

1 Waste Management Board

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3 Adopted Permanent Rules Relating to the Solid Waste Processing  
4 Facility Capital Assistance Program and the Solid Waste  
5 Processing Facilities Demonstration Program

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7 Rules as Adopted

8 9200.6200 GRANT APPLICATION PROCEDURES.

9 Subpart 1. to 3. [Unchanged.]

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

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

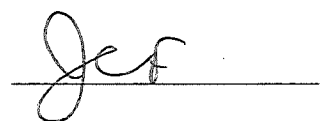
15 B. and C. [Unchanged.]

16 9200.6300 ELIGIBILITY CRITERIA.

17 Subpart 1. [Unchanged.]

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

24 Subp. 3. Eligible costs. Except as provided in part  
25 ~~9200.8220~~ 9200.6900, eligible costs under parts 9200.6050 to  
26 9200.6800 are limited to the costs of land; waste processing  
27 equipment; structures necessary to house the waste processing  
28 equipment; transmission facilities; appropriate and necessary  
29 on-site utilities; landscaping; on-site roads and parking;  
30 structures necessary to concentrate and temporarily store solid  
31 waste before transportation to a waste processing facility;  
32 trailers, containers, and roll-off boxes necessary to transport  
33 wastes from transfer stations to a processing facility, to  
34 transport processing facility products to market, or to  
35 transport residue from the processing facility to a solid waste



1 land disposal facility; and final design and  
2 engineering/architectural plans.

3 Subp. 4. **Ineligible costs.** Except as provided in part  
4 ~~9200.8220~~ 9200.6900, ineligible costs include any costs related  
5 to solid waste disposal facilities and equipment, structures for  
6 housing and maintenance of rolling stock, or any costs related  
7 to resource recovery studies, feasibility analyses, or  
8 preliminary design and engineering/architectural plans.

9 9200.6500 SUPPORTING DOCUMENTATION REQUIRED TO BE SUBMITTED WITH  
10 GRANT APPLICATION.

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

13 A. and B. [Unchanged.]

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

19 (1) to (8) [Unchanged.]

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

23 D. to J. [Unchanged.]

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

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

28 (2) and (3) [Unchanged.]

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

33 (1) and (2) [Unchanged.]

34 9200.6600 REVIEW AND EVALUATION OF APPLICATIONS.

35 Subpart 1. and 2. [Unchanged.]

1 Subp. 3. Evaluation of need for financial assistance. In  
 2 making its evaluation of the application, the board shall first  
 3 evaluate the information supplied in part 9200.6500, item C to  
 4 determine whether or not board assistance is important for  
 5 facility development. If the board determines that assistance  
 6 is not necessary important, evaluation of the application shall  
 7 cease and the application shall be returned to the applicant.  
 8 If the board determines that assistance is necessary important,  
 9 evaluation will proceed to the second stage. During the second  
 10 stage, the board shall evaluate documentation submitted under  
 11 part 9200.6500, items A, B, and D to L.

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

16 A. to D. [Unchanged.]

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

21 F. that the project is not financially prudent  
 22 without state assistance, because of the applicant's financial  
 23 capacity and the problems inherent in the waste management  
 24 situation in the area, particularly transportation distances  
 25 and limited waste supply and markets for resources recovered.

26 Subp. 5. and 6. [Unchanged.]

27 9200.6700 LIMITATIONS.

28 Subpart 1. Maximum grant award. Except as provided in  
 29 part ~~9200.6220~~ 9200.6900, the maximum grant award is 25 percent  
 30 of the eligible capital costs of the project or \$2,000,000,  
 31 whichever is less, unless the project is a recycling project or  
 32 a project to compost or co-compost waste. A recycling project  
 33 or a project to compost or co-compost waste may receive grant  
 34 assistance up to 50 percent of the capital cost of the project  
 35 or \$2,000,000, whichever is less.

1 Subp. 2. and 3. [Unchanged.]

2 9200.6800 GRANT AGREEMENT.

3 Subpart 1. Requirements. A grant agreement shall:

4 A. to D. [Unchanged.]

5 E. provide that the board will not accept amendments  
6 requesting that additional funds be awarded to the recipient  
7 except as provided in part ~~9200.8220~~ 9200.6900;

8 F. to H. [Unchanged.]

9 Subp. 2. and 3. [Unchanged.]

10 ~~9200.8210~~ 9200.6890 DEFINITIONS.

11 The definitions in Minnesota Statutes, section 115A.03, and  
12 in parts 9200.6000 to 9200.6800 and 9200.8100 to 9200.9100 apply  
13 to part ~~9200.8220~~ 9200.6900 unless the context requires  
14 otherwise.

15 ~~9200.8220~~ 9200.6900 ENVIRONMENTAL TESTING GRANTS.

16 Subpart 1. Eligible applicants. Eligible applicants are  
17 limited to those eligible under Minnesota Statutes, section  
18 115A.50.

19 Subp. 2. Eligible projects. Eligible projects are limited  
20 to those eligible for funding under Minnesota Statutes, section  
21 115A.54.

22 Subp. 3. Eligible costs. Eligible costs under this part  
23 are limited to the costs of tests necessary to determine the  
24 appropriate pollution control equipment for the project or the  
25 environmental effects of the use of any product or material  
26 produced by the project. ~~Tests-necessary-to-determine-the~~  
27 ~~appropriate-pollution-control-equipment-shall-be-limited-to~~  
28 ~~those-tests-needed-to-identify-pollution-control-equipment~~  
29 ~~needed-to-bring-the-facility-into-compliance-with-applicable~~  
30 ~~standards.~~ The cost of routine environmental monitoring  
31 ~~required-to-comply-with-operating-permit-conditions~~ is not  
32 eligible for funding under this part.

33 Subp. 4. Information on grant application. Applications  
34 for environmental testing grants shall include the following

1 information as required in the application forms supplied by the  
2 board:

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

5           B. the name of each political subdivision affected by  
6 the project;

7           C. the name, qualifications, and address of the  
8 project manager;

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

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

15           F. the amount of grant funding requested;

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

19           H. a work plan including a detailed description of  
20 the type of testing that will be performed, who will be  
21 performing the testing, and a time schedule for the testing. ~~It~~  
22 ~~is-recommended-that~~ Applicants must contact the Pollution  
23 Control Agency ~~or-other-regulatory-agency~~ before developing a  
24 ~~test-proposal~~ work plan to receive assistance in determining the  
25 tests that are needed.

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

33           Subp. 6. **Board determination.** The board shall evaluate  
34 the application to determine if the proposed testing is  
35 necessary to determine the appropriate pollution control  
36 equipment for the project or the environmental effects of the

1 use of any product or material produced by the project. In  
2 making this determination, the board shall consider the comments  
3 of the Pollution Control Agency or other regulatory agency that  
4 has reviewed the application. If the board determines that the  
5 proposed testing is necessary, the board shall determine the  
6 amount to be awarded and authorize the chair to enter into an  
7 agreement with the applicant governing disbursement of funds.

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

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

24 9200.8300 ELIGIBILITY CRITERIA.

25 Subpart 1. and 2. [Unchanged.]

26 Subp. 3. **Eligible costs.** Except as provided in part  
27 ~~9200.8220~~ 9200.6900, eligible costs under parts 9200.8100 to  
28 9200.9200 shall be limited to the costs of land, waste  
29 processing equipment, structures necessary to house the waste  
30 processing equipment, appropriate and necessary on-site  
31 utilities, landscaping; on-site roads and parking; trailers,  
32 containers, and roll-off boxes necessary to transport products  
33 to market, or to transport residue from the processing facility  
34 to a solid waste land disposal facility, and final design and  
35 engineering/architectural plans.

1 Subp. 4. **Ineligible costs.** Except as provided in part  
2 ~~9200.8220~~ 9200.6900, ineligible costs include any costs related  
3 to solid waste disposal facilities and equipment, structures for  
4 housing and maintenance of rolling stock, or any costs related  
5 to resource recovery studies, feasibility analyses, or  
6 preliminary design and engineering/architectural plans.

7 9200.8500 SUPPORTING DOCUMENTATION REQUIRED TO BE SUBMITTED WITH  
8 APPLICATION.

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

11 A. to I. [Unchanged.]

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

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

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

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

20 9200.8600 GRANT AND LOAN APPLICATION PROCEDURES.

21 Subp. 1a. [Unchanged.]

22 Subp. 2a. [Unchanged.]

23 Subp. 4. [Unchanged.]

24 Subp. 5. **Legislative priorities.** The board shall give  
25 priority to projects located in cities, counties, or districts  
26 in which:

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

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

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

33 9200.9000 AWARD OF GRANTS AND LOANS.

34 Subp. 4. **Maximum awards.** The maximum loan award shall be

1 50 percent of the eligible costs specified in the application or  
 2 \$400,000, whichever is less. Except as provided in part  
 3 ~~9200-8220~~ 9200.6900, the maximum grant award shall be 50 percent  
 4 of the eligible costs specified in the application or \$400,000,  
 5 whichever is less. Except as provided in part ~~9200-8220~~  
 6 9200.6900, the maximum combined grant and loan award is \$400,000.

7 Subp. 5. and 6. [Unchanged.]

8 9200.9100 GRANT, LOAN, OR GRANT AND LOAN AGREEMENT.

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

11 A. to F. [Unchanged.]

12 G. provide that the board will not accept amendments  
 13 requesting that additional funds be awarded to the recipient  
 14 except as provided in part ~~9200-8220~~ 9200.6900;

15 H. to K. [Unchanged.]

16 Subp. 2. to 4. [Unchanged.]