art 9 s 20 subd 2*