

1 Waste Management Board

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3 Adopted Amendments to Rules of the State Waste Management Board

4 Governing Supplementary Review and Governing Operating

5 Procedures

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7 Rules as Adopted

8 6 MCAR S 8.203 Eligibility for supplementary review.

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

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

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

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

33 4. a person who has been issued permits by the agency for  
34 a commercial hazardous waste processing facility at a site  
35 included within one of the areas on the board's inventory of  
36 preferred areas for these facilities adopted pursuant to

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1 Minnesota Statutes, section 115A.09; and

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

6 B. Supplementary review petition. Persons eligible to  
7 request supplementary review under A. shall submit a petition to  
8 the board that demonstrates that the required permits have been  
9 issued by the agency and that a political subdivision has  
10 refused to approve the establishment or operation of the  
11 facility. If the political subdivision fails to give final  
12 approval or denial to the establishment or operation of the  
13 facility within six months after agency permits are issued, the  
14 political subdivision is considered to have refused approval to  
15 the facility.

16 6 MCAR S 8.204 Review of petitions for supplementary review.

17 A. [Unchanged.]

18 B. Contents of petition. A petition must include:

19 1.-10. [Unchanged.]

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

27 12.-13. [Unchanged.]