

1 Waste Management Board

2

3 Adopted Permanent Rules Relating to Industrial and Hazardous
4 Waste Processing Grants

5

6 Rules as Adopted

7 9200.6000 SCOPE AND AUTHORITY.

8 Parts 9200.6000 to 9200.6011 govern the administration of
9 development grants for waste processing and collection
10 facilities and services as provided under Minnesota Statutes,
11 section 115A.156, and certification of hazardous waste
12 processing facility loan applications received by the
13 agricultural and economic development board and forwarded to the
14 waste management board for certification under Minnesota
15 Statutes, section 115A.162.

16 9200.6001 DEFINITIONS.

17 Subpart 1. [Unchanged.]

18 Subp. 2. **Lending authority.** "Lending authority" means the
19 Minnesota Agricultural and Economic Development Board created in
20 Minnesota Statutes, section 41A.02.

21 Subp. 3. [Unchanged.]

22 Subp. 4. **Capital costs.** "Capital costs" means
23 expenditures that meet the requirements of federal industrial
24 development bond law, including:

25 A. to G. [Unchanged.]

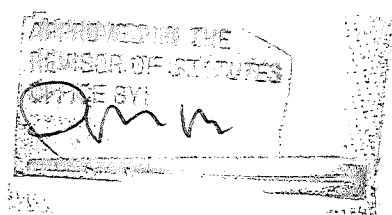
26 H. fee of guarantor, insurer, or financial
27 institution, other than the lending authority, who provides
28 letters of credit, surety bonds, or equivalent security;

29 I. lending authority fees, including application and
30 guaranty fees of the lending authority and administrative costs
31 and expenses;

32 J. to M. [Unchanged.]

33 Subp. 5. **Chairperson.** "Chairperson" means the chairperson
34 of the Waste Management Board.

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



1 Subp. 8. **Commissioner.** "Commissioner" means the
2 commissioner of trade and economic development.

3 Subp. 9. **Generator.** "Generator" means a person who
4 produces an industrial or hazardous waste.

5 Subp. 10. [Unchanged.]

6 Subp. 10a. **Industrial waste.** "Industrial waste" has the
7 meaning given it in Minnesota Statutes, section 115A.03,
8 subdivision 13a.

9 Subp. 11. **Loan.** "Loan" means a hazardous waste processing
10 facility loan as defined in Minnesota Statutes 1986, section
11 116M.03, subdivision 15.

12 Subp. 12. to 15. [Unchanged.]

13 9200.6002 ELIGIBILITY CRITERIA.

14 Subpart 1. **Eligible applicants.** Unless eligibility is
15 limited under part 9200.6004, subpart 3, the following are
16 eligible to apply for a development grant:

17 A. a person who proposes to develop and operate
18 specific commercial collection or processing facilities or
19 services to serve generators of industrial or hazardous waste in
20 the state;

21 B. an association of two or more Minnesota generators
22 who propose to develop and operate specific commercial
23 collection and processing facilities or services to serve
24 generators of industrial or hazardous waste in the state.

25 Subp. 2. **Eligible proposals.** Proposals for the following
26 types of work which are preliminary to the development and
27 operation of specific types of commercial facilities and
28 services for collecting or processing industrial or hazardous
29 waste are eligible:

30 A. to F. [Unchanged.]

31 Subp. 3. to 6. [Unchanged.]

32 9200.6003 GRANT APPLICATION.

33 An applicant must submit an application in the form
34 specified by the chairperson. An application must include the
35 following information:

1 A. to C. [Unchanged.]

2 D. A statement whether the applicant is planning to
3 apply for future grants under this program, or has applied or is
4 planning to apply for an industrial or hazardous waste
5 processing facility loan administered by the Minnesota
6 Agricultural and Economic Development Board.

7 E. [Unchanged.]

8 9200.6004 APPLICATION PROCESS.

9 Subpart 1. **Deadline.** The board will solicit applications
10 by notification in the State Register or by written notice to
11 eligible applicants if eligibility is limited pursuant to
12 subpart 3. The board may set reasonable deadlines for
13 submission of applications.

14 Subp. 2. **Limited solicitation of applications.** The board
15 may limit its solicitation of applications to particular types
16 of proposals, facilities, or services based upon:

17 A. the board's evaluation of the results of previous
18 studies of industrial or hazardous waste processing and
19 reduction proposals and opportunities in Minnesota; and

20 B. [Unchanged.]

21 Subp. 3. **Limitations on eligibility of applicants.** The
22 board may limit eligibility for a grant to persons who have
23 responded to a request for proposal issued by the board or
24 chairperson under Minnesota Statutes, section 115A.158 or
25 115A.192, for development of a facility or service for
26 collecting or processing industrial or hazardous waste, or who
27 have been selected by the board to develop such a facility under
28 Minnesota Statutes, section 115A.192.

29 9200.6007 AWARD OF GRANTS.

30 Subpart 1. **General procedure.** The board shall award
31 grants for those proposals which in the board's judgment will be
32 the most beneficial in improving industrial or hazardous waste
33 management in the state, based upon its evaluation of the
34 factors identified in part 9200.6006.

35 Subp. 2. [Unchanged.]

1 Subp. 3. **Matching funds required.** For hazardous waste, a
2 recipient other than an association of generators in the state
3 shall agree to provide at least 50 percent of the cost of the
4 proposal. An association of two or more generators in the state
5 shall agree to provide at least 20 percent of the cost of the
6 proposal.

7 For industrial waste, a grant must be matched by money or
8 in-kind services provided by the grantee covering at least 50
9 percent of the project cost.

10 Subp. 4. [Unchanged.]

11 9200.6008 GRANT AGREEMENT.

12 Subpart 1. **Grant contents.** The board and a grant
13 recipient shall enter into a grant agreement. The grant
14 agreement must:

15 A. Establish the term of the grant. Unless otherwise
16 determined by the board, all grants awarded under this part will
17 have a maximum term of one year.

18 B. and C. [Unchanged.]

19 Subp. 2. **Cancellation of grants.** The grant is subject to
20 cancellation by the board if the board determines that the
21 proposal is no longer feasible or if the proposed work is not
22 completed in accordance with the terms and conditions of the
23 grant agreement, including time schedules, unless the
24 chairperson determines that variances from the respective
25 agreements are in order.

26 Subp. 3. **Termination.** The chairperson may suspend the
27 work under an agreement upon written notice whenever it appears
28 that there are grounds for cancellation of the grant under
29 subpart 2. The chairperson may negotiate and enter into
30 amendments to the agreement to avoid cancellation if the
31 original purposes of the grant can be accomplished under an
32 amended agreement. Unless amendments to the agreement have been
33 executed, the chair shall recommend cancellation of the grant
34 under subpart 2 within 60 days after suspending any work under
35 the agreement. The chairperson shall promptly notify the board

1 after any suspension of work or grant agreement executed under
2 this subpart.

3 Subp. 4. **Disbursement.** The chairperson shall disburse
4 grants in accordance with the payment schedule set out in the
5 grant agreement. At the discretion of the board, this may
6 include a phased disbursement or final holdback of a percentage
7 of funds.

8 Subp. 5. **Return of unspent funds.** Upon completion of the
9 work under the grant or cancellation of the grant, the grant
10 recipient shall return the state's share of the unspent funds.
11 The procedure for determining the amount of funds to be returned
12 shall be specified in the grant agreement.

13 9200.6010 EVALUATION OF LOAN APPLICATIONS.

14 Subpart 1. [Unchanged.]

15 Subp. 2. **Certification factors.** In addition to
16 determining whether the requirements of part 9200.6011, subpart
17 2, have been satisfied, the board shall consider the following
18 factors in evaluating whether a loan application will be
19 certified and in determining the share of capital costs that
20 must be provided by the applicant:

21 A. to H. [Unchanged.]

22 I. the availability of funds from the lending
23 authority.

24 Subp. 3. [Unchanged.]