

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; 115A.32*

History: *8 SR 502*

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