

1 Office of Waste Management

2

3 Adopted Permanent Rules Relating to Grant Programs

4

5 Rules as Adopted

6 9210.0100 DEFINITIONS.

7 [For text of subpart 1, see M.R.]

8 Subp. 2. [See Repealer.]

9 Subp. 3. [See Repealer.]

10 [For text of subps 4 and 5, see M.R.]

11 Subp. 5a. **Director.** "Director" means the director of the
12 Minnesota Office of Waste Management.

13 [For text of subps 6 and 7, see M.R.]

14 Subp. 8. **Institutional arrangements.** "Institutional
15 arrangements" means methods of financing, marketing,
16 procurement, or securing the waste supply, ~~or joint efforts by~~
17 ~~more than one local government unit.~~

18 [For text of subp 9, see M.R.]

19 Subp. 9a. **Office.** "Office" means the Minnesota Office of
20 Waste Management established in Minnesota Statutes, section
21 115A.055.

22 [For text of subps 10 to 26, see M.R.]

23 9210.0110 SOLID WASTE PROCESSING FACILITIES CAPITAL ASSISTANCE
24 PROGRAM.

25 Parts 9210.0100 to 9210.0180 implement the solid waste
26 processing facilities capital assistance program created and
27 described in Minnesota Statutes, sections 115A.49 to 115A.54, by
28 establishing the substantive criteria and procedural conditions
29 under which the director may award grants for capital costs of
30 solid waste processing facilities.

31 9210.0120 GRANT APPLICATION PROCEDURES.

32 Subpart 1. [See Repealer.]

33 Subp. 2. [See Repealer.]

34 Subp. 3. [See Repealer.]



1 Subp. 4. [See Repealer.]

2 Subp. 5. **Notification by director.** To initiate the
3 process for awarding grants under the capital assistance
4 program, the director shall publish a notice in the State
5 Register. The notice shall advise eligible applicants of the
6 availability of grant funds, inform eligible applicants of the
7 procedure and projected schedule for the application process,
8 and establish a date by which a preliminary grant application
9 must be received by the director.

10 Subp. 6. **Preliminary grant applications.** Eligible
11 applicants may submit to the director preliminary grant
12 applications containing the information in part 9210.0131.
13 Applications received by the director after the deadline in the
14 State Register notice shall not be considered for funding and
15 shall be returned to the applicants.

16 Subp. 7. **Invitation by director.** After the date
17 established in the State Register notice, the director shall
18 review the preliminary grant applications. Using the criteria
19 in part 9210.0132, the director shall notify each applicant, in
20 writing, as to whether it is invited to submit a final grant
21 application. Only applicants so invited remain eligible for a
22 grant. The director's invitation shall specify a date by which
23 the final grant application must be received by the office.

24 Subp. 8. **Applications accepted.** Eligible applicants that
25 have been invited to submit a final grant application may submit
26 an application to the office. Final grant applications must
27 contain the information in part 9210.0140. Final grant
28 applications received by the office after the deadline in the
29 director's invitation shall not be considered for funding and
30 shall be returned to the applicant.

31 9210.0130 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, and sanitary districts as defined in Minnesota

1 Statutes, section 115A.03, subdivision 28b.

2 Subp. 2. **Eligible project.** For purposes of parts
3 9210.0100 to 9210.0180, "eligible project" means a waste
4 processing facility that includes resource recovery, together
5 with transfer stations, transmission facilities, or other
6 related and appurtenant facilities primarily serving the waste
7 processing facility. A transfer station that will initially
8 transfer waste to a landfill is an eligible project if the
9 transfer station is part of a resource recovery project proposed
10 in an approved comprehensive solid waste management plan.
11 Examples of eligible projects include waste to energy; materials
12 recovery; chemical, physical, or biological modifications;
13 processing of special waste streams including household
14 hazardous waste; and waste incineration with resource recovery.
15 Eligible projects are limited to those in which the land,
16 buildings, and equipment are publicly owned.

17 Subp. 3. **Eligible costs.** Eligible costs under parts
18 9210.0100 to 9210.0180 are limited to the costs of land; waste
19 processing equipment; structures necessary to house the waste
20 processing equipment; transmission facilities; appropriate and
21 necessary on-site utilities; landscaping; on-site roads and
22 parking; structures necessary to concentrate and temporarily
23 store solid waste before transportation to a waste processing
24 facility; trailers, containers, and rolloff boxes necessary to
25 transport wastes from transfer stations to a processing
26 facility, to transport processing facility products to market,
27 or to transport residue from the processing facility to a solid
28 waste land disposal facility; and final design and
29 engineering/architectural plans.

30 Subp. 4. **Ineligible costs.** Ineligible costs include costs
31 related to solid waste disposal facilities and equipment;
32 structures for housing and maintenance of rolling stock;
33 collection equipment including drop boxes not located on the
34 waste processing facility site; costs related to resource
35 recovery studies, feasibility analyses, or preliminary design
36 and engineering/architectural plans; and costs of leasing

1 equipment.

2 9210.0131 PRELIMINARY GRANT APPLICATION.

3 Subpart 1. Preliminary grant application. A preliminary
4 grant application must include the following information:

5 A. the name of each applicant and the name and
6 qualifications of the project manager, a description of the
7 proposed waste processing facility, a description of the
8 institutional arrangements necessary for project implementation
9 and operation, a description of the method of facility
10 procurement, and a description of the waste stream for the
11 facility;

12 B. the status of the comprehensive solid waste
13 management plan for each county to be affected by the proposed
14 project, and an explanation of how the proposed project is
15 consistent with the goals established by those plans;

16 C. information demonstrating:

17 (1) whether and to what extent the natural
18 geologic and soil conditions of the counties that would be
19 affected by the proposed project are unsuitable for land
20 disposal of solid waste;

21 (2) whether and to what extent the area to
22 benefit from the project has existing solid waste disposal
23 capacity of less than five years; and

24 (3) whether the project serves more than one
25 local government unit and, for projects serving eligible
26 jurisdictions in only a single county, the extent to which
27 cooperation with jurisdictions in other counties is not
28 feasible;

29 D. a preliminary financial plan that includes:

30 (1) estimated total capital costs and total grant
31 eligible costs for the project;

32 (2) estimated annual operating and maintenance
33 costs, including disposal costs of residuals and anticipated
34 equipment replacement costs; and

35 (3) anticipated sources of funding for the

1 project, including projected tipping fees and revenues from
2 recovered materials and energy;

3 E. a resolution from each political subdivision
4 participating in the project that demonstrates that, if a grant
5 is awarded, it will implement the project, provide necessary
6 local financing, and accept and exercise the governmental powers
7 necessary to develop and operate the project;

8 F. a description of the type and quantity of
9 materials to be recovered and the existing and potential markets
10 for those materials; and

11 G. an implementation plan for the proposed project
12 that specifies the anticipated completion dates for
13 environmental review, Pollution Control Agency permitting,
14 facility construction, and the anticipated date of operation.

15 Subp. 2. **Completeness.** Applicants shall be notified by
16 the director if their preliminary grant applications are not
17 complete and shall be given 30 days from the notification in
18 which to complete their applications. Extensions shall be
19 granted if requested in a timely manner and good cause exists
20 for the extension. Applications that are not completed and
21 received by the director within ~~this-30-day-deadline~~ the time
22 allowed shall be considered ineligible for funding.

23 9210.0132 INVITATION TO SUBMIT FINAL GRANT APPLICATION.

24 Subpart 1. **Criteria.** The director shall evaluate
25 preliminary grant applications to determine which eligible
26 projects will best assist the state in achieving its solid waste
27 management goals. The director shall base this evaluation on
28 the following factors:

29 A. the consistency of the proposed project with the
30 comprehensive solid waste management plan of each affected
31 county;

32 B. the consistency of the proposed project with the
33 legislative priorities in Minnesota Statutes, sections 115A.02
34 and 115A.49;

35 C. the consistency of the proposed project with

1 regional solid waste management needs;

2 D. the extent to which the applicant is prepared to
3 implement the proposed project upon receipt of the grant
4 award; and

5 ~~E. the extent to which the grant request for the~~
6 ~~proposed project represents an effective use of grant funds,~~
7 ~~given total program resources, and~~

8 F. for projects serving eligible jurisdictions in
9 only a single county, the extent to which cooperation with
10 jurisdictions in other counties to develop the proposed project
11 is not feasible.

12 Subp. 2. Invitation to submit final grant application.

13 The director shall invite the eligible applicants that the
14 director determines best meet the criteria in subpart 1 to
15 submit final grant applications. If the director determines
16 that no application will provide sufficient assistance to the
17 state in achieving its solid waste management goals, the
18 director may decide not to award any grant. The director may
19 then reinitiate the process for awarding grants or loans by
20 publishing a notice under part 9210.0120, subpart 5.

21 9210.0140 FINAL GRANT APPLICATION.

22 Subpart 1. Final grant applications. Final grant
23 applications must include the following information as required
24 in the application forms supplied by the director:

25 [For text of items A and B, see M.R.]

26 C. resolutions from each applicant in conformance
27 with Minnesota Statutes, section 115A.54, subdivision 3;

28 [For text of items D to I, see M.R.]

29 J. the type of waste processing facility for which
30 the grant application is being submitted: waste to energy;
31 materials recovery; chemical, physical, or biological
32 modification; transfer stations; processing of special waste
33 stream including household hazardous waste; or waste
34 incineration with resource recovery.

35 Subp. 2. Project changes. Before submitting its final

1 grant application, an eligible applicant may change the
2 components of the proposed project as described in the
3 preliminary grant application. If, however, those changes would
4 result in a project that the director determines no longer best
5 meets the criteria in part 9210.0132, subpart 1, the director
6 shall remove the project from further consideration.

7 9210.0150 SUPPORTING DOCUMENTATION REQUIRED TO BE SUBMITTED WITH
8 FINAL GRANT APPLICATION.

9 Applicants shall submit the following supporting
10 documentation with their final grant application:

11 A. A copy of the original preliminary grant
12 application submitted under part 9210.0131.

13 B. A financial plan that contains:

14 [For text of subitem (1), see M.R.]

15 (2) annual operating and maintenance costs,
16 including disposal costs of residuals and anticipated equipment
17 replacement costs;

18 [For text of subitems (3) and (4), see M.R.]

19 C. A report demonstrating that the project is not
20 financially prudent without state assistance, due to the
21 applicant's financial capacity and the problems inherent in
22 waste management in the area. The report shall include the
23 following documentation:

24 [For text of subitems (1) and (2), see M.R.]

25 (3) projected facility tipping fees, product
26 revenues, and other project revenues, with and without office
27 assistance;

28 [For text of subitems (4) to (8), see M.R.]

29 (9) other characteristics of waste management in
30 the area that render office assistance important to the
31 financial feasibility of the project.

32 D. For each county affected by the project, a
33 comprehensive solid waste management plan, developed under
34 Minnesota Statutes, section 115A.46 and approved by the director.

35 E. Preliminary design and engineering/architectural

1 plans and equipment specifications of the proposed waste
2 processing facility, and a description of the management and
3 staffing plans for the proposed project.

4 F. Documentation explaining how waste supplies will
5 be committed to the project for the life of the project and that
6 the applicant has mechanisms to commit the wastes.

7 [For text of items G to I, see M.R.]

8 J. Resolutions that comply with Minnesota Statutes,
9 section 115A.54, subdivision 3.

10 9210.0160 REVIEW AND EVALUATION OF FINAL GRANT APPLICATIONS.

11 Subpart 1. Determination of eligibility and completeness.

12 Upon receipt of a final grant application, the director shall
13 confirm the eligibility of the applicant and the eligibility of
14 the project, and shall determine the eligibility of the costs
15 identified in the final grant application and the completeness
16 of the final grant application.

17 Subp. 2. Notice of determination of eligibility and
18 completeness. After receiving the final grant application, the
19 director shall notify the applicant of the director's
20 determinations of eligibility and completeness. If the director
21 determines that the applicant or the project is ineligible, the
22 director shall reject the final grant application, return it to
23 the applicant, and notify the applicant of the reasons for the
24 rejection. If the director determines that any project costs
25 are ineligible or that the final grant application is
26 incomplete, the director shall notify the applicant of the
27 ineligible costs or shall identify the portions of the final
28 grant application that are incomplete. The applicant has 30
29 days after receiving the notice to correct any inadequacies
30 identified by the director. If the inadequacies are corrected
31 and the corrected application is received by the director within
32 the time allowed, the final grant application will be further
33 considered.

34 Subp. 3. [See Repealer.]

35 Subp. 4. Evaluation of final grant applications. If the

1 director determines that the final grant application is eligible
2 and complete, the director shall evaluate the final grant
3 application to determine whether the final grant application
4 demonstrates:

5 [For text of item A, see M.R.]

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

10 [For text of items C to E, see M.R.]

11 F. that the project is not financially prudent
12 without office assistance, because of the applicant's financial
13 capacity and the problems inherent in the waste management
14 situation in the area, particularly transportation distances and
15 limited waste supply and markets for resources recovered.

16 Subp. 5. **Award of grants.** If the director determines that
17 the final grant application satisfies the requirements of
18 subpart 4, the director shall determine the amount of the grant
19 award and the applicant shall be notified. If the director
20 determines that the final grant application fails to satisfy the
21 requirements of subpart 4, the director shall reject the final
22 grant application and shall return the final grant application
23 to the applicant, together with a statement of the reasons for
24 the determination. An applicant that does not receive a grant
25 award may resubmit a preliminary grant application upon future
26 notice by the director under part 9210.0120, subpart 5.

27 Subp. 6. **Consultation with other agencies.** During the
28 evaluation of the final grant application, the director shall
29 consider any recommendations provided by the Pollution Control
30 Agency, the State Planning Agency, and the appropriate regional
31 development commission or the Metropolitan Council.

32 9210.0170 LIMITATIONS.

33 Subpart 1. **Maximum grant award.** The maximum grant award
34 is 25 percent of the eligible capital costs of the project or
35 \$2,000,000, whichever is less, unless the project is a recycling

1 project or a project to compost or cocompost waste. A recycling
2 project or a project to compost or cocompost waste may receive
3 grant assistance up to 50 percent of the capital cost of the
4 project or \$2,000,000, whichever is less.

5 Subp. 1a. **Reduced grant award.** The director may award a
6 grant for less than the maximum grant amount. The director
7 shall ask an applicant to document the impacts of reduced grant
8 assistance before reducing the amount of a grant award. The
9 director shall only reduce the amount of a grant award under the
10 following conditions:

11 A. program resources are insufficient to provide full
12 assistance to all applicants that are awarded grants by the
13 director;

14 B. the cost figures provided in the final grant
15 application are significantly higher than the cost figures in
16 the preliminary grant application without a change in the
17 project scope approved by the director under part 9210.0140,
18 subpart 2, to justify the higher cost; or

19 C. the director determines that the applicant has not
20 adequately demonstrated financial need for the full grant amount.

21 Subp. 2. **Limitations on grant award.** The amount of the
22 director's grant award shall be limited to an amount needed to
23 complete the project considering all the sources of funding
24 presently available to the applicant.

25 Grants shall not be awarded to cover any cost associated
26 with tasks performed before the execution of the grant agreement
27 or after the expiration of the grant agreement.

28 Subp. 3. **Limitations on disbursement of funds.** No grant
29 funds shall be disbursed until the director has:

30 A. determined the total estimated cost of the
31 project;

32 B. ascertained that financing of the project cost is
33 assured by the recipient; and

34 C. received commitments from the recipient to
35 implement the project.

1 9210.0180 GRANT AGREEMENT.

2 Subpart 1. **Requirements.** A grant agreement shall:3 A. include as attachments the resolutions required
4 under Minnesota Statutes, section 115A.54, subdivision 3;5 B. incorporate by reference the final grant
6 application submitted to the director under part 9210.0120;7 C. allow the recipient to enter into contracts to
8 complete the work specified in the agreement subject to any
9 approval by the director that may be required in the agreement;

10 [For text of item D, see M.R.]

11 E. provide that the director will not accept
12 amendments requesting that additional funds be awarded to the
13 recipient;14 F. require that the recipient provide periodic
15 written reports to the director on the developmental and
16 operational history of the project so that knowledge and
17 experience gained from the project may be made available to
18 other communities in the state;

19 [For text of items G and H, see M.R.]

20 Subp. 2. **Rescission of grant.** If a project is not
21 completed and operational according to the terms and conditions
22 of the grant agreement, including time schedules, the grant
23 shall be rescinded, and the entire amount of the grant shall be
24 repaid unless the director determines that an amendment to the
25 grant agreement is justified. The director shall agree to an
26 amendment if it will allow the original objectives of the
27 project to be accomplished.28 Subp. 3. **Disbursement.** The director shall disburse grants
29 according to the payment schedule in the grant agreement.

30

31 **REPEALER.** Minnesota Rules, parts 9210.0100, subparts 2 and
32 3; 9210.0120, subparts 1 to 4; and 9210.0160, subpart 3, are
33 repealed.