

STATE OF MINNESOTA  
MINNESOTA WASTE MANAGEMENT BOARD

In the Matter of the Proposed  
Adoption of Amendments of Operating  
Procedures for Waste Management  
Board 6 MCAR §§ 8.002H, 8.015  
and 8.016

STATEMENT OF NEED  
AND REASONABLENESS

INTRODUCTION

The subject of this rulemaking proceeding is proposed amendments to the existing rules of the Waste Management Board governing its operating procedures, 6 MCAR §§ 8.001 - 8.014. Specifically, the Board proposes to amend the operating rules for the purpose of clarification and compliance with recent additional statutory requirements.

II. NEED FOR THE PROPOSED AMENDMENTS

The procedural rules for the Waste Management Board 6 MCAR § 8.001 - 8.014 were adopted to provide an orderly and predictable method to conduct the business of the Board. It was particularly important that the Board have procedural rules because the Board will be making a number of difficult decisions on several controversial subjects and these decisions will be made in a forum which encourages participation by the public.

The present operating rules were drafted to extend the procedures in Robert's Rules of Order to accommodate the particular situations that the Board may face. However, since the adoption of the Board's operating rules it has become evident that several additional rules are necessary. Minn. Laws, 1981, added a section

to the Waste Management Act which requires classification of certain trade secret information and sales information submitted to the Board. (Minn. Stat. § 115A.06, subd. 13.)

The proposed amendments to the operating rules are needed to extend the operating procedures to address additional concerns which have become apparent since adoption of the original operating rules. The proposed amendments are also needed to develop procedures to implement the new statutory requirements for classification of certain data.

These rules will follow the procedure for non-controversial rule making.

### III. REASONABLENESS OF THE PROPOSED AMENDMENTS

#### A. Reasonableness of Proposed Amendment to 6 MCAR § 8.002 Definitions.

The present definitions included in the Board's operating procedures do not define service or serve, therefore, the proposed amendment to this section is reasonable because it provides a clear description of the ways in which the requirements of the needed definition of service may be satisfied.

#### B. Reasonableness of Proposed Amendment 6 MCAR § 8.015 Public records and information classified by law as nonpublic or private.

The statutory directive that the chairperson classify certain types of data requires that the Board implement appropriate procedures.

6 MCAR § 8.015 (A) Inspection of public records. This proposed amendment is reasonable because it establishes a time and place that public information held by the Board will be available for inspection and copying. Restrictions and costs for reproduction of documents is also provided for under this rule. These restrictions and costs are reasonable because of limited staff and finances.

6 MCAR § 8.015 (B) Classification of private and non-public data. This proposed amendment is reasonable because it:

1. Specifies the types of data that statute defines as nonpublic or private and specifies the procedure which the subject of the data must follow when submitting information to the chairperson for classification as nonpublic or private. The classification procedure is necessary to protect private and nonpublic data and meet statutory requirements.
2. Provides for proper disposition of certified data submitted to the chairperson.
3. Specifies a procedure to be followed for data which is denied classification as private or nonpublic. This rule provides notice and an

explanation for the denial of classification to the subject of data submitted and assures that such data will be properly reviewed.

4. Provides for notice of the classification of data as private or nonpublic. Notification is intended to inform the subject of the data of the uses and recipients of the data. In order to comply with statutory requirements and assure proper use of nonpublic and private data, the subject of data classified as private or nonpublic shall be informed that data may be withdrawn prior to submission to the board and persons or entities authorized by law to receive the data shall be identified.

6 MCAR § 8.015 (C) Use of private and nonpublic data. This proposed amendment is reasonable because it clearly specifies the limited uses of data classified as private or nonpublic and ensures proper use of nonpublic and private data.

6 MCAR § 8.015 (D) Disclosure of private and nonpublic information. This proposed amendment is reasonable because it clearly specifies when private and nonpublic information may be disclosed.

C. Reasonableness of Proposed Amendment to 6 MCAR § 8.016  
Computation of Time.

At present the Board's operating rules do not contain a method to measure time periods for its activities, therefore, this proposed amendment is reasonable because it provides a way to measure time periods consistently.

IV. CONCLUSION

Based on the foregoing, the proposed amendments to 6 MCAR §§ 8.002, 8.015, and 8.016 are both needed and reasonable.