

STATE OF MINNESOTA
WASTE MANAGEMENT BOARD

In the Matter of the Proposed
Amendments of Rules Governing
Hazardous Waste Reduction
Grants

Statement of Need
and Reasonableness
(SONAR)

I. INTRODUCTION

The subject of this rulemaking procedure is a set of proposed amendments of the adopted rules governing the industrial and hazardous waste reduction grant program. Amendments to the grant rules are authorized by Minnesota Statutes, Section 115A.06, Subd. 2 and Section 115A.154, as amended by Minn. Laws 1987, Chapter 348, Section 8.

The adopted grant rules are proposed to be amended in provisions of scope and authority, definitions, eligibility criteria, grant application and evaluation of proposals, grant agreement.

II. NEED FOR PROPOSED AMENDMENTS

A. Grant Rules

The Waste Management Board (Board) is authorized by Minnesota Statutes, Section 115A.154 (1986) as amended by Minn. Laws 1987, Ch. 348, Section 8 to make grants to eligible recipients for studies to determine the feasibility of applying specific methods and technologies to reduce the generation of hazardous and industrial waste.

III. REASONABLENESS OF PROPOSED AMENDMENTS
9200.9500 Scope and Authority

An amendment is proposed to change the citation of the laws governing the reduction grant program from Laws of Minnesota 1984 chapter 644, Section 10 to Minnesota Statutes, Section 115A.154. This proposal is necessary in order to cite the appropriate statute governing the reduction grant program.

9200.9501 Definitions

Six amendments are proposed for the section addressing definitions. An amendment is proposed to include the statutory definition of industrial waste because industrial waste generators will be potentially eligible for grants under the Board's reduction grant program.

The second amendment is proposed to expand the definition of generator to include the waste stream of industrial waste. This amendment is reasonable because it fulfills a statutory obligation of the Board to include the eligibility of industrial waste generators in the Board's reduction grant program.

The third amendment is proposed to expand the definition of recipient to include the waste stream of industrial waste. This amendment is reasonable because if

fulfills a statutory obligation of the Board to allow industrial waste generators to receive a reduction grant.

The other three amendments are proposed to expand the definition of reduction to include the waste stream of industrial waste. These amendments are reasonable because they fulfill the statutory obligation of the Board to include industrial wastes as wastes which can be reduced.

9200.9502 Eligibility Criteria

Four amendments are proposed for the section addressing eligibility criteria. These amendments are proposed to facilitate the inclusion of industrial waste streams into the grant program and thereby fulfill a statutory obligation of the Board. The language of this section is proposed to be amended to include the eligibility of industrial waste generators in the reduction grant program. These amendments are reasonable because they clarify language in the rules regarding the eligibility of generators of industrial waste.

9200.9503 Grant Application

Eight amendments are proposed for the section addressing grant application. An amendment is proposed to transfer grant application responsibilities from the Board to the Board's chair. This amendment is proposed to reflect existing procedures at the Waste Management Board.

A second amendment is proposed to remove the requirement that the applicant estimate any decrease in risk that results from the application of the method or technology to be studied. This amendment is proposed to reflect the subjective nature of this requirement and the difficulty it poses to potential applicants.

A third amendment is proposed to remove the requirement that the applicant estimate the increased or decreased annual operating and maintenance costs that will be realized if the proposed method or technology is implemented. This amendment is reasonable because an estimate of the increased or decreased annual operating and maintenance costs is often the purpose of the waste reduction grant and therefore it is unrealistic to expect the applicant to provide this information in the grant application.

A fourth amendment is proposed to eliminate ", and" and insert a period in subpart 5. This is necessary because of the proposed elimination of subpart 6.

The four other amendments are proposed to facilitate the inclusion of industrial waste streams into the grant application and thereby fulfill a statutory obligation of the Board.

9200.9506 Evaluation of Proposals

Nine amendments are proposed for the section addressing evaluation of proposals. An amendment is proposed to remove the requirement that the Board evaluate the significance of a proposal for the effect of reducing the risk associated with further processing and disposal steps to properly manage a waste. This proposal is reasonable because the cost of such a risk assessment may often exceed the amount of the grant.

The second amendment is proposed to remove the requirement that the Board consider the recommendations of the Board's technical assistance program advisory committee and provides that the hazardous waste management planning

council provide such recommendations. This proposal is reasonable since the technical assistance program advisory committee no longer exists and its authority has been absorbed by the Board's hazardous waste management planning council.

The seven other amendments are proposed to facilitate the inclusion of industrial waste streams into the reduction grant program and thereby fulfill a statutory obligation of the Board. The language of this section is proposed to be amended to allow the evaluation of industrial waste reduction proposals.

9200.9508 Grant Agreement

An amendment is proposed that waste reduction information and techniques developed using reduction grants must be made available to all hazardous and industrial waste generators in the state. This amendment is reasonable because it fulfills a statutory obligation of the Board to clarify that all generators in the state eligible to receive information and techniques shall mean all hazardous and industrial waste generators.

IV. EFFECT OF PROPOSED AMENDMENTS ON SMALL BUSINESS

The proposed amendments do not directly affect small businesses and therefore do not require the Board to address the requirements of Minnesota Statutes Section 14.115. The rules or amendments do not impose any requirements or standards on the operation of small businesses. The programs which these amendments are designed to modify will provide grants to persons seeking to study the feasibility of applying specific methods and technologies to reduce the generation of industrial and hazardous waste. The availability of the information produced by these studies to small businesses generating industrial and/or hazardous waste is an important goal of the Board.

WP/IW/IHRGrants/Sonar/LE