

## CHAPTER 9200

### WASTE MANAGEMENT BOARD

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#### 9200.0800 VICE-CHAIRPERSON.

The chairperson shall appoint the vice-chairperson. It is the duty of the vice-chairperson, in the absence or disability of the chairperson, to preside at regular and special meetings, call special meetings, execute documents approved by the board, and perform other duties as are assigned to the vice-chairperson by a majority vote of the entire board.

**Statutory Authority:** *MS s 115A.06 subd 2; 115A.32*

**History:** 8 SR 502

#### 9200.0900 CONDUCT OF MEETINGS.

*[For text of subps 1 to 4, see M.R. 1983]*

Subp. 5. **Voting.** The affirmative vote of a majority of all the members of the board is necessary to make a substantive decision, including the adoption, amendment, or repeal of rules and orders. Procedural questions are decided by a majority vote of the board members present. All members present, including the chairperson, shall vote or abstain on every matter presented for decision. A substantive decision that fails to receive a majority vote of the entire board must be laid on the table or postponed to a time or a date certain.

*[For text of subps 6 to 9, see M.R. 1983]*

**Statutory Authority:** *MS s 115A.06 subd 2; 115A.32*

**History:** 8 SR 502

#### 9200.1200 TEMPORARY BOARD MEMBERS.

*[For text of subps 1 and 2, see M.R. 1983]*

Subp. 3. **Voting.** The affirmative vote of a majority of all permanent and temporary board members eligible to vote on a substantive issue is necessary to make a decision on the issue. Procedural questions are decided by a majority vote of permanent and temporary board members present and eligible to vote on the question. All eligible members present, including the chairperson, shall vote or abstain on every matter presented for decision. A substantive decision that fails to receive a majority vote of all permanent and temporary board members eligible to vote on an issue must be laid on the table or postponed to a time or a date certain.

**Statutory Authority:** *MS s 115A.06 subd 2; 115A.32*

**History:** 8 SR 502

#### 9200.2200 REIMBURSEMENT FOR TRAVEL.

Reimbursement from board funds to a board member or staff member for travel expenses must be at the discretion and with the prior approval of the chairperson.

**Statutory Authority:** *MS s 115A.06 subd 2; 115A.32*

**History:** 8 SR 502

**9200.3800 ELIGIBILITY FOR SUPPLEMENTARY REVIEW.**

Subpart 1. **Eligible persons.** The following persons are eligible to request supplementary review by the board pursuant to Minnesota Statutes, sections 115A.32 to 115A.39:

A. a generator of sewage sludge within the state who has been issued permits by the agency for a facility to dispose of sewage sludge or solid waste resulting from sewage treatment, except that the Metropolitan Waste Control Commission is not eligible to request review for a sewage sludge disposal facility or for a solid waste facility with a proposed permitted life of longer than four years;

B. a political subdivision which has been issued permits by the agency, or a political subdivision acting on behalf of a person who has been issued permits by the agency, for a solid waste facility which is located outside the metropolitan area and which is no larger than 250 acres, not including a proposed buffer area; provided that if the petitioner is a political subdivision acting on its own behalf, the political subdivision shall have completed a plan conforming to the requirements of Minnesota Statutes, section 115A.46;

C. a generator of hazardous waste within the state who has been issued permits by the agency for a hazardous waste facility to be owned and operated by the generator, on property owned by the generator, and to be used by the generator for managing the hazardous wastes produced by the generator only;

D. a person who has been issued permits by the agency for a commercial hazardous waste processing facility at a site included within one of the areas on the board's inventory of preferred areas for these facilities adopted pursuant to Minnesota Statutes, section 115A.09; and

E. a person who has been issued permits by the agency for a disposal facility for the nonhazardous sludge, ash, or other solid waste generated by a permitted hazardous waste processing facility operated by the person.

Subp. 2. **Supplementary review petition.** Persons eligible to request supplementary review under subpart 1 shall submit a petition to the board that demonstrates that the required permits have been issued by the agency and that a political subdivision has refused to approve the establishment or operation of the facility. If the political subdivision fails to give final approval or denial to the establishment or operation of the facility within six months after agency permits are issued, the political subdivision is considered to have refused approval to the facility

**Statutory Authority:** *MS s 115A.06 subd 2; 115A.32*

**History:** *8 SR 502*

**9200.3900 REVIEW OF PETITIONS FOR SUPPLEMENTARY REVIEW.**

*[For text of subpart 1, see M.R. 1983]*

Subp 2. **Contents of petition.** A petition must include:

*[For text of subp 2, items A to J, see M.R 1983]*

K. A copy of the resolution, order, or other action of a political subdivision refusing to approve the establishment or operation of the proposed facility, a statement that the required approval has been refused, or a statement that the political subdivision has failed to give final approval or denial to the establishment or operation of the facility within six months after agency permits are issued;

*[For text of subp 2, items L and M, see M R. 1983]*

**Statutory Authority:** *MS s 115A 06 subd 2; 115A.32*

**History:** *8 SR 502*

**9200.8300 ELIGIBILITY CRITERIA.***[For text of subpart 1, see M.R. 1983]*

Subp. 2. **Eligible projects.** Only projects which demonstrate feasible and prudent alternatives to disposal are eligible for loans and grants. To qualify as a demonstration project, a project must be conceptually and technically feasible but not now in operation in the state or not now in operation in a geographical area of the state with demonstrably different characteristics from those of the area where a facility is now in operation. A conceptually and technically feasible project may also qualify as a demonstration project if it involves institutional arrangements not previously utilized in the state, or not previously utilized in a geographical area of the state with demonstrably different characteristics from those in the area where a facility is now in operation. Six types of projects are eligible for loans and grants: waste to energy; materials recovery; chemical, physical, or biological modifications; transfer stations; special waste streams; and waste incineration with resource recovery.

*[For text of subps 3 and 4, see M.R. 1983]***Statutory Authority:** *MS s 115A.49***History:** *8 SR 1876***9200.8400 INFORMATION REQUIRED ON GRANT AND LOAN APPLICATION.**

Applications for grants and loans for waste processing facilities shall include the following information as required in the application forms supplied by the board:

*[For text of items A to J, see M.R. 1983]*

K. the type of waste processing facility for which a grant or loan is being applied for: waste to energy; materials recovery; chemical, physical, or biological modification; transfer stations; special waste stream; or waste incineration with resource recovery.

**Statutory Authority:** *MS s 115A.49***History:** *8 SR 1876***9200.8800 PROJECT TYPE EVALUATION.***[For text of subps 1 to 7, see M.R. 1983]*

Subp. 8. **Waste incineration with resource recovery factors.** Waste incineration with resource recovery other than energy recovery is eligible if a substantial level of resource recovery is a component of the overall solid waste management of the applicant. For incineration with resource recovery the board will consider:

- A. the percent of the total waste stream subjected to resource recovery;
  - B. the percent and types of materials recovered from the total waste stream;
  - C. the revenue derived from recovered materials;
  - D. the relationship of the recovered materials to the waste incinerated;
- and
- E. the economic evaluation of all potentially recoverable materials.

**Statutory Authority:** *MS s 115A.49***History:** *8 SR 1876*