



Minnesota Pollution Control Agency

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December 4, 2012

The Honorable Mark Dayton
Governor, State of Minnesota
75 Rev. Dr. Martin Luther King Jr. Blvd., Room 130
St. Paul, MN 55155-1606

The Honorable Bill Ingebrigtsen
Minnesota State Senator, Chair
Senate Environment and
Natural Resources Committee
75 Rev. Dr. Martin Luther King Jr. Blvd., Rm 303
St. Paul, MN 55155

The Honorable Denny McNamara
Minnesota State Representative, Chair
House Environment, Energy and Natural Resources
Policy and Finance Committee
1368 Featherstone Court
Hastings, MN 55033

Ms. Michele Timmons
Office of the Revisor
700 State Office Building
St. Paul, MN 55155

The Honorable Kurt Zellers
Minnesota State Representative, Chair
Legislative Coordinating Commission
100 Rev. Dr. Martin Luther King Jr. Blvd., Rm 463
St. Paul, MN 55155

The Honorable Linda Higgins
Minnesota Senator
Environment and Natural Resources Committee
100 Rev. Dr. Martin Luther King Jr. Blvd., Rm 113
St. Paul, MN 55155

The Honorable Jean Wagenius
Minnesota State Representative,
House Environment, Natural Resources
and Agriculture Finance Committee
100 Rev. Dr. Martin Luther King Jr. Blvd., Rm 251
St. Paul, MN 55155

RE: Annual Report on Obsolete, Unnecessary, or Duplicative Rules, as Required by Minnesota Statute § 14.05, Subdivision 5

Minnesota Statute § 14.05, Subdivision 5, states:

"By December 1 of each year, an agency must submit to the governor, the legislative coordinating commission, the policy and funding committees and divisions with jurisdiction over the agency, and the revisor of statutes, a list of any rules or portions of rules that are obsolete, unnecessary, or duplicative of other state or federal statutes or rules. The list must also include an explanation of why the rule or portion of the rule is obsolete, unnecessary, or duplicative of other state or federal statutes or rules. By December 1, the agency must either report a timetable for repeal of the rule or portion of the rule, or must develop a bill for submission to the appropriate policy committee to repeal the obsolete, unnecessary, or duplicative rule. Such a bill must include proposed authorization to use the expedited procedures of section 14.389 to repeal or amend the obsolete, unnecessary, or duplicative rule. A report submitted under this subdivision

must be signed by the person in the agency who is responsible for identifying and initiating repeal of obsolete rules. The report also must identify the status of any rules identified in the prior year's report as obsolete, unnecessary, or duplicative. If none of an agency's rules are obsolete, unnecessary, or duplicative, an agency's December 1 report must state that conclusion."

The Minnesota Pollution Control Agency (MPCA) has conducted an extensive internal review of its rules, and has requested help from external customers (e.g. Minnesota Chamber of Commerce, Association of Minnesota Counties and a number of representatives of environmental advocacy groups) to identify rules that are obsolete, unnecessary or duplicative. As a result of this review, the MPCA has identified the following rules or rule subparts that are obsolete and should be repealed or amended:

- Minn. R. 7011.0725, subp. 2. This subpart identifies tests applicable to operators of Industrial Process Equipment. The U.S. Environmental Protection Agency has promulgated performance test methods that are now considered the industry standard, which makes the tests identified in 7011.0725, subp. 2 obsolete.
- Minn. R. chapter 7021. This chapter establishes an acid deposition standard for geographic regions that the MPCA has determined to be sensitive areas. This chapter can be repealed because other state and federal emission control requirements now adequately address sulfur dioxide emissions and the deposition standard is no longer needed for enforcement or environmental protection purposes.
- Minn. R. part 7053.0405, subps. 3, 4, and 5. These subparts relate to aquaculture facilities and contain language regarding the methods a permittee can follow to request a variance. All of the variance provisions are applicable through other state rules and are obsolete.
- Minn. R. parts 9210.0120, subpart 5 (Grant Application Procedures), 9210.0810, subp. 1, (Request for Proposals) and Minn. R. part 7076.0140, subp. 1 and 2, (Notice of Financial Assistance Availability). These rules relate to the administration of various grants and contracts. In 2012, the traditional process for providing notification of these types of activities was affected by the implementation of the statewide SWIFT accounting system. SWIFT provides an acceptable method of public notice for those solicitations conducted within the SWIFT system. The parts of these rules that refer to providing notice specifically through publication in the *State Register* were rendered obsolete by the implementation of the new SWIFT system and should be amended to reflect the current requirements. Minn. R. part 7076.0140, subp. 2 also includes obsolete conditions that specify the MPCA's process for maintaining mailing lists and providing notification that must be revised to reflect current practices.
- Minn. R. parts 9210.0300 to 9210.0380. These rules relate to the Solid Waste Processing Facility Demonstration Program, which was a forerunner to the current Solid Waste Processing Facility Capital Assistance Program. The requirements relating to this program are now obsolete and the rules can be repealed.
- Minn. R. part 9220.0530, subp. 6. This subpart requires that waste tire transporters submit their operating records to the MPCA four times yearly. Since this rule was adopted, the development

of a well-established infrastructure for managing waste tires led to a reduced need for MPCA oversight of waste tire regulatory activities. In 2002, the MPCA informed the Legislature that the waste tire program was being eliminated and tire processing and storage facilities would be regulated through the solid waste permit. A January 2007 MPCA memorandum clarified program interests and roles for regulating the waste tire program and stated that waste tire transporters must prepare monthly operating records and make them available to the MPCA staff upon request but will not be required to submit the reports on a quarterly basis as required under Minn. R. 9220.0530, subp. 6. The MPCA has not required transporters to submit quarterly reporting since 2007. The MPCA intends to follow current practices outlined in a program management decision and therefore, the requirements of Minn. R. 9220.0530, subp. 6 are obsolete.

The Minnesota Pollution Control Agency's planned process for the repeal of the identified obsolete rules.

The MPCA will prepare a policy bill for consideration during the 2013 Legislative Session which will include the repeal of the obsolete chapter addressing acid deposition control (Minn. R. ch. 7021), the obsolete rule parts relating to Solid Waste Processing Facility Demonstration Program (Minn. R. 9210.0300 to 9210.0380) and the requirement for the submittal of operating records from waste tire transporters (Minn. R. 9220.0530, subp. 6). The remaining obsolete provisions will be addressed through administrative rulemaking conducted by the MPCA. These changes require the development of alternative language or more extensive revisions and are not amenable to a legislative repeal of the obsolete subparts. The MPCA will address these obsolete provisions by either incorporating them into other rulemaking activities related to those rule chapters or the MPCA may propose an omnibus rulemaking that will address a number of non-technical, "housekeeping" amendments at one time.

Status of obsolete rules identified in the Minnesota Pollution Control Agency's 2011 Obsolete Rules Report.

In the 2011 Obsolete Rules Report, the MPCA identified one rule that is obsolete. Minn. R. 7002.0025, subp. 2a, newly permitted facilities, was identified as obsolete. This rule was repealed in the 2012 Legislative Session (Laws 2012, chapter 272, section 98):

Sec. 98. REPEALER.

"(a) Minnesota Statutes 2010, sections 84.946, subdivision 3; 86A.12, subdivision 5; 89.06; 90.042; 97A.4742, subdivision 4; 103G.705; 115.447; 115A.07, subdivision 2; 115A.965, subdivision 7; and 216H.07, subdivision 4, Laws 2011, chapter 107, section 105, and Minnesota Rules, parts 7002.0025, subpart 2a; 7011.7030; 7021.0010, subpart 3; 7021.0050, subparts 1, 2, and 3; and 7041.0500, subparts 5, 6, and 7, are repealed.
(b) Minnesota Statutes 2011 Supplement, sections 86B.508; and 86B.811, subdivision 1a, are repealed."

Governor Mark Dayton
December 4, 2012

Cost of preparing this report

In compliance with Minn. Stat. § 3.197, the cost of preparing this report is as follows:

Staff cost: \$9,450.00. This includes time for review of rules, customer research and the time to complete the report.

If you have any questions regarding this report, please contact me at 651-757-2681.

Sincerely,



Kirk Koudelka
Assistant Commissioner

KK/CN:wgp

Attachment

cc: Senator John Marty
Senator David Tomassoni
Representative David Dill
Greg Hubinger, LCC Director

Attachment

Rule language that is suggested for legislative repeal:

Chapter 7021 Acid Deposition Control

7021.0010 DEFINITIONS.

Subpart 1. Scope. The definitions in part ~~7005.0100~~ apply to the terms used in parts ~~7021.0010~~ to ~~7021.0050~~ unless the terms are defined in this part.

Subp. 2. Electric utility. "Electric utility" means persons, corporations, or other legal entities, their lessees, trustees, and receivers operating, maintaining, or controlling in Minnesota facilities used for the generation of electricity.

Subp. 3. [Repealed, L 2012 c 272 s 98]

Subp. 4. Reasonably available control technology (RACT). "Reasonably available control technology (RACT)" means the lowest emission limit that a particular source is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility.

Subp. 5. Sensitive areas. "Sensitive areas" means the areas listed by the agency pursuant to Minnesota Statutes, section ~~116.44~~ because the agency has determined these areas contain natural resources sensitive to the impacts of acid deposition.

7021.0020 APPLICABILITY. The acid deposition standard established in part ~~7021.0030~~ applies only in sensitive areas.

7021.0030 ACID DEPOSITION STANDARD. The acid deposition standard is an annual average of 11 kilograms of wet sulfate deposition per hectare.

7021.0040 MEASUREMENT METHODOLOGY FOR SULFATE.

Subpart 1. Incorporation by reference. Quality Assurance Handbook for Air Pollution Measurement Systems (EPA-600/4-82-042 a & b), as amended, is incorporated by reference. This publication is available from the United States Environmental Protection Agency, Office of Research and Development, 26 West St. Clair, Cincinnati, Ohio 45268 and can be found at the offices of the agency, 1935 West County Road B-2, Roseville, Minnesota 55113, the Government Documents Section, Room 409, Wilson Library, University of Minnesota, 309 19th Avenue South, Minneapolis, Minnesota 55454, and the State of Minnesota Law Library, 25 Rev. Dr. Martin Luther King Jr. Blvd., St. Paul, Minnesota 55155. This document is not subject to frequent change.

Subp. 2. Measurement procedure. For sulfate, measurements made to determine compliance with the standard contained in part ~~7021.0030~~ shall be performed in accordance with the Quality Assurance Handbook for Air Pollution Measurement Systems: Volume V, Manual for Precipitation Measurement Systems (EPA-600/4-82-042 a & b). A person seeking to make measurements to determine compliance with the acid deposition standard shall develop and submit to the

commissioner for approval a quality assurance plan containing equipment specifications and procedures for operation, maintenance, and internal quality control of the measurement system.

~~7021.0050 ACID DEPOSITION CONTROL REQUIREMENTS IN MINNESOTA.~~

Subpart 1.[Repealed, L 2012 c 272 s 98]

Subp. 2.[Repealed, L 2012 c 272 s 98]

Subp. 3.[Repealed, L 2012 c 272 s 98]

Subp. 4.[Repealed, [30 SR 1130](#)]

Subp. 5. Requirement for application of reasonably available control technology. On and after January 1, 1990, the owner or operator of any electric generating facility that contains indirect heating equipment with a rated heat input of greater than 5,000 million BTU per hour shall reduce sulfur dioxide emissions at the facility to a level consistent with RACT.

Subp. 6.[Repealed, [30 SR 1130](#)]

~~SOLID WASTE PROCESSING FACILITY DEMONSTRATION PROGRAM~~

~~9210.0300 DEFINITIONS.~~

Subpart 1. Scope. For the purposes of parts [9210.0300](#) to [9210.0380](#), the following terms have the meanings given them, unless the context requires otherwise.

Subp. 2. Agency. "Agency" means the Minnesota Pollution Control Agency.

Subp. 3. Commissioner. "Commissioner" means the commissioner of the Minnesota Pollution Control Agency.

Subp. 4. Cities. "Cities" has the meaning given it in Minnesota Statutes, section [115A.03](#), subdivision 4.

Subp. 5. Comprehensive solid waste management plan. "Comprehensive solid waste management plan" means a written plan prepared under Minnesota Statutes, section [115A.46](#).

Subp. 6. Disposal. "Disposal" has the meaning given it in Minnesota Statutes, section [115A.03](#), subdivision 9.

Subp. 7. Final design and engineering/architectural plans. "Final design and engineering/architectural plans" means those engineering drawings and specifications used to secure bids for construction or equipment.

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

~~**Subp. 9. Mixed municipal solid waste.** "Mixed municipal solid waste" has the meaning given it in Minnesota Statutes, section [115A.03](#), subdivision 21.~~

~~**Subp. 10. On-site utilities.** "On-site utilities" means gas, electrical, water, and sewer facilities within the geographic boundaries of the waste processing facility.~~

~~**Subp. 11. Preliminary design and engineering/architectural plans.** "Preliminary design and engineering/architectural plans" means conceptual plans adequate to obtain preconstruction permits and to meet the needs of an environmental assessment.~~

~~**Subp. 12. Processing.** "Processing" has the meaning given it in Minnesota Statutes, section [115A.03](#), subdivision 25.~~

~~**Subp. 13. Project.** "Project" means a processing facility, together with any transfer stations, transmission facilities, and other related and appurtenant facilities primarily serving the processing facility.~~

~~**Subp. 14. Recipient.** "Recipient" means an applicant who has received a grant or loan under the solid waste processing facilities demonstration program.~~

~~**Subp. 15. Recyclable materials.** "Recyclable materials" has the meaning given it in Minnesota Statutes, section [115A.03](#), subdivision 25a.~~

~~**Subp. 16. Recycling.** "Recycling" has the meaning given it in Minnesota Statutes, section [115A.03](#), subdivision 25b.~~

~~**Subp. 17. Resource recovery.** "Resource recovery" has the meaning given it in Minnesota Statutes, section [115A.03](#), subdivision 27.~~

~~**Subp. 18. Resource recovery facility.** "Resource recovery facility" has the meaning given it in Minnesota Statutes, section [115A.03](#), subdivision 28.~~

~~**Subp. 19. Solid waste.** "Solid waste" has the meaning given it in Minnesota Statutes, section [116.06](#), subdivision 22.~~

~~**Subp. 20. Solid waste disposal facilities and equipment.** "Solid waste disposal facilities and equipment" means structures, machinery, or devices at a disposal site necessary for efficient land disposal of solid wastes, including machinery or devices designed to move earth during burial of wastes or to increase the density of wastes buried or to be buried, and facilities in which solid waste is temporarily stored and concentrated prior to transport to a disposal site.~~

~~**Subp. 21. Solid waste management district.** "Solid waste management district" has the meaning given it in Minnesota Statutes, section [115A.03](#), subdivision 32.~~

~~**Subp. 22. Special waste stream.** "Special waste stream" means materials that are normally found in the solid waste stream in sufficient quantity to be recovered for subsequent use, if separated from the solid waste stream and processed separately. Examples of special waste streams include waste tires, wood wastes, and agricultural wastes.~~

~~**Subp. 23. Transfer station.** "Transfer station" has the meaning given it in Minnesota Statutes, section 115A.03, subdivision 33.~~

~~**Subp. 24. Waste processing equipment.** "Waste processing equipment" means machinery or devices acquired and used as an integral component of a waste processing facility.~~

~~**Subp. 25. Waste processing facility.** "Waste processing facility" means structures and equipment singly or in combination, designed, constructed, and used to separate, modify, convert, heat, prepare, or otherwise process solid waste so that materials, substances, or energy contained within the waste may be recovered for subsequent use.~~

~~9210.0310 SOLID WASTE PROCESSING FACILITIES DEMONSTRATION PROGRAM.~~

~~Parts 9210.0300 to 9210.0380 implement the solid waste processing facilities demonstration program created and described in Minnesota Statutes, sections 115A.49 to 115A.54, by establishing the substantive criteria and procedural conditions under which the agency may award grants and loans for capital costs of waste processing facilities.~~

~~9210.0320 ELIGIBILITY CRITERIA.~~

~~**Subpart 1. Eligible applicants.**~~

~~Eligible applicants are limited to cities, counties, and solid waste management districts established pursuant to Minnesota Statutes, sections 115A.62 to 115A.72.~~

~~**Subp. 2. Eligible projects.**~~

~~Only projects that demonstrate feasible and prudent alternatives to disposal are eligible for loans and grants. Three types of projects are eligible for loans and grants: materials recovery; chemical, physical, or biological modifications; and special waste streams. Eligible projects are limited to those in which the land, buildings, and equipment are publicly owned.~~

~~**Subp. 3. Eligible costs.**~~

~~Except as provided in part 9210.0200, eligible costs under parts 9210.0300 to 9210.0380 shall be limited to the costs of land, waste processing equipment, structures necessary to house the waste processing equipment, appropriate and necessary on-site utilities, landscaping; on-site roads and parking; trailers, containers, and rolloff boxes necessary to transport products to market, or to transport residue from the processing facility to a solid waste land disposal facility, and final design and engineering/architectural plans.~~

~~**Subp. 4. Ineligible costs.**~~

~~Except as provided in part 9210.0200, ineligible costs include any costs related to solid waste disposal facilities and equipment, structures for housing and maintenance of rolling stock, or any costs related to resource recovery studies, feasibility analyses, or preliminary design and engineering/architectural plans.~~

~~9210.0330 INFORMATION REQUIRED ON APPLICATION.~~

~~Applications for grants, loans, or grants and loans for waste processing facilities shall include the following information as required in the application forms supplied by the agency:~~

- ~~A. the name of each applicant making the application;~~
- ~~B. the name of each political subdivision affected by the project, located in the area studied in the project, or located in the area in which the project is intended to be implemented;~~
- ~~C. the name, qualifications, and address of the project manager;~~
- ~~D. the name and qualifications of the facility operator, if available;~~
- ~~E. the total capital cost of the project;~~
- ~~F. the total grant or loan eligible cost of the project;~~
- ~~G. the amount of grant, loan, or grant and loan funding requested;~~
- ~~H. the amount and sources of all other funding contributions, including the amount of funds to be contributed by the applicant;~~
- ~~I. the type of assistance applied for (grant, loan, or grant and loan together); and~~
- ~~J. the type of waste processing facility for which assistance is being requested: materials recovery; chemical, physical, or biological modification; or special waste stream.~~

~~9210.0340 SUPPORTING DOCUMENTATION REQUIRED TO BE SUBMITTED WITH APPLICATION.~~

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

- ~~A. a conceptual and technical feasibility report that includes at least the following: a detailed description of the proposed waste processing facility; a description of the institutional arrangements necessary for project implementation and operation; a description of the method of facility procurement; and an analysis of the waste stream for the facility;~~
- ~~B. a financial plan that contains:~~
 - ~~(1) initial capital development costs and the method of financing those costs;~~
 - ~~(2) annual operating and maintenance costs;~~
 - ~~(3) projections of total facility costs and revenues over 20 years or for the term of the longest debt obligation, whichever is longer; and~~
 - ~~(4) total capital costs per ton of installed daily capacity;~~

~~C.a comprehensive solid waste management plan;~~

~~D.preliminary design and engineering/architectural plans and equipment specifications of the proposed waste processing facility;~~

~~E.documentation that waste supplies will be committed to the project and that the applicant has the mechanism to commit the wastes;~~

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

~~G.a report on the status of required permits from permitting agencies;~~

~~H.a report on time frames of project development;~~

~~I.resolutions that comply with Minnesota Statutes, section 115A.54, subdivision 3; and~~

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

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

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

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

~~9210.0350 GRANT AND LOAN APPLICATION PROCEDURES.~~

~~Subpart 1.Applications.~~

~~An application may be submitted to the agency when the applicant has met the information and documentation requirements in parts 9210.0330 and 9210.0340. The applicant is encouraged to contact the commissioner and request a preapplication review of the proposed project.~~

~~Subp. 2.Review of applications.~~

~~Upon receipt of an application, the commissioner or a designee shall conduct an initial review of the application under part 9210.0360. The agency shall evaluate projects and award grants and loans.~~

~~Subp. 3.Applications accepted.~~

~~The agency shall accept applications for funds under the solid waste processing facilities demonstration program until all funds for the program are awarded or until three months before the expiration of the agency pursuant to law, whichever occurs first.~~

~~Subp. 4.Legislative priorities.~~

~~The agency shall give priority to projects located in cities, counties, or districts in which:~~

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

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

~~C. the project serves more than one local government unit.~~

~~9210.0360 REVIEW AND EVALUATION OF APPLICATIONS.~~

~~Subpart 1. Determination of eligibility and completeness.~~

~~Upon receipt of an application, the commissioner or a designee shall determine the eligibility of the applicant, the eligibility of the costs specified in the application, the eligibility of the project specified in the application, and the completeness of the application.~~

~~Subp. 2. Notice of determination of eligibility and completeness.~~

~~Within 14 days after receiving the application, the commissioner shall notify the applicant of the commissioner's determinations of eligibility and completeness. If the commissioner determines that the applicant or the project is ineligible, the commissioner shall reject the application, return it to the applicant, and notify the applicant of the reasons for the rejection. If the commissioner determines that any part of the project costs is ineligible or that the application is incomplete, the commissioner shall notify the applicant of the ineligible portion of the costs or of the deficiency. The applicant has 14 days after receiving the notice to correct inadequacies identified by the commissioner. If the inadequacies are corrected within the time allowed, the application will be further considered.~~

~~Subp. 3. Evaluation of applications.~~

~~If the applicant, the costs, and the project are determined to be eligible and the application is complete, the agency shall evaluate the application to determine whether the documentation demonstrates:~~

~~A. that the project is conceptually and technically feasible;~~

~~B. that affected political subdivisions are committed to implementing the project, providing necessary local financing, and accepting and exercising the government powers necessary for project implementation and operation;~~

~~C. that operating revenues from the project, considering the availability and security of sources of solid waste and of markets for recovered resources together with any proposed federal, state, or local financial assistance, will be sufficient to pay all costs over the projected life of the project; and~~

~~D. that the applicant has evaluated the feasible and prudent alternatives to disposal and has compared and evaluated the costs of the alternatives, including capital and operating costs, the effects of the alternatives on the cost to generators, and the effects of the alternatives on the solid waste management and recycling industry within the project's service area.~~

~~Subp. 4. Consultation with other agencies.~~

~~In its evaluation of the application, the agency shall consider any recommendations provided by the State Planning Agency and the appropriate regional development commission or the Metropolitan Council.~~

~~Subp. 5. Agency determination.~~

~~If the agency determines that the application satisfies the requirements of subpart 3, the agency shall determine the amount of the grant, loan, or grant and loan award and the applicant shall be notified of the grant, loan, or grant and loan awarded. If the agency determines that the application fails to satisfy the requirements of subpart 3, the agency shall reject the application and the commissioner shall return the application to the applicant, together with a statement of the reasons for rejection.~~

~~9210.0370 AWARD OF GRANTS AND LOANS.~~

~~Subpart 1. Maximum awards.~~

~~The maximum loan award shall be 50 percent of the eligible costs specified in the application or \$400,000, whichever is less. Except as provided in part [9210.0200](#), the maximum grant award shall be 50 percent of the eligible costs specified in the application or \$400,000, whichever is less. Except as provided in part [9210.0200](#), the maximum combined grant and loan award is \$400,000.~~

~~Subp. 2. Limitations.~~

~~The amount of the agency's grant, loan, or grant and loan award shall be limited to an amount needed to complete the project considering all sources of funding presently available to the applicant.~~

~~Grants and loans shall not be awarded to cover any cost associated with tasks performed before the award of a grant, loan, or grant and loan or after the expiration of the grant, loan, or grant and loan agreement.~~

~~Subp. 3. Limitations on disbursement of funds.~~

~~No funds shall be disbursed until the agency has determined the total estimated capital cost of the project and ascertained that financing of the cost is assured by funds provided by the state, by an agency of the federal government within the amount of funds then appropriated to that agency and allocated by it to projects within the state, by any person, or by the appropriation of proceeds of bonds or other funds of the recipient to a fund for the construction of the project.~~

~~9210.0380 GRANT, LOAN, OR GRANT AND LOAN AGREEMENT.~~

~~Subpart 1. Requirements.~~

~~A grant, loan, or grant and loan agreement shall:~~

~~A. include as attachments the resolutions required under Minnesota Statutes, section [115A.54](#), subdivision 3;~~

~~B. incorporate by reference the final application submitted to the agency in accordance with part [9210.0350](#);~~

~~C.establish the term of the grant, loan, or grant and loan. Grants awarded under parts 9210.0300 to 9210.0380 shall have a maximum term of two years. Loans awarded under parts 9210.0300 to 9210.0380 shall have a loan life determined by considering facility type, expected life of equipment, capital cost of the project, and loan amount;~~

~~D.in the case of a loan agreement, include schedules for the repayment of principal and interest;~~

~~E.allow the recipient to enter into contracts to complete the work specified in the agreement subject to any agency approval that may be required in the agreement;~~

~~F.provide that any cost overruns incurred in the development of the proposed facility shall be the sole responsibility of the recipients;~~

~~G.provide that the agency will not accept amendments requesting that additional funds be awarded to the recipient except as provided in part 9210.0200;~~

~~H.require that the recipient provide periodic reports to the agency on the developmental and operational history of the project so that knowledge and experience gained from the project may be made available to other communities in the state;~~

~~I.provide that if the recipient sells the facility to a private enterprise, all outstanding loan obligations to the agency shall become due and payable upon sale to the private enterprise;~~

~~J.require total repayment of the grant if the facility is sold to a private enterprise within three years of the effective date of the grant agreement. Beginning on the third anniversary of the grant, the amount of the grant that must be repaid shall be reduced ten percent each year. The sales agreement between the recipient and the private enterprise shall transfer the responsibilities outlined in item H to the private enterprise; and~~

~~K.require that the facility may only be sold to a private enterprise in accordance with the constitution of the state of Minnesota and any applicable Minnesota statutes and rules.~~

~~Subp. 2.Rescission of grants and loans.~~

~~If projects are not completed and operational in accordance with the terms and conditions of the respective agreements, including time schedules, the grants and loans for those projects shall be rescinded, and the entire amount of grants and loans shall be repaid unless the agency determines that variances from the respective agreements are justified and that the original objectives of the project will be accomplished.~~

~~Subp. 3.Disbursement.~~

~~The agency shall disburse grants in accordance with the payment schedule in the grant, loan, or grant and loan agreement.~~

~~Subp. 4. Interest payments.~~

~~Interest payments on the loan shall be due annually and shall begin to accrue from the date the loan agreement is signed. The first repayment of the principal amount of the loan shall be due one year after the facility becomes operational or two years after the date the loan agreement is executed, whichever is earlier. The agency shall consider the facility operational at the point where the facility meets all vendor guaranteed operating specifications. Subsequent repayments of principal and interest shall be due annually on the anniversary date of the first repayment.~~

9220.0530 WASTE TIRE TRANSPORTATION.

~~Subp. 6. Submittal of operating record.~~

~~Transporters shall submit to the commissioner an operating record that identifies the transporter by name and identification number, and that summarizes the information accumulated under subpart 5 for the three months preceding the month the record is to be submitted. This record must be submitted April 10, July 10, October 10, and January 10 of each year.~~