

**CHAPTER 9210**  
**WASTE MANAGEMENT BOARD**  
**SOLID WASTE GRANT AND LOAN PROGRAMS**

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**9210.0120 GRANT APPLICATION PROCEDURES.**

*[For text of subps 1 to 3, see M.R. 1987]*

Subp. 4. **Legislative priorities.** The board shall give priority to projects located in cities, counties, or districts in which:

A. the natural geologic and soil conditions are especially unsuitable for land disposal of solid waste;

*[For text of subp 4, items B and C, see M.R. 1987]*

**Statutory Authority:** *MS s 115A.49 to 115A.54*

**History:** *12 SR 847*

**9210.0130 ELIGIBILITY CRITERIA.**

*[For text of subpart 1, see M.R. 1987]*

Subp. 2. **Eligible projects.** Six types of projects are eligible for grants: waste to energy; materials recovery; chemical, physical, or biological modifications; transfer stations; special waste streams; and waste incineration with resource recovery. Eligible projects are limited to those in which the land, buildings, and equipment are publicly owned.

Subp. 3. **Eligible costs.** Except as provided in part 9210.0200, eligible costs under parts 9210.0100 to 9210.0180 are limited to the costs of land; waste processing equipment; structures necessary to house the waste processing equipment; transmission facilities; appropriate and necessary on-site utilities; landscaping; on-site roads and parking; structures necessary to concentrate and temporarily store solid waste before transportation to a waste processing facility; trailers, containers, and rolloff boxes necessary to transport wastes from transfer stations to a processing facility, to transport processing facility products to market, or to transport residue from the processing facility to a solid waste land disposal facility; and final design and engineering/architectural plans.

Subp. 4. **Ineligible costs.** Except as provided in part 9210.0200, ineligible costs include any costs related to solid waste disposal facilities and equipment, structures for housing and maintenance of rolling stock, or any costs related to resource recovery studies, feasibility analyses, or preliminary design and engineering/architectural plans.

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**Statutory Authority:** *MS s 115A.49 to 115A.54*

**History:** *12 SR 847*

### **9210.0150 SUPPORTING DOCUMENTATION REQUIRED TO BE SUBMITTED WITH GRANT APPLICATION.**

Applications for waste processing facilities grants shall include the following supporting documentation:

*[For text of items A and B, see M.R. 1987]*

C. A report demonstrating that the project is not financially prudent without state assistance, due to the applicant's financial capacity and the problems inherent in waste management in the area. The report shall include the following documentation:

*[For text of item C, subitems (1) to (8), see M.R. 1987]*

(9) other characteristics of waste management in the area that render state assistance important to the financial feasibility of the project.

*[For text of items D to J, see M.R. 1987]*

K. If the applicant requests priority under Minnesota Statutes, section 115A.49, documentation:

(1) that the natural geologic and soil conditions are especially unsuitable for land disposal of solid waste;

*[For text of item K, subitems (2) and (3), see M.R. 1987]*

L. If the project serves eligible jurisdictions in only a single county, documentation demonstrating that cooperation with jurisdictions in other counties is not needed or not feasible, including:

*[For text of item L, subitems (1) and (2), see M.R. 1987]*

**Statutory Authority:** *MS s 115A.49 to 115A.54*

**History:** *12 SR 847*

### **9210.0160 REVIEW AND EVALUATION OF APPLICATIONS.**

*[For text of subps 1 and 2, see M.R. 1987]*

**Subp. 3. Evaluation of need for financial assistance.** In making its evaluation of the application, the board shall first evaluate the information supplied in part 9210.0150, item C to determine whether or not board assistance is important for facility development. If the board determines that assistance is not important, evaluation of the application shall cease and the application shall be returned to the applicant. If the board determines that assistance is important, evaluation will proceed to the second stage. During the second stage, the board shall evaluate documentation submitted under part 9210.0150, items A, B, and D to L.

**Subp. 4. Evaluation of applications.** If the board determines that the project is in need of state assistance, the board shall evaluate the application to determine whether the application demonstrates:

*[For text of subp 4, items A to D, see M.R. 1987]*

E. that for projects serving eligible jurisdictions in only a single county, cooperation with jurisdictions in other counties to develop the project is not needed or not feasible; and

F. that the project is not financially prudent without state assistance, because of the applicant's financial capacity and the problems inherent in the

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waste management situation in the area, particularly transportation distances and limited waste supply and markets for resources recovered.

*[For text of subps 5 and 6, see M.R. 1987]*

**Statutory Authority:** *MS s 115A.49 to 115A.54*

**History:** *12 SR 847*

## 9210.0170 LIMITATIONS.

Subpart 1. **Maximum grant award.** Except as provided in part 9210.0200, the maximum grant award is 25 percent of the eligible capital costs of the project or \$2,000,000, whichever is less, unless the project is a recycling project or a project to compost or cocompost waste. A recycling project or a project to compost or cocompost waste may receive grant assistance up to 50 percent of the capital cost of the project or \$2,000,000, whichever is less.

*[For text of subps 2 and 3, see M.R. 1987]*

**Statutory Authority:** *MS s 115A.49 to 115A.54*

**History:** *12 SR 847*

## 9210.0180 GRANT AGREEMENT.

Subpart 1. **Requirements.** A grant agreement shall:

*[For text of subpart 1, items A to D, see M.R. 1987]*

E. provide that the board will not accept amendments requesting that additional funds be awarded to the recipient except as provided in part 9210.0200;

*[For text of subpart 1, items F to H, see M.R. 1987]*

*[For text of subps 2 and 3, see M.R. 1987]*

**Statutory Authority:** *MS s 115A.49 to 115A.54*

**History:** *12 SR 847*

## 9210.0190 DEFINITIONS.

The definitions in Minnesota Statutes, section 115A.03, and in chapters 9205 and 9210 apply to part 9210.0200 unless the context requires otherwise.

**Statutory Authority:** *MS s 115A.49 to 115A.54*

**History:** *12 SR 847*

## 9210.0200 ENVIRONMENTAL TESTING GRANTS.

Subpart 1. **Eligible applicants.** Eligible applicants are limited to those eligible under Minnesota Statutes, section 115A.50.

Subp. 2. **Eligible projects.** Eligible projects are limited to those eligible for funding under Minnesota Statutes, section 115A.54.

Subp. 3. **Eligible costs.** Eligible costs under this part are limited to the costs of tests necessary to determine the appropriate pollution control equipment for the project or the environmental effects of the use of any product or material produced by the project. The cost of routine environmental monitoring is not eligible for funding under this part.

Subp. 4. **Information on grant application.** Applications for environmental testing grants shall include the following information as required in the application forms supplied by the board:

- A. the name of each applicant making the grant application;
- B. the name of each political subdivision affected by the project;
- C. the name, qualifications, and address of the project manager;

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D. the name, qualifications, and address of the facility operator;

E. the total costs of testing eligible for funding under this part as documented by a proposal from a testing laboratory to perform the testing setting out the costs of the testing that will be performed;

F. the amount of grant funding requested;

G. the type of waste processing facility for which the application is being submitted, and the type of testing that is needed for the facility; and

H. a work plan including a detailed description of the type of testing that will be performed, who will be performing the testing, and a time schedule for the testing. Applicants must contact the Pollution Control Agency before developing a work plan to receive assistance in determining the tests that are needed.

**Subp. 5. Review and approval of applications.** The chair shall review each application for funding under this part for eligibility and completeness. When the chair has determined that the applicant is eligible and that the application is complete, the chair shall forward the application to the Pollution Control Agency, or other appropriate regulatory agencies, for review.

**Subp. 6. Board determination.** The board shall evaluate the application to determine if the proposed testing is necessary to determine the appropriate pollution control equipment for the project or the environmental effects of the use of any product or material produced by the project. In making this determination, the board shall consider the comments of the Pollution Control Agency or other regulatory agency that has reviewed the application. If the board determines that the proposed testing is necessary, the board shall determine the amount to be awarded and authorize the chair to enter into an agreement with the applicant governing disbursement of funds.

**Subp. 7. Funding level.** The board shall fund 100 percent of the cost of testing under this part. The maximum grant award per project shall be limited to \$200,000. Grants shall not be awarded to cover any cost associated with tasks performed before the grant award or after the expiration of the grant agreement.

**Subp. 8. Grant agreement.** The grant agreement shall incorporate by reference the final grant application submitted to the board under this part; provide that any cost overruns incurred by the testing program shall be the sole responsibility of the recipient; provide that the board will not accept amendments requesting that additional funds be awarded to the recipient unless the board determines that additional testing is necessary; and require that the recipient make the information developed as a result of the testing available to the state and other persons who request the information.

**Statutory Authority:** *MS s 115A.49 to 115A.54*

**History:** *12 SR 847*

### SOLID WASTE PROCESSING FACILITIES DEMONSTRATION PROGRAM

#### 9210.0320 ELIGIBILITY CRITERIA.

*[For text of subs 1 and 2, see M.R. 1987]*

**Subp. 3. Eligible costs.** Except as provided in part 9210.0200, eligible costs under parts 9210.0300 to 9210.0380 shall be limited to the costs of land, waste processing equipment, structures necessary to house the waste processing equipment, appropriate and necessary on-site utilities, landscaping, on-site roads and parking, trailers, containers, and rolloff boxes necessary to transport products to market, or to transport residue from the processing facility to a solid waste land disposal facility, and final design and engineering/architectural plans.

**Subp. 4. Ineligible costs.** Except as provided in part 9210.0200, ineligible costs include any costs related to solid waste disposal facilities and equipment,

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structures for housing and maintenance of rolling stock, or any costs related to resource recovery studies, feasibility analyses, or preliminary design and engineering/architectural plans.

**Statutory Authority:** *MS s 115A.49 to 115A.54*

**History:** *12 SR 847*

## 9210.0340 SUPPORTING DOCUMENTATION REQUIRED TO BE SUBMITTED WITH APPLICATION.

Applications for grants or loans for waste processing facilities shall include the following supporting documentation:

*[For text of items A to I, see M.R. 1987]*

J. if the applicant requests priority under Minnesota Statutes, section 115A.49, documentation:

(1) that the natural geologic and soil conditions are especially unsuitable for land disposal of solid waste;

(2) that the available capacity of existing solid waste disposal facilities is less than five years; or

(3) that the proposed project would serve more than one local government unit.

**Statutory Authority:** *MS s 115A.49 to 115A.54*

**History:** *12 SR 847*

## 9210.0350 GRANT AND LOAN APPLICATION PROCEDURES.

*[For text of subps 1 to 3, see M.R. 1987]*

Subp. 4. **Legislative priorities.** The board shall give priority to projects located in cities, counties, or districts in which:

A. the natural geologic and soil conditions are especially unsuitable for land disposal of solid waste;

B. the capacity of existing solid waste disposal facilities is less than five years; or

C. the project serves more than one local government unit.

**Statutory Authority:** *MS s 115A.49 to 115A.54*

**History:** *12 SR 847*

## 9210.0370 AWARD OF GRANTS AND LOANS.

Subpart 1. **Maximum awards.** The maximum loan award shall be 50 percent of the eligible costs specified in the application or \$400,000, whichever is less. Except as provided in part 9210.0200, the maximum grant award shall be 50 percent of the eligible costs specified in the application or \$400,000, whichever is less. Except as provided in part 9210.0200, the maximum combined grant and loan award is \$400,000.

*[For text of subps 2 and 3, see M.R. 1987]*

**Statutory Authority:** *MS s 115A.49 to 115A.54*

**History:** *12 SR 847*

## 9210.0380 GRANT, LOAN, OR GRANT AND LOAN AGREEMENT.

Subpart 1. **Requirements.** A grant, loan, or grant and loan agreement shall:

*[For text of subpart 1, items A to F, see M.R. 1987]*

G. provide that the board will not accept amendments requesting that additional funds be awarded to the recipient except as provided in part 9210.0200;

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[For text of subpart 1, items H to K, see M.R. 1987]

[For text of subps 2 to 4, see M.R. 1987]

**Statutory Authority:** *MS s 115A.49 to 115A.54*

**History:** 12 SR 847

### SOLID WASTE REDUCTION AND SEPARATION GRANT PROGRAM

#### 9210.0400 DEFINITIONS.

Subpart 1. **Scope.** The terms defined in Minnesota Statutes, section 115A.03, and in this part apply to parts 9210.0400 to 9210.0460, unless the context requires otherwise.

Subp. 2. **Chair.** "Chair" means the chief executive officer of the board.

Subp. 3. **Comprehensive solid waste management plan.** "Comprehensive solid waste management plan" means a written plan prepared under Minnesota Statutes, section 115A.46.

Subp. 4. **Household hazardous waste.** "Household hazardous waste" has the meaning given it in Minnesota Statutes, section 115A.96, subdivision 1.

Subp. 5. **Household hazardous waste management.** "Household hazardous waste management" means activities that are intended to affect or control the generation of household hazardous waste, and activities that provide for or control the collection, processing, and disposal of household hazardous waste.

Subp. 6. **Person.** "Person" has the meaning given it in Minnesota Statutes, section 116.06, but does not include the board.

Subp. 7. **Project.** "Project" means a solid waste reduction or separation project.

Subp. 8. **Solid waste.** "Solid waste" has the meaning given it in Minnesota Statutes, section 116.06, subdivision 10.

Subp. 9. **Solid waste disposal facilities and equipment.** "Solid waste disposal facilities and equipment" means structures, machinery, or devices at a disposal site necessary for efficient land disposal of solid wastes, including machinery or devices designed to move earth during burial of wastes and machinery or devices designed to increase the density of wastes buried or to be buried, and facilities in which solid waste is temporarily stored and concentrated before transport to a disposal site.

Subp. 10. **Waste processing equipment.** "Waste processing equipment" means machinery or devices used as an integral component of a waste processing facility.

Subp. 11. **Waste processing facility.** "Waste processing facility" means structures and equipment, singly or in combination, that are designed, constructed, and used to separate, modify, convert, heat, prepare, or otherwise process solid waste so that materials, substances, or energy contained within the waste may be recovered for subsequent use.

Subp. 12. **Waste reduction.** "Waste reduction" means decreasing the generation of solid waste at its source either by redesigning products and packaging or by changing procurement, consumption, or waste generation habits.

Subp. 13. **Waste separation.** "Waste separation" means the process of segregation, accumulation, or collection of recyclable or compostable solid wastes.

**Statutory Authority:** *MS s 115A.49 to 115A.53*

**History:** 12 SR 846

#### 9210.0410 PURPOSE AND ADMINISTRATION.

Parts 9210.0400 to 9210.0460 implement the solid waste reduction and

separation grant program created and described in Minnesota Statutes, sections 115A.49 to 115A.53, by establishing the substantive criteria and procedural conditions under which the board may award grants for the costs of solid waste reduction and separation projects. Applicants for grants under this program are encouraged to contact the chair and request a preapplication review of proposed projects.

**Statutory Authority:** *MS s 115A.49 to 115A.53*

**History:** *12 SR 846*

#### **9210.0420 ELIGIBILITY CRITERIA.**

**Subpart 1. Eligible applicants.** Eligible applicants are limited to cities, counties, and solid waste management districts established under Minnesota Statutes, sections 115A.62 to 115A.72. Eligible applicants may apply for grants on behalf of any person who is not an eligible applicant, but the named recipient shall be the city, county, or district.

**Subp. 2. Eligible projects.** Only solid waste reduction projects, solid waste separation projects, and collection systems for separated solid wastes are eligible for grants. To be eligible for funding, a project must be a new project or an expansion of an existing project, and must be designed to operate for a minimum of three years after a grant is received. A project may include household hazardous waste management, but may not consist solely of household hazardous waste management.

**Subp. 3. Eligible costs.** Grant funding is available for development costs as defined in subpart 4 and implementation costs as defined in subpart 5. Development costs shall be no more than 20 percent of the total grant award.

**Subp. 4. Development costs.** Development costs are the costs incurred in the preparation of the application and documentation required under part 9210.0430.

**Subp. 5. Implementation costs.** Implementation costs are limited to the costs incurred in the first year of project operation. Eligible implementation costs are:

A. capital, operating, and maintenance costs of waste reduction and separation equipment such as source separation collection vehicles, collection trailers, drop boxes, curbside collection bins, and other containers used exclusively for the collection or transport of separated wastes or the management of household hazardous waste; and

B. costs of any necessary legal, financial, economic, educational, marketing, social, governmental, and administrative activities required for the implementation of the project.

**Subp. 6. Household hazardous waste disposal costs.** The cost of household hazardous waste disposal is eligible provided no feasible alternative to disposal exists and no funding is available from federal, state, metropolitan, local, or private sources to fund the cost of disposal.

**Subp. 7. Ineligible costs.** Ineligible costs include any costs related to the purchase of real property, waste processing equipment, structures necessary to house waste collection or processing equipment, and costs related to solid waste disposal facilities and equipment used exclusively for disposal of solid waste.

**Statutory Authority:** *MS s 115A.06 subd 2; 115A.53*

**History:** *12 SR 846; 12 SR 2747*

#### **9210.0430 INFORMATION AND DOCUMENTATION REQUIRED IN GRANT APPLICATION.**

An application for a solid waste reduction and separation project grant shall include the following information, as required in the application form supplied by the board:

A. the name of each applicant making the grant application;

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B. the name of each political subdivision affected by the project, located in the area studied in the project, or located in the area in which the project is intended to be implemented;

C. a resolution from each political subdivision participating in the project that demonstrates that it will implement the project, provide necessary local financing, and accept and exercise the government powers necessary to develop and operate the project;

D. the name, address, and qualifications of the project manager;

E. the name and qualifications of the project operator, if available;

F. the total estimated cost of the project;

G. the total grant eligible cost of the project;

H. the amount of grant funding requested;

I. the amount and source of all other money to be used to fund the project, including the amount of money to be contributed by the applicant;

J. a detailed description of the proposed project, including the amounts of each type of waste to be reduced or separated;

K. a comprehensive solid waste management plan developed under Minnesota Statutes, section 115A.46;

L. for waste separation projects, documentation that waste supplies will be committed to the project for the life of the project and that the applicant has the mechanism to commit the wastes;

M. for waste separation projects, a preliminary market analysis for recovered materials, including documentation of commitments to market recovered materials, such as letters of intent or contracts;

N. a discussion of the need for an education program to be developed in conjunction with the project and, if such a program is proposed, a description of the program;

O. a detailed description of any proposed household hazardous waste management program and documentation that the applicant has or will obtain the capacity to handle household hazardous waste properly;

P. a discussion of the status of required permits from permitting agencies;

Q. a discussion of any potential adverse environmental effects from the project and how they will be mitigated;

R. a work plan that describes how the applicant will implement the project and how the applicant intends to operate the project for the three years following receipt of a grant, including:

(1) the specific tasks to be completed under the grant;

(2) the work hours of staff, consultants, and employees of local government units needed to complete each of the tasks;

(3) the costs of completing each task, including an explanation of how the cost was calculated;

(4) the time schedule needed to complete each task; and

(5) a description of the reports, documents, public education material, market analyses, and other written materials to be developed;

S. documentation of costs incurred by the applicant in preparing the grant application, if the applicant seeks reimbursement for development costs; and

T. if the applicant requests priority under Minnesota Statutes, section 115A.49, documentation that:

(1) the natural geologic and soil conditions are especially unsuitable for land disposal of solid waste;

(2) the available capacity of existing solid waste disposal facilities serving the applicant is less than five years; or

(3) the proposed project would serve more than one local government unit.

**Statutory Authority:** *MS s 115A.06 subd 2; 115A.53*

**History:** *12 SR 846; 12 SR 2747*

#### **9210.0440 REVIEW AND EVALUATION OF APPLICATIONS.**

**Subpart 1. Determination of eligibility and completeness.** Upon receipt of an application, the chair shall determine the eligibility of the applicant, the eligibility of the project identified in the application, the eligibility of the costs identified in the application, and the completeness of the application.

**Subp. 2. Notice of determination of eligibility and completeness.** Within 14 days after receiving the application, the chair shall notify the applicant of the chair's determinations of eligibility and completeness. If the chair determines that the applicant or the project is ineligible, the chair shall reject the application, return it to the applicant, and notify the applicant of the reasons for the rejection. If the chair determines that any part of the project costs is ineligible or that the application is incomplete, the chair shall notify the applicant of the ineligible portion of the costs or of the deficiency. The applicant has 30 days after receiving the notice to correct any inadequacies identified by the chair. If the inadequacies are corrected within the time allowed, the application will be further considered. If the inadequacies are not corrected within the time allowed, the application is rejected, and the applicant must submit a new application to be considered again. If the chair determines that the application is complete and the project is eligible to receive grant funds, the chair shall forward the application to the board for its evaluation.

**Subp. 3. Evaluation of applications.** The board shall evaluate the application. In order to receive funding, the application must demonstrate that:

A. the project is conceptually and technically feasible;

B. the affected political subdivisions are committed to developing, implementing, and operating the project for a three year period, providing necessary local financing, and accepting and exercising the government powers necessary for project development, implementation, and operation;

C. operating revenue from the project, considering the availability and security of sources of solid waste and of markets for recyclable materials together with any proposed federal, state, local, or private financial assistance, will be sufficient to pay all costs; and

D. the applicant has evaluated the feasible and prudent alternatives to disposal and has compared and evaluated the costs of the alternatives, including capital and operating costs, and the effects of the alternatives on the cost to generators, as required by Minnesota Statutes, section 115A.46.

**Subp. 4. Board determination.** If the board determines that the application satisfies the requirements of subpart 3, the board shall determine the amount of the grant award and the applicant shall be so notified. The board shall fund applications that satisfy the criteria established in subpart 3 in the order that the applications come before the board for decision. If applications come before the board at the same time and program funds are not adequate to fund all applications before the board, the board shall give priority to applications that meet the priority criteria established in Minnesota Statutes, section 115A.49. If the board determines that the application fails to satisfy the requirements of subpart 3, the board shall reject the application and the chair shall return the application to the applicant, together with a statement of the reasons for the determination.

**Subp. 5. Consultation with other agencies.** In its evaluation of the application, the board shall consider any recommendations provided by the Pollution

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Control Agency, the State Planning Agency, the appropriate regional development commission, the Metropolitan Council, and other state and regional authorities.

**Statutory Authority:** *MS s 115A.06 subd 2; 115A.53*

**History:** *12 SR 846; 12 SR 2747*

### 9210.0450 LIMITATIONS.

**Subpart 1. Matching funds required.** A grant awarded under parts 9210.0400 to 9210.0460 must be matched by federal, local, private, or other state grants, loans, or contributions, the total of which must equal the amount of the grant applied for. Matching funding may be in the form of cash, goods, or services.

**Subp. 2. Maximum grant.** The maximum grant award for each eligible project is 50 percent of the total eligible costs, or \$50,000 whichever is less.

**Subp. 3. Limitations on grant award.** The amount of the board's grant award shall be limited to an amount needed to complete the project considering all the sources of funding presently available to the applicant, whether or not the applicant has applied for funds. Grants shall not be awarded to cover any cost associated with tasks performed before the grant award or after the expiration of the grant agreement, other than development costs incurred in the preparation of the grant application.

**Subp. 4. Limitations on disbursement of funds.** No grant money shall be paid to an applicant until the board has determined the total estimated cost of the project and ascertained that financing of the cost is assured by funds provided by the state, by an agency of the federal government within the amount of funds then appropriated to that agency and allocated by it to projects within the state, by any person, or by the appropriation of bond proceeds, or other funds of the recipient, to a fund for the development and implementation of the project.

**Statutory Authority:** *MS s 115A.06 subd 2; 115A.53*

**History:** *12 SR 846; 12 SR 2747*

### 9210.0460 GRANT AGREEMENT.

**Subpart 1. Requirements.** No grant money shall be paid to an applicant awarded a grant until that applicant has executed a written grant agreement with the board. The grant agreement shall:

A. incorporate by reference the final grant application submitted to the board in accordance with part 9210.0430;

B. allow the recipient to enter into contracts to complete the work specified in the agreement subject to any board approval that may be required in the agreement;

C. provide that any cost overruns incurred in the development and implementation of the proposed project shall be the sole responsibility of the recipient;

D. provide that the board will not accept amendments requesting that additional funds be awarded to the recipient; and

E. require the recipient to provide periodic written reports to the board on the developmental and implementation history of the project so that knowledge and experience gained from the project may be made available to other communities in the state.

**Subp. 2. Rescission of grant.** If a project is not developed and implemented in accordance with the terms and conditions of the grant agreement, including time schedules, the grant shall be rescinded, and the entire amount of the grant shall be repaid unless the board determines that a variance from the agreement is justified and that the original objectives of the project will be accomplished.

**Subp. 3. Disbursement.** The board shall pay grant money to the recipient in accordance with the payment schedule in the grant agreement.

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**Statutory Authority:** *MS s 115A.49 to 115A.53*

**History:** *12 SR 846*