

Order Adopting Rules

Minnesota Pollution Control Agency

Division of Resource Management and Assistance

Adoption of Rules Relating to the Solid Waste Capital Assistance Program, Minnesota Rules, Chapter 9210; Revisor's ID Number 4815, CAH Docket Number 25-9003-41308

BACKGROUND INFORMATION

1. The Pollution Control Agency has complied with all notice and procedural requirements in Minnesota Statutes, chapter 14, Minnesota Rules, chapter 1400, and other applicable law.
2. The Court of Administrative Hearings received 1 written comment on the rules.
3. By Laws of Minnesota 2023, chapter 60, article 3, sections 9 to 13, the Minnesota Legislature requires the commissioner of the Pollution Control Agency to make the following rule changes:

Increases the total amount of grant assistance for a project from \$2,000,000 to \$5,000,000.

Expands the applicable types of projects funded by the program to develop feasible and prudent alternatives to disposal, including reuse, recycling, composting source-separated compostable materials or yard waste, and resource recovery.

Expands application requirements for funding by the program.

4. The use of the expedited rulemaking process for these rules is authorized by Laws of Minnesota 2024, chapter 116, article 2, section 1, subsection 32. According to Minnesota Statutes, section 116.07, subdivisions 2 and 4, these changes incorporate specific changes stated in applicable statutes that require no interpretation of law.
5. Minnesota 2024, chapter 116, article 2, section 1, subsection 32, directs the commissioner of the Pollution Control Agency, using the expedited rulemaking process in Minnesota Statutes, section 14.389, amend the rules related to the capital assistance program in Minnesota Rules, parts 9210.0100 to 9210.0180, to conform with and implement the changes made in Minnesota Statutes, sections 115A.03 and 115A.49 to 115A.54 by Laws 2023, chapter 60, article 3, sections 6 and 9 to 13.

6. The amendments to Chapter 9210.0130, Subpart 2 define changes the definition of eligible project to align with Minnesota Session Law.
7. The amendments to Chapter 9210.0130, Subpart 4 clarify existing standards for ineligible costs to the program.
8. The amendments to Chapter 9210.0131, 9210.0140, and 9210.150 define application standards to align with Minnesota Session Law.
9. The amendments to Chapter 9210.0170 reauthorize program limitations, including maximum grant award to specific types of projects, to align with Minnesota Session Law.
10. The rules are needed and reasonable.

ORDER

The above-named rules, in the form published in the State Register on November 24, 2025, are adopted under my authority in Statutes, section Minnesota Rules, part 1400.2410, and the Administrative Procedure Act, Minnesota Statutes, section 14.389.

March 9, 2026

[Date]

Katrina Kessler

Katrina Kessler
Commissioner