

1 Office of Waste Management

2

3 Adopted Permanent Rules Relating to Pollution Prevention Grant
4 Program

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6 Rules as Adopted

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POLLUTION PREVENTION GRANT PROGRAM

8 9205.0400 SCOPE AND AUTHORITY.

9 Parts 9205.0400 to 9205.0445 govern the administration of
10 grants for hazardous waste reduction under Minnesota Statutes,
11 section 115A.154 and for the prevention of pollution under
12 Minnesota Statutes, section 115D.05.

13 9205.0410 DEFINITIONS.

14 Subpart 1. **Scope.** The terms defined in this part apply to
15 parts 9205.0400 to 9205.0445. For terms not defined in this
16 part, the definitions in Minnesota Statutes, section 115D.03,
17 apply, unless the context requires otherwise.

18 Subp. 2. and 3. [See repealer.]

19 Subp. 4. **Director.** "Director" means the director of the
20 Office of Waste Management.

21 Subp. 5. [See repealer.]

22 Subp. 5a. **Hazardous substance.** "Hazardous substance" has
23 the meaning given it in Minnesota Statutes, section 115B.02,
24 subdivision 8.

25 Subp. 6. **Hazardous waste.** "Hazardous waste" has the
26 meaning given it in Minnesota Statutes, section 116.06,
27 subdivision 13.

28 Subp. 7. **Industrial waste.** "Industrial waste" has the
29 meaning given it in Minnesota Statutes, section 115A.03,
30 subdivision 13a.

31 Subp. 8. to 10. [See repealer.]

32 Subp. 10a. **Office.** "Office" means the Office of Waste
33 Management established in Minnesota Statutes, section 115A.055.

34 [For text of subp 11, see M.R.]

35 Subp. 12. to 15. [See repealer.]

1 Subp. 16. **Pollution prevention or prevent pollution.**
2 "Pollution prevention" or "prevent pollution" means eliminating
3 or reducing at the source the quantity or toxicity of toxic
4 pollutants, hazardous substances, hazardous wastes, or
5 industrial wastes used, generated, or released. Examples of
6 technologies or methods to prevent pollution include process
7 modification, inventory control measures, feedstock
8 substitutions, various housekeeping and management practices,
9 and improved efficiency of machinery.

10 Subp. 17. **Release.** "Release" has the meaning given it in
11 Minnesota Statutes, section 115D.03, subdivision 10.

12 Subp. 18. **Toxic pollutant.** "Toxic pollutant" has the
13 meaning given it in Minnesota Statutes, section 115D.03,
14 subdivision 11.

15 **9205.0420 ELIGIBILITY CRITERIA.**

16 Subpart 1. **Eligible applicants.** Eligible applicants are
17 persons who use, generate, or release toxic pollutants,
18 hazardous substances, hazardous wastes, or industrial wastes in
19 a business, institutional, or governmental setting in Minnesota
20 or associations that represent persons who use, generate, or
21 release toxic pollutants, hazardous substances, hazardous
22 wastes, or industrial wastes in a business, institutional, or
23 governmental setting in Minnesota.

24 Subp. 2. **Eligible projects.** Eligible projects are:

25 A. projects to study or demonstrate the feasibility
26 of applying new technologies or methods to prevent pollution by
27 the eligible applicant; and

28 B. projects to study or demonstrate the feasibility
29 of applying existing technologies or methods to prevent
30 pollution by the eligible applicant in previously untested
31 applications. Decreases in quantity or toxicity are not
32 reductions where the decrease is solely the result of a decrease
33 in the output of the facility.

34 Projects currently under development by the applicant and
35 new projects are eligible; however, grant funds shall only be

1 awarded for costs incurred after the effective date of the grant
2 agreement.

3 Subp. 3. **Eligible costs.** Eligible costs are limited to
4 the costs of conducting studies and analyses consistent with
5 subpart 2. Eligible costs are limited to a maximum of
6 two-thirds of the total cost of the project. Grant money
7 awarded through this program may not be spent for capital
8 improvements or the purchase of equipment.

9 Subp. 4. [See repealer.]

10 9205.0430 GRANT APPLICATION.

11 Subpart 1. **Notification by director.** To initiate the
12 process for awarding a pollution prevention grant, the director
13 shall publish a notice in the State Register advising eligible
14 applicants of the availability of pollution prevention grants.
15 The notice shall describe the procedure for awarding grants and
16 establish a deadline by which applications must be submitted.
17 In the notice, the director may limit the types of projects for
18 which a grant would be awarded in the funding round initiated by
19 the notice and may specify the maximum amount of funding to be
20 awarded to a project.

21 Subp. 2. **Applications.** Following the publication of a
22 notice in the State Register, applicants that seek assistance
23 must submit applications in the form specified by the director.
24 Applications must be received by the director by the deadline
25 established in the notice. Upon the request of the applicant,
26 the office shall handle specific information in the grant
27 application as nonpublic data in accordance with the criteria
28 established by Minnesota Statutes, section 115A.06, subdivision
29 13; however, all information developed as a result of a
30 pollution prevention grant shall be public data. Each
31 application must include the following:

32 A. the names, qualifications, and addresses of the
33 applicant and other project participants;

34 B. a description of the proposed project, including:

35 (1) a description of the method or technology

1 proposed to be studied, with a list of project activities and an
2 implementation schedule;

3 (2) a statement as to whether this method or
4 technology is new or existing, with a literature search or
5 similar demonstration in support of this statement;

6 (3) a discussion of whether implementation of
7 this method or technology is likely to minimize the transfer of
8 pollution from one environmental medium to another;

9 (4) a listing of the toxic pollutants, hazardous
10 substances, hazardous wastes, or industrial wastes that are the
11 subject of the proposed project, with a statement, in pounds, of
12 the quantity of each of these pollutants, substances, or wastes
13 that the applicant generated in the previous calendar year;

14 (5) an estimate, in pounds, of the decrease in
15 the quantity of the toxic pollutants, hazardous substances,
16 hazardous wastes, or industrial wastes that the applicant
17 believes could be realized if the methods and technologies to be
18 studied in the proposed project were implemented; and

19 (6) a statement of the current status of the
20 proposed project;

21 C. information demonstrating that the project will
22 comply with applicable regulations, including a list of permits
23 required for the project;

24 D. a statement of the willingness of the applicant to
25 implement the methods and technologies proposed to be studied,
26 if those methods and technologies are found to be technically
27 and economically feasible;

28 E. a statement of the willingness of the applicant to
29 assist the director in disseminating information about the
30 results of the project;

31 F. a statement describing the statewide significance
32 of the information to be gained from the proposed project;

33 G. a project budget that:

34 (1) identifies the total cost of the proposed
35 project and identifies each of the expenditures that make up
36 this cost; and

1 (2) states the amount of grant funds being
2 requested and the amount of matching funds being supplied by the
3 applicant or others. If a person other than the applicant is
4 providing matching funds, the application must identify the
5 sources of the additional funds.

6 Subp. 3. **Eligibility and completeness review.** For all
7 applications received by the director by the deadline
8 established in the notice under subpart 1, the director shall
9 determine the eligibility of the applicant, the proposed
10 project, and the costs identified in the application and shall
11 determine the completeness of the application.

12 Subp. 4. **Notice of determination of eligibility and**
13 **completeness.** The director shall notify the applicant of the
14 director's determination of eligibility and completeness of the
15 application. If the director determines that the applicant or
16 the project is ineligible, the director shall reject the
17 application and notify the applicant. If the director
18 determines that any of the project costs are ineligible or that
19 the application is incomplete, the director shall notify the
20 applicant of the ineligible portion of the costs or of the
21 deficiency. The applicant has 14 days after receiving the
22 notice to correct any inadequacies.

23 Subp. 5. **Evaluation of proposal.** In order to determine
24 which projects should receive a pollution prevention grant, the
25 director shall evaluate each application that is determined to
26 be eligible and complete. In making this evaluation, the
27 director shall consider whether:

28 A. the proposed project involves the study or
29 analysis of a method or technology that has a significant
30 potential to prevent pollution;

31 B. the proposed project involves the study or
32 analysis of a method or technology that is consistent with the
33 legislative goals and policies in Minnesota Statutes, sections
34 115A.02 and 115D.02;

35 C. the persons who will undertake the proposed
36 project are qualified to perform the work described in the

1 project;

2 D. implementation of the method or technology that is
3 the subject of the proposed project is likely to minimize the
4 transfer of pollution from one environmental medium to another;

5 E. the proposed project will comply with regulatory
6 requirements;

7 F. the applicant is willing to implement methods and
8 technologies that the proposed project finds to be feasible;

9 G. the applicant is willing to assist the director in
10 disseminating information about the results of the project; and

11 H. the proposed project has statewide significance.

12 Subp. 6. **Award of grants.** The director shall award grants
13 to those projects that the director determines best meets the
14 evaluation criteria in subpart 5. The director shall promptly
15 notify all applicants as to whether they have been awarded a
16 grant.

17 Subp. 7. **No grant awards.** If the director determines that
18 no proposed project has sufficient potential to prevent
19 pollution in Minnesota, the director shall not award any
20 grants. The director may then reinitiate the process for
21 awarding grants by publishing a notice under subpart 1.

22 Subp. 8. **Consultation.** In the director's evaluation of an
23 application, the director may solicit and consider any
24 recommendations provided by Office of Waste Management advisory
25 councils, task forces, citizen groups, or any independent
26 consultant hired by the director to assist in the review of
27 applications.

28 9205.0435 LIMITATIONS.

29 Subpart 1. **Reduced grant awards.** The director shall ask
30 an applicant to document the impacts of reduced financial
31 assistance before finalizing an award for less than the eligible
32 amount requested by an applicant or less than the maximum award
33 established in the notice under part 9205.0430, subpart 1.

34 Reduced funds shall be awarded where the director determines:

35 A. program resources are insufficient to provide full

1 assistance to all applicant to which the director intends to
2 award grants or loans; or

3 B. the applicant could operate the project at a
4 reduced level and still achieve project objectives.

5 Subp. 2. Limit on disbursement of funds. No grant shall be
6 disbursed until the director has:

7 A. determined the total estimated cost of the
8 project;

9 B. ascertained that the provision of matching funds
10 is assured by the recipient; and

11 C. executed a written grant agreement with the
12 recipient meeting the requirements in part 9205.0445.

13 9205.0445 GRANT AGREEMENT.

14 A grant agreement shall:

15 A. establish a work plan and schedule and require
16 that the recipient perform and complete project activities
17 according to this work plan and schedule;

18 B. provide that any cost overruns incurred in the
19 implementation of the proposed project shall be the sole
20 responsibility of the recipient;

21 C. require that the recipient provide periodic
22 written reports to the director on the progress and results of
23 the project;

24 D. authorize the director to rescind the grant and
25 require the grant recipient to repay the grant in full if the
26 director determines that, due to the bad faith of the grant
27 recipient, a project has not been conducted according to terms
28 and conditions of the grant agreement;

29 E. authorize the director to cease making further
30 disbursements to the recipient and to recover unspent funds if
31 the director determines that, for reasons other than bad faith,
32 a project has not made progress according to the terms and
33 conditions of the grant agreement and an amendment to the
34 agreement is not justified;

35 F. provide that the results of all studies or

1 analyses performed under this agreement are public data;

2 G. require that a percentage of funds not be paid to
3 the recipient until the director approves the recipient's final
4 report;

5 H. require that the recipient maintain detailed
6 records of all expenditures related to the agreement; and

7 I. establish other conditions or terms needed to
8 manage or implement the grant agreement.

9 REPEALER. Minnesota Rules, parts 9205.0410, subparts 2, 3, 5,
10 8, 9, 10, 12, 13, 14, and 15; 9205.0420, subpart 4; 9205.0440;
11 9205.0450; 9205.0460; 9205.0470; and 9205.0480 are repealed.