

1 Minnesota Waste Management Board

2

3 Adopted Permanent Rules Relating to the Solid Waste Reduction  
4 and Separation Grant Program

5

6 Rules as Adopted

7 9200.6900 DEFINITIONS.

8 Subpart 1. **Scope.** The terms defined in Minnesota  
9 Statutes, section 115A.03, and in this part apply to parts  
10 9200.6900 to 9200.6906, unless the context requires otherwise.

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

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

16 Subp. 4. **Household hazardous waste.** "Household hazardous  
17 waste" has the meaning given it in Minnesota Statutes, section  
18 115A.96, subdivision 1.

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

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

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

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

32 Subp. 9. **Solid waste disposal facilities and equipment.**  
33 "Solid waste disposal facilities and equipment" means  
34 structures, machinery, or devices at a disposal site necessary  
35 for efficient land disposal of solid wastes, including machinery

1 or devices designed to move earth during burial of wastes and  
2 machinery or devices designed to increase the density of wastes  
3 buried or to be buried, and facilities in which solid waste is  
4 temporarily stored and concentrated before transport to a  
5 disposal site.

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

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

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

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

22 9200.6901 PURPOSE AND ADMINISTRATION.

23 Parts 9200.6900 to 9200.6906 implement the solid waste  
24 reduction and separation grant program created and described in  
25 Minnesota Statutes, sections 115A.49 to 115A.53, by establishing  
26 the substantive criteria and procedural conditions under which  
27 the board may award grants for the costs of solid waste  
28 reduction and separation projects. Applicants for grants under  
29 this program are encouraged to contact the chair and request a  
30 preapplication review of proposed projects.

31 9200.6902 ELIGIBILITY CRITERIA.

32 Subpart 1. **Eligible applicants.** Eligible applicants are  
33 limited to cities, counties, and solid waste management  
34 districts established under Minnesota Statutes, sections 115A.62  
35 to 115A.72. Eligible applicants may apply for grants on behalf

1 of any person who is not an eligible applicant, but the named  
2 recipient shall be the city, county, or district.

3 Subp. 2. **Eligible projects.** Only solid waste reduction  
4 projects, solid waste separation projects, and collection  
5 systems for separated solid wastes are eligible for grants. To  
6 be eligible for funding, a project must be a new project or an  
7 expansion of an existing project. A project may include  
8 household hazardous waste management, but may not consist solely  
9 of household hazardous waste management.

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

14 Subp. 4. **Development costs.** Development costs are the  
15 costs incurred in the preparation of the application and  
16 documentation required under part 9200.6903.

17 Subp. 5. **Implementation costs.** Implementation costs are  
18 limited to:

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

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

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

33 Subp. 7. **Ineligible costs.** Ineligible costs include any  
34 costs related to the purchase of real property, waste processing  
35 equipment, structures necessary to house waste collection or  
36 processing equipment, and costs related to solid waste disposal

1 facilities and equipment used exclusively for disposal of solid  
2 waste.

3 9200.6903 INFORMATION AND DOCUMENTATION REQUIRED IN GRANT  
4 APPLICATION.

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

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

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

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

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

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

23 F. the total estimated cost of the project;

24 G. the total grant-eligible cost of the project;

25 H. the amount of grant funding requested;

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

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

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

34 L. for waste separation projects, documentation that  
35 waste supplies will be committed to the project for the life of

1 the project and that the applicant has the mechanism to commit  
2 the wastes;

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

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

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

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

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

19 R. a work plan that demonstrates how the applicant  
20 will implement the project, including:

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

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

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

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

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

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

36 T. if the applicant requests priority under Minnesota

1 Statutes, section 115A.49, documentation that:

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

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

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

9 9200.6904 REVIEW AND EVALUATION OF APPLICATIONS.

10 Subpart 1. **Determination of eligibility and completeness.**

11 Upon receipt of an application, the chair shall determine the  
12 eligibility of the applicant, the eligibility of the project  
13 identified in the application, the eligibility of the costs  
14 identified in the application, and the completeness of the  
15 application.

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

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

4           A. the project is conceptually and technically  
5 feasible;

6           B. the affected political subdivisions are committed  
7 to developing and implementing the project, providing necessary  
8 local financing, and accepting and exercising the government  
9 powers necessary for project development and implementation;

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

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

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

35           Subp. 5. **Consultation with other agencies.** In its  
36 evaluation of the application, the board shall consider any

1 recommendations provided by the Pollution Control Agency, the  
2 State Planning Agency, the appropriate regional development  
3 commission, the Metropolitan Council, and other state and  
4 regional authorities.

5 9200.6905 LIMITATIONS.

6 Subpart 1. **Matching funds required.** A grant awarded under  
7 parts 9200.6900 to 9200.6906 must be matched by federal, local,  
8 private, or other state grants, loans, or contributions, the  
9 total of which must equal the amount of the grant applied for.  
10 Local government funding may be in the form of cash or in-kind  
11 matching funds.

12 Subp. 2. **Maximum grant.** The maximum grant award for each  
13 eligible project is 50 percent of the total eligible costs, or  
14 \$50,000 whichever is less.

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

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

34 9200.6906 GRANT AGREEMENT.

35 Subpart 1. **Requirements.** No grant money shall be paid to



1 an applicant awarded a grant until that applicant has executed a  
2 written grant agreement with the board. The grant agreement  
3 shall:

4           A. incorporate by reference the final grant  
5 application submitted to the board in accordance with part  
6 9200.6903;

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

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

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

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

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

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

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32       **REPEALER.** Minnesota Rules, parts 7035.6500, 7035.6600,  
33 7035.6700, 7035.6800, 7035.6900, 7035.7000, 7035.7100,  
34 7035.7200, 7035.7300, 7035.7400, 7035.7500, and 7035.7600 are  
35 repealed.