Office of the Revisor of Statutes
Administrative Rules

TITLE: Adopted Expedited Permanent Rules Relating to Waste Management Capital Assistance Program

AGENCY: Minnesota Pollution Control Agency

REVISOR ID: R-4815

MINNESOTA RULES: Chapter 9210

The attached rules are approved for filing with the Secretary of State

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Minnesota Pollution Control Agency

Adopted Expedited Permanent Rules Relating to Waste Management Capital Assistance Program

9210.0100 DEFINITIONS.

Subpart 1. **Scope.** For the purposes of parts 9210.0100 to 9210.0180, the following terms used have the meanings given in this part and Minnesota Statutes, section 115A.03, unless the context requires otherwise.

[For text of subparts 2 to 4, see Minnesota Rules]

Subp. 5. **Comprehensive solid waste management plan.** "Comprehensive solid waste management plan" means a written plan prepared under Minnesota Statutes, section 115A.46, or, in the metropolitan area, under Minnesota Statutes, section 473.149.

[For text of subparts 5a to 7, see Minnesota Rules]

Subp. 7a. **Household hazardous waste.** "Household hazardous waste" has the meaning given in Minnesota Statutes, section 115A.96.

[For text of subparts 8 to 9a, see Minnesota Rules]

Subp. 10. **On-site utilities.** "On-site utilities" means gas, electrical, water, and sewer facilities within the geographic boundaries of the facility site that are used for facility operations, excluding transmission of energy to markets.

[For text of subparts 11 and 12, see Minnesota Rules]

Subp. 13. [See repealer.]

[For text of subparts 14 and 15, see Minnesota Rules]

Subp. 16. **Recipient.** "Recipient" means an applicant who has received a grant under the solid waste capital assistance program.

[For text of subparts 17 to 26, see Minnesota Rules]

9210.0110 WASTE MANAGEMENT CAPITAL ASSISTANCE PROGRAM.

Parts 9210.0100 to 9210.0180 implement the waste management capital assistance program created and described in Minnesota Statutes, sections 115A.49 to 115A.54, by establishing the substantive criteria and procedural conditions under which the commissioner may award grants for capital costs of facilities.

9210.0130 ELIGIBILITY CRITERIA.

[For text of subpart 1, see Minnesota Rules]

Subp. 2. **Eligible project.** For purposes of parts 9210.0100 to 9210.0180, "eligible project" means acquiring, establishing, or improving a facility that conducts waste reduction, reuse, recycling, composting source-separated compostable materials or yard waste, resource recovery, or waste processing and any transfer stations, transmission facilities, or other related and appurtenant facilities primarily serving the facility. A transfer station that will initially transfer waste to a landfill is an eligible project if the transfer station is part of a resource recovery project proposed in an approved comprehensive solid waste management plan. Examples of eligible projects include waste to energy; materials recovery; chemical, physical, or biological modifications; processing of special waste streams including household hazardous waste; and waste incineration with resource recovery. Eligible projects are limited to those in which the land, buildings, and equipment are publicly owned.

[For text of subpart 3, see Minnesota Rules]

Subp. 4. **Ineligible costs.** Ineligible costs include costs related to:

A. solid waste disposal facilities and disposal equipment;

B. structures for housing and maintenance of rolling stock;

C. collection equipment including drop boxes not located on the facility site;

D. resource recovery studies, feasibility analyses, or preliminary design and engineering/architectural plans; and

E. leasing equipment.

9210.0131 PRELIMINARY GRANT APPLICATION.

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

A. the name of each applicant and the name and qualifications of the project manager, a description of the proposed facility, a description of the institutional arrangements necessary for project implementation and operation, a description of the method of facility procurement, and a description of the waste and materials stream for the facility;

[For text of items B and C, see Minnesota Rules]

D. a preliminary financial plan that includes:

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

[For text of subitems (2) and (3), see Minnesota Rules]

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

[For text of item F, see Minnesota Rules]

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

Subp. 2. **Completeness.** The commissioner must notify applicants if their preliminary grant applications are not complete and must give applicants 30 days after the notification in which to complete their applications. Extensions must be granted if requested in a timely manner and good cause exists for the extension. Applications that are not completed and received by the commissioner within the time allowed are ineligible for funding.

9210.0140 FINAL GRANT APPLICATION.

Subpart 1. **Final grant applications.** Final grant applications must include the following information as required in the application forms supplied by the commissioner:

[For text of items A to I, see Minnesota Rules]

J. the type of facility for which the grant application is being submitted.

[For text of subpart 2, see Minnesota Rules]

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

Applicants must submit the following supporting documentation with their final grant application:

A. a copy of the original preliminary grant application submitted under part 9210.0131;

B. a financial plan that contains:

[For text of subitems (1) to (3), see Minnesota Rules]

(4) total capital costs per ton of installed daily capacity, if applicable;

C. a report demonstrating that the project is not financially prudent without state assistance, due to the applicant's financial capacity and the problems inherent in waste management in the area. The report must include the following documentation:

[For text of subitems (1) to (8), see Minnesota Rules]

(9) other characteristics of waste management in the area that render agency assistance important to the financial feasibility of the project;

D. for each county affected by the project, a comprehensive solid waste management plan, developed under Minnesota Statutes, section 115A.46, and approved by the commissioner;

E. preliminary design and engineering/architectural plans and equipment specifications of the proposed facility and a description of the management and staffing plans for the proposed project;

F. documentation explaining how material supplies will be committed to the project for the life of the project and that the applicant has mechanisms to commit the materials;

G. a market analysis of recovered materials/energy, including documentation of market commitments such as letters of intent or contracts;

H. the status of required permits from permitting agencies;

I. time frames of project development;

J. the project's environmental impact on climate change, including greenhouse gas emissions;

K. the project's impact on environmental justice areas, a summary of stakeholder engagement activities, and community input received; and

L. resolutions that comply with Minnesota Statutes, section 115A.54, subdivision 3.

9210.0170 LIMITATIONS.

Subpart 1. **Maximum grant award.**

A. The maximum grant award is 25 percent of the eligible capital costs of the project or $5,000,000, whichever is less, except as provided in items B and C.

B. A recycling project, a project to compost source-separated compostable material or yard waste, or a project to manage household hazardous waste may receive grant assistance up to 50 percent of the capital cost of the project or $5,000,000, whichever is less.

C. A waste reduction project or a reuse project may receive grant assistance up to 75 percent of the capital cost of the project or $5,000,000, whichever is less.

[For text of subparts 1a to 3, see Minnesota Rules]

9210.0200 ENVIRONMENTAL TESTING GRANTS.

[For text of subparts 1 to 3, see Minnesota Rules]

Subp. 4. **Information on grant application.** Applications for environmental testing grants must include the following information as required in the application forms supplied by the agency:

[For text of items A to F, see Minnesota Rules]

G. the type of facility for which the application is being submitted, and the type of testing that is needed for the facility; and

[For text of item H, see Minnesota Rules]

[For text of subparts 5 to 8, see Minnesota Rules]

REPEALER. Minnesota Rules, part 9210.0100, subpart 13, is repealed.