

1 Waste Management Board

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3 Adopted Rules Governing the Hazardous Waste Reduction Grants

4 Program

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6 Rules as Adopted

7 9200.9500 SCOPE AND AUTHORITY.

8 Parts 9200.9500 to 9200.9508 govern the administration of  
9 grants for hazardous waste reduction under Laws of Minnesota  
10 1984, chapter 644, section 10.

11 9200.9501 DEFINITIONS.

12 Subpart 1. Scope. For the purposes of parts 9200.9500 to  
13 9200.9508, the following terms have the meanings given them  
14 unless the context requires otherwise.

15 Subp. 2. Board. "Board" means the Minnesota Waste  
16 Management Board established in Minnesota Statutes, section  
17 115A.04.

18 Subp. 3. Chairperson. "Chairperson" means the chairperson  
19 of the board.

20 Subp. 4. Generation. "Generation" means the act or  
21 process of producing waste.

22 Subp. 5. Generator. "Generator" means a person or a local  
23 government unit who produces a hazardous waste in Minnesota.

24 Subp. 6. Hazardous waste. "Hazardous waste" means those  
25 wastes identified and listed in the rules of the Minnesota  
26 Pollution Control Agency, parts 7045.0100 to 7045.0141.

27 Subp. 7. Intrinsic hazard. "Intrinsic hazard" of a waste  
28 means the propensity of the waste to migrate in the environment,  
29 and thereby to become exposed to the public, and the  
30 significance of the harm or damage likely to result from  
31 exposure of natural resources or the public to the waste, as a  
32 result of inherent or induced attributes of the waste such as  
33 its chemical and physical stability, solubility,  
34 bioconcentratability, toxicity, flammability, and corrosivity.

35 Subp. 8. Local government unit. "Local government unit"

1 means a city, town, county, school district, or other political  
2 subdivision or public corporation.

3 Subp. 9. Person. "Person" means a natural person or a  
4 corporation, association, operation, firm, partnership, trust,  
5 or other form of organization.

6 Subp. 10. Recipient. "Recipient" means an applicant who  
7 has received a grant under the hazardous waste reduction grants  
8 program.

9 Subp. 11. Reduction. "Reduction" means action by a  
10 generator that:

11 A. decreases the total quantity of hazardous waste  
12 generated by the generator; or

13 B. decreases the quantity of one or more types of  
14 hazardous waste that results in a decrease in risk to the public  
15 health and safety and the environment, but does not decrease the  
16 total quantity of hazardous wastes generated by the generator.

17 9200.9502 ELIGIBILITY CRITERIA.

18 Subpart 1. Eligible applicants. The following are  
19 eligible to apply for a hazardous waste reduction grant:

20 A. a generator; or

21 B. an association that consists of or represents two  
22 or more generators generating similar hazardous wastes in  
23 Minnesota.

24 Subp. 2. Eligible projects. Only projects designed to  
25 determine the feasibility of applying specific methods and  
26 technologies to reduce the generation of hazardous waste are  
27 eligible to receive a hazardous waste reduction grant. Projects  
28 to study the specific application of a method or technology  
29 already developed and projects to analyze a method or technology  
30 for which additional research is necessary to establish the  
31 feasibility of the method or technology are eligible. Examples  
32 of possible methods and technologies which may be studied  
33 include process modification and material substitution.

34 Application or research projects currently under  
35 development by the applicant and new projects are eligible.

36 Subp. 3. Eligible costs. Eligible costs are limited to

1 the costs of conducting studies and analyses consistent with  
2 subpart 2.

3 Subp. 4. Ineligible costs. Grant money awarded through  
4 this program may not be spent for capital improvements or  
5 equipment.

6 9200.9503 GRANT APPLICATION.

7 An applicant shall submit an application in the form  
8 specified by the board. An application must include the  
9 following information:

10 A. A description of the applicant's managerial and  
11 technical ability to undertake a hazardous waste reduction  
12 feasibility study, including any consultant help that may be  
13 anticipated.

14 B. A statement outlining the method or technology  
15 that will be studied by the applicant and the waste reduction  
16 that may result from application of the method or technology.  
17 This statement must include a discussion of the following items:

18 (1) a description of the method or technology to  
19 be studied;

20 (2) whether the study involves the application of  
21 an existing method or technology, or original or continuing  
22 research on a method or technology for which additional research  
23 is necessary to determine the feasibility of the method or  
24 technology;

25 (3) the applicability of the method or technology  
26 to generators of similar wastes;

27 (4) a description of the hazardous waste affected  
28 by the proposed project that is generated by the applicant,  
29 including the quantity generated in calendar year 1983 and the  
30 quantities generated during each of the calendar years from 1980  
31 through 1982, if available and applicable;

32 (5) an estimate of the decrease in the quantity  
33 of hazardous waste generated and any decrease in risk that  
34 results from the application of the method or technology to be  
35 studied;

36 (6) a projection of the quantity of hazardous

1 waste generated in calendar years 1984 through 2000 with and  
2 without the application of the method or technology being  
3 studied;

4 (7) the importance to the applicant of achieving  
5 the estimated reduction, such as a discussion of liability,  
6 treatment, management, disposal, and transportation costs;

7 (8) the relationship of the hazardous waste  
8 reduction estimated by the applicant to the hazardous waste  
9 reduction goals of the Waste Management Board as stated in the  
10 board's Hazardous Waste Management Report of December 1983 and  
11 the Draft Certificate of Need of February 1984, particularly the  
12 goal of minimizing the quantity of hazardous wastes that are  
13 difficult to manage or can be managed only through final  
14 disposal;

15 (9) the current method used to manage the  
16 hazardous waste generated by the applicant, and any anticipated  
17 change in management occurring after the reduction; and

18 (10) estimated increased or decreased annual  
19 operating and maintenance costs that will be realized if the  
20 proposed method or technology is implemented.

21 C. A statement of financial feasibility for the  
22 project must be included with the application, and must include  
23 a discussion of the following items:

24 (1) A statement explaining the need for the grant  
25 amount requested.

26 (2) The amount of grant funds requested.

27 (3) An estimate of the total amount of funds  
28 needed to complete the study. This section should include a  
29 discussion of any financial support that might be available to  
30 the applicant from other sources, including both external and  
31 internal sources.

*Do they mean  
"must"*

32 (4) A description of any previous requests for  
33 funds from other sources that would have been used to conduct a  
34 study similar to that proposed by the applicant under this grant  
35 program.

1 Subpart 1. Deadline. A letter of intent to apply for a  
2 hazardous waste reduction grant must be received by the board on  
3 or before 30 days after the effective date of these parts. An  
4 application for a hazardous waste reduction grant must be  
5 received by the board on or before 60 days after the effective  
6 date of these parts.

7 Subp. 2. Additional applications. The board may solicit  
8 additional applications at a later date by notification in the  
9 State Register.

10 9200.9505 INITIAL APPLICATION REVIEW.

11 Subpart 1. Application review. The chairperson or a  
12 designee shall review all applications. Applications received  
13 after the close of business (4:30 p.m.) on the last business day  
14 of the application period will be returned to the applicant.

15 Subp. 2. Eligibility and documentation review. The  
16 chairperson or a designee shall review each application to  
17 determine the eligibility of the applicant, the eligibility of  
18 the costs specified in the application, the eligibility of the  
19 proposal specified in the application, and the adequacy of the  
20 supporting documentation. Documentation is considered adequate  
21 if it enables the board to determine whether:

22 A. the proposal appears to be feasible;

23 B. the applicant has the managerial and technical  
24 ability and experience to carry out the proposal; and

25 C. the proposal meets the evaluation factors listed  
26 in part 9200.9506.

27 Subp. 3. Notice of determination. Within 14 days after  
28 receiving the application, the chairperson shall notify each  
29 applicant of the chairperson's determinations. If the  
30 chairperson determines that the applicant, project, and costs  
31 are eligible and that the documentation in the application is  
32 adequate, the application is considered final and the applicant  
33 shall be so notified. The application must then be referred to  
34 the board to be evaluated as provided in part 9200.9506. If the  
35 chairperson determines that any of the costs or any part of the  
36 proposals are not eligible or that the documentation in the

1 application is inadequate, the application must be returned with  
2 a statement of the reasons for rejecting the application. The  
3 applicant has 14 days after receipt of the rejection to correct  
4 the inadequacies. If the inadequacies are corrected within the  
5 time allowed, the application is considered final and the  
6 applicant shall be so notified. The application must then be  
7 referred to the board to be evaluated as provided in part  
8 9200.9506.

9 9200.9506 EVALUATION OF PROPOSALS.

10 Subpart 1. Evaluation schedule. Within 45 days of the  
11 completion of the eligibility and documentation review, the  
12 board shall evaluate eligible proposals and set a date for  
13 action.

14 Subp. 2. Evaluation factors. In evaluating each proposal  
15 the board shall consider the following factors:

16 A. The relationship of the proposed hazardous waste  
17 reduction to the goals and policies of the Waste Management  
18 Board.

19 B. The significance of the proposed waste reduction  
20 measured by:

21 (1) the decrease in total hazardous waste  
22 generated in Minnesota as a result of the waste reduction and  
23 the potential future decrease as a result of application of the  
24 waste reduction method by other generators; or

25 (2) the decrease in risk to the public health and  
26 safety and the environment resulting from the waste reduction  
27 including:

28 (a) the decrease in the quantity of waste  
29 with a high degree of intrinsic hazard;

30 (b) the decrease in the quantity of  
31 untreatable waste requiring land disposal; or

32 (c) the effect of waste reduction on the  
33 subsequent management of any remaining waste, including the need  
34 for and risk associated with further processing and disposal  
35 steps to properly manage the waste.

36 C. The merits of the specific method or technology

1 proposed by the applicant which will be based on the following  
2 factors:

3 (1) the percentage decrease in the quantity of  
4 hazardous waste affected by the reduction;

5 (2) the percentage increase or decrease in the  
6 total quantity of hazardous wastes generated by the applicant;

7 (3) the general applicability of the hazardous  
8 waste reduction method or technology to other generators located  
9 in Minnesota; and

10 (4) the likelihood of the success of the specific  
11 method or technology to reduce hazardous wastes, the estimated  
12 reliability of the proposed method or technology, and capital,  
13 operating, and maintenance costs required to operate and  
14 maintain the proposed method or technology if it is implemented.

15 D. Consideration by the board with respect to the  
16 following factors:

17 (1) Whether an applicant is an association of two  
18 or more generators. In considering this factor, the board may  
19 give preference to an association of two or more generators if  
20 the board determines that the association significantly  
21 contributes to cooperation among generators in reducing  
22 hazardous waste generation.

23 (2) The recommendations of the board's technical  
24 assistance program advisory committee.

25 (3) An evaluation of the feasibility of the  
26 project by an independent consultant if such evaluation is  
27 requested by the board.

28 (4) Whether, in the board's view, alternative  
29 sources of financial and technical support are available to the  
30 applicant and whether, in the board's view, the method or  
31 technology will be developed without state financial assistance.

32 9200.9507 AWARD OF GRANTS.

33 Subpart 1. General procedure. The board shall award  
34 grants for those proposals which in the board's judgment best  
35 meet the factors in part 9200.9506.

36 Subp. 2. Amount of grants. The board shall determine the

1 amount of a grant based on a review of the factors identified in  
2 this part and based upon the availability of funds. Grants are  
3 limited to a maximum of \$30,000 per agreement. Multiple awards  
4 to a single applicant are allowed.

5 9200.9508 GRANT AGREEMENT.

6 Subpart 1. Contents of agreement. The board and a grant  
7 recipient shall enter into a grant agreement. The grant  
8 agreement must:

9 A. Establish the term of the grant. Unless otherwise  
10 determined by the board, all grants awarded under this part must  
11 have a maximum term of one year.

12 B. Provide that the recipient is authorized to enter  
13 into contracts to complete the work specified in the agreement.

14 C. Identify the product of the proposal and provide  
15 that the results of all studies or analyses performed under this  
16 agreement are made available to the board and to the general  
17 public. All information and techniques developed through a  
18 project assisted by a board grant will be made available to all  
19 generators in the state through the technical assistance program  
20 established by the board.

21 Subp. 2. Cancellation of grants. The board shall cancel a  
22 grant that is not completed in accordance with the terms and  
23 conditions of the respective agreements, including time  
24 schedules, unless the board determines that variances from the  
25 respective agreements are in order.

26 Subp. 3. Termination. The board may terminate a grant  
27 upon 30 days' notice if it determines that the project is not  
28 feasible. A request for termination may be initiated by either  
29 the board or a grant recipient. If the board gives notice to  
30 terminate a grant, the board may also require that no additional  
31 grant funds be spent by the applicant effective as of the date  
32 of the termination notice. The procedure for determining that a  
33 project is not feasible shall be specified in the grant  
34 agreement.

35 Subp. 4. Disbursement. The board shall disburse grants in  
36 accordance with the payment schedule set out in the grant



1 agreement. At the discretion of the board, this may include a  
2 phased disbursement or final holdback of a percentage of funds.

3 Subp. 5. Audit. Since this program involves the  
4 expenditure of public funds, the books, records, documents, and  
5 accounting procedures and practices of the recipient of grant  
6 funds that are only relevant to this program are subject to  
7 examination at any time by the chairperson of the board and  
8 other appropriate state officials. Any audit exceptions  
9 identified by the board must be reimbursed at the board's  
10 discretion.

11 Subp. 6. Return of unspent funds. Upon completion of the  
12 project, cancellation of the grant, or termination of the  
13 project the applicant shall return the state's share of the  
14 unspent funds. The procedure for determining the amount of  
15 funds returned must be specified in the grant agreement.