

STATE OF MINNESOTA  
WASTE MANAGEMENT BOARD

In the Matter of the Proposed  
Amendments of Rules Relating to  
Supplementary Review  
6MCAR §8.203 - 8.204

STATEMENT OF NEED  
AND REASONABLENESS

I. INTRODUCTION

The subject of this rulemaking proceeding is proposed amendments to the rules governing supplementary review of certain solid and hazardous waste facilities. Pursuant to Minn. Stat. §115A.32 to 115A.39, the Waste Management Board may, upon request, review the decision of a political subdivision which has refused to approve the establishment or operation of a facility if the required permits for the facility have been issued by the Pollution Control Agency.

II. NEED FOR THE PROPOSED AMENDMENTS

Rules governing Supplementary Review were adopted July 8, 1982. Following adoption it was recognized that portions of the rules required clarification to allow the smooth operation of the Supplementary Review procedures. In order to add this clarification, amendments to the rules were proposed.

II. REASONABLENESS OF THE PROPOSED RULES

6MCAR §8.203 Eligibility for supplementary review

A. Eligible Persons

Minor word and numbering changes have been made to improve the readability and order of this subsection.

B. Supplementary review petition

This amendment clarifies the petitioning process to request Supplementary Review.

In some cases, a political subdivision may refuse to act on the proposal to establish or operate a facility, rather than making a clear decision to approve or disapprove. If, after a reasonable period of time, the political subdivision has refused to act, the petitioner should be allowed to request Supplementary Review.

It is anticipated that a prospective developer would supply the political subdivision with a development proposal during the time the agency is reviewing the permit application. Thus the political subdivision would have time to review this proposal while it is under review by the agency. The proposed amendments then provide an additional six months following issuance of agency permits for the political subdivision to act on the proposal. If, following this time, the political subdivision still refuses to act, it is reasonable to consider that

approval has been refused.

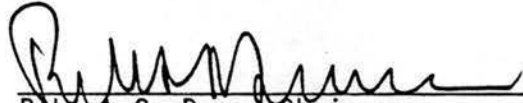
6MCAR §8.204 Review of petition for Supplementary Review.

Amendments to subsection B.11 have been made to be consistent with changes made to 6MCAR § 8.203.B.

Based on the foregoing, the proposed amendments to 6MCAR §8.203-.204 are both needed and reasonable.

Dated: May 25, 1983

STATE OF MINNESOTA  
WASTE MANAGEMENT BOARD

  
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Robert G. Dunn, Chairman