

STATE OF MINNESOTA
WASTE MANAGEMENT BOARD

In the Matter of the Proposed
Adoption of Rules Governing
Hazardous Waste Processing
Facility Grants and Loans

Statement of Need
and Reasonableness

I. INTRODUCTION

The subject of this rulemaking procedure is a set of proposed rules governing the hazardous waste processing facility grant and loan programs. The adoption of the grant rules is authorized by Minnesota Statutes, Section 115A.06, Subd. 2 and 115A.156. Authority to adopt loan rules is contained in Minnesota Statutes, Section 115A.06, Subd. 2 and 115A.162.

The proposed grant rules include eligibility criteria, information which shall be included in an application, procedures for initial review of applications, procedures and criteria for evaluating grant applications, provisions related to the awarding of grants and required content of grant agreements. The proposed loan rules include provisions for initial application review, evaluation of loan applications, and certification of loan applications.

II. NEED FOR THE PROPOSED RULES

A. Grant Rules

The Waste Management Board (Board) is directed by Minnesota Statutes, Section 115A.156 (1984) to make grants to eligible recipients to determine the feasibility and method of developing and operating specific types of commercial facilities and services for collecting and processing hazardous waste. The rules are necessary to enable the Waste Management Board to effectively administer the program of grants for development of waste processing and collection facilities and services and thereby fulfill a statutory obligation of the

Board. Rules are needed to establish procedures and criteria to be used to evaluate grant applicants and the proposed projects.

B. Loan Rules

The Board is directed by Minnesota Statutes, Section 115A.162 (1984) to review applications for hazardous waste processing facility loans received by the Energy and Economic Development Authority and forwarded to the Board for certification. Rules are needed to establish coordinated procedures for loan applications and certification between the Board and the Energy and Economic Development Authority. Rules are also needed to establish procedures and factors to be used by the Board in determining whether a loan application should be certified. The rules are necessary to enable the Waste Management Board to effectively administer with the Energy and Economic Development Authority the loan program for the development of hazardous waste processing facilities and services. This fulfills a statutory obligation of the Board.

III. REASONABLENESS OF THE PROPOSED RULES

9200.6000 Scope and Authority

This section specifies the sections of Minnesota Statutes which authorize the Board to administer the grant and loan program.

9200.6001 Definitions

The terms defined in Section 9200.6001 are used throughout the rules. The definitions are provided for clarity and consistency, and include "authority," "board," "chairperson," "collection," "commercial," "commissioner," "generator," "hazardous waste," "loan," "person," "processing," "proposal," and "service." The definitions are either taken from existing relevant Minnesota laws or rules, or are commonly understood definitions.

HAZARDOUS WASTE PROCESSING FACILITY GRANTS

9200.6002 Eligibility Criteria

Section 9200.6002 Subpart 1

This subpart identifies two categories of eligible applicants. Persons who propose to develop and operate specific commercial collection and processing facilities or services to serve generators of hazardous waste in the state are eligible to apply for a grant. Since this grant program is designed to determine the feasibility of developing commercial collection or processing facilities or services, applicants must propose a study for specific facilities or services. Applicants must make their proposed facility or service available to Minnesota generators of hazardous waste.

An association of two or more Minnesota generators who propose to develop and operate specific commercial collection or processing facilities or services to serve state generators is eligible. Generators with similar waste streams may be in the best position to develop a treatment facility or service that would best meet their needs in terms of efficiency and cost. Separate reference to the eligibility of such an association is reasonable because the Board may give preference to applications from such an association (see 9200.6006 Subp. 2.F and 9200.6007 Subp.3).

Section 9200.6002 Subpart 2

Minnesota Statutes, Section 115A.156, Subd. 1. allows the Board to make grants for six categories of work. These types of work are repeated in the rules in order to provide comprehensive instruction to potential applicants about the purposes for which they can seek a grant.

Section 9200.6002 Subpart 2.A.

Market assessments, including generator surveys.

A survey of the potential market for its process or service is one of the first steps a company must take in determining the feasibility of developing a facility or service.

Section 9200.6002 Subpart 2.B.

Conceptual design and preliminary engineering.

The determination of the size, design and engineering that would be needed to construct a facility are important early steps a firm must take in order to determine the cost and feasibility of a facility.

Section 9200.6002 Subpart 2.C.

Financial and business planning necessary to address sources of funding, financial security, liability, pricing structure, and similar matters necessary to the development and proper operation of a facility or service.

All of these items must be taken into consideration when examining the feasibility of starting a new business.

Section 9200.6002 Subpart 2.D.

Environmental impact and site analysis, preparation of permit applications, and environmental and permit reviews.

The environmental analysis of a site and the preparation of permits is one of the major considerations for a company developing a hazardous waste facility or service. This can be a very lengthy and costly process that must be completed before any construction can begin.

Section 9200.6002 Subpart 2.E.

Analysis of methods to overcome identified technical, institutional, legal, regulatory, market, or other problems in developing or operating a facility or service.

One of the purposes of this program is for grantees to determine what barriers may exist which would prevent the development or operation of a service or facility and to help identify what can be done to overcome those barriers. The rules use the phrase "problems in developing or operating a facility or service" in order to more clearly define the statutory term "constraints."

Section 9200.6002 Subpart 2.F.

Analysis of other factors affecting development, operation, and use of the proposed facility or service.

Since the planning, siting and permitting of a hazardous waste facility can be a very difficult process, this allows the Board to grant money for the study of unforeseen barriers to development.

Section 9200.6002 subpart 3

Eligible costs are limited to that which is necessary to conduct the studies and analyses identified in subpart 2.

Section 9200.6002 Subpart 4

This subpart identifies costs which are not eligible for payment from a grant and implements the legislative mandate of Minnesota Statutes, Section 115A.156, Subd. 4 with respect to expenditures for capital improvements or equipment.

Section 9200.6002 Subpart 5

This subpart implements the requirement under Minnesota Statutes, Section

115A.156, Subd. 5, that a recipient must agree to pay for a portion of the work which will be carried out under the grant. The exact amount of matching funds is specified in section 9200.6007.

Section 9200.6002 Subpart 6

This subpart provides that proposals for more than one grant for the same facility or service are eligible only if the proposals address different aspects of the work preliminary to the development of a facility or service. This provision carries out the limitation on multiple grants for the same facility or service mandated by Minnesota Statutes, Section 115A.156, Subd. 4.

9200.6003 Grant Application

This section identifies the types of information that must be provided by the applicant in order to allow the Board to evaluate and act upon the grant application. The rule also allows the Board to specify a uniform application form and requires applicants to use that form.

Item 9200.6003.A

Applicants must include a detailed description of the proposal, including primary tasks, the schedule for completion of the work, and a statement of the amount which the applicant expects to contribute to the cost of the proposal. This is the basic information needed by the Board to determine what work is being proposed by an applicant. This information will be used to determine if the proposal is eligible for a grant, if the proposed costs are eligible, and if the applicant has satisfied the requirements for matching funds. In order for the Board to make a fair and complete evaluation of a proposal, it is reasonable for the Board to require detailed information on the applicant's

proposed work.

Item 9200.6003.B

Applicants must describe their financial, managerial and technical ability to undertake the work described in their proposal. A description by the applicant of similar work experience is useful in determining an applicant's capabilities. By requiring the applicant to identify work for which an applicant intends to use a consultant, the qualifications of the consultant can be considered in addition to that of the applicant. This information will enable the Board to determine if the applicant is capable of completing the proposed work.

Item 9200.6003.C

Applicants must describe their financial, managerial and technical ability to develop and operate the proposed facility or service. A description of the applicant's experience in developing and operating similar facilities or services will be very useful. The Board does not want to fund applicants who do not have the capability to actually develop a facility or service. This information will enable the Board to determine if the applicant has the ability to follow up on any work carried out under a grant. Demonstrated experience is a factor which the Board is required to consider under Minnesota Statutes, Section 115A.156, Subd. 3(5) when awarding grants.

Item 9200.6003.D

Applicants must state whether they plan to apply for additional grants in the future or for a hazardous waste processing facility loan from the Minnesota Energy and Economic Development Authority. This information is needed to estimate the total amount of state financial help from these sources that

may be needed to develop a proposed facility or service. This information is also useful to the agencies to determine future demand for assistance and funding levels for these programs.

Item 9200.6003.E

Applicants must provide information which addresses the evaluation factors listed in Minnesota Statutes, Section 115A.156, Subd. 3, and in section 9200.6006 of the rules. This information must be provided in enough detail so that the Board can make a thorough and complete evaluation of the proposal, including consideration of all factors which Minnesota Statutes require the Board to consider. Complete information is important to the Board in order to select those applications which best meet the objectives of the grant program, which is to assist in the development of facilities and services needed to improve hazardous waste management.

9200.6004 Application Process

Section 9200.6004 Subpart 1

This subpart provides that the Board will give advance notice and publicity when soliciting applications for the grant program. In order to operate the program efficiently the Board will need to set deadlines for receiving applications. These deadlines must allow interested parties a reasonable time to prepare and submit an application.

Section 9200.6004 Subpart 2

This subpart allows the Board the opportunity to limit the solicitation of grant applications to particular proposals, facilities, or services. The Board would identify the desired types of applications based upon its evaluation of studies which have already been completed concerning possible development

and operation of facilities and services or other proposals for processing or reducing hazardous waste. This allows the Board to direct State funds to the types of studies which are more likely to provide needed and useful information, and avoid duplication. It also allows funds to be directed to the types of facilities or services more likely to be successfully developed and operated.

The Board also has the authority to recommend the number and types of hazardous waste processing facilities which should be developed in the State (See Minnesota Statutes, Sections 115A.11, Subd.1b(d) and 115A.24, Subd.1 (4)). Once the Board makes such recommendations, it is reasonable for the Board to direct grant funds to proposals that are consistent with the types of facilities that it has recommended for development.

9200.6005 Initial Application Review

Section 9200.6005 Subpart 1

This subpart identifies the chairperson of the Board or his designee as the person who will make the initial review of the application.

Section 9200.6005 Subpart 2

This subpart specifies that the chairperson or his designee will be authorized to determine the eligibility of the applicant, the proposal, the proposal costs, and the adequacy of the supporting documentation. This procedure establishes a clear method of initial review and provides the basis on which applicants will be notified of the eligibility of their application. It allows the Board to avoid time consuming work on applications that are not complete and do not allow adequate evaluation.

Section 9200.6005 Subpart 3

This subpart specifies the procedure to be used by the Board to notify applicants of the eligibility status of their applications. No determination of the award of a grant is made at this time. If an application is found deficient the application is returned to the applicant with a statement of reasons for rejecting it. The applicant must revise the application within 14 days after it is returned to be considered an eligible applicant. The time requirements are considered reasonable since the same amount of time is provided to both the Board and the applicant in making their respective responses. This procedure gives applicants a reasonable opportunity to correct deficiencies in their applications and allows the Board to eliminate ineligible or incomplete applications from further consideration.

9200.6006 Evaluation of Proposals

Section 9200.6006 Subpart 1

This subpart specifies that within 60 days after the application is final the Board will evaluate the proposal and establish a date when grants will be awarded. The 60-day period is reasonable in that it provides sufficient time for the Board to review applications taking into account the time needed to obtain any consultant services that may be necessary to assist the Board in its review. A time limit also provides greater predictability of the process to the Board and applicant.

Section 9200.6006 Subpart 2

This subpart contains the evaluation factors to be used by the Board in evaluating eligible projects and selecting those projects to be funded. This provides a clear understanding to all parties of what criteria the Board will consider

in its evaluation and establishes a basis for the decisions.

Section 9200.6006 Subpart 2.A.

This item states that the Board in evaluating each proposal shall follow the statutory requirement that it consider the factors listed in Minnesota Statutes, Section 115A.156, Subd. 3.

Section 9200.6006 Subpart 2.B.

This item requires the Board to consider the relationship between the proposed study and the eventual development and operation of the proposed facility or service. The purpose of this criterion is to help ensure that work which is funded will contribute in some significant way to actual development of the proposed facility or service in Minnesota.

Section 9200.6006 Subpart 2.C.

This item requires the Board to evaluate the chances that the proposed facility or service will be developed. This requires the Board to examine the type of facility or service being proposed, waste generators proposed to be served and the experience of the company, among other items. The Board does not wish to fund grants for proposed projects that have no chance for success. The likelihood of success for the proposed facility or service is a reasonable concern for the Board.

Section 9200.6006 Subpart 2.D.

This item requires the Board to examine the results of any previous work on the proposed project which was funded by the Board. This information will be useful in determining the likelihood that the proposed facility or service will be developed and the capability of the applicant to carry out

its proposals.

Section 9200.6006 Subpart 2.E.

This item requires the Board to determine if the proposal is consistent with any Board determination of the types of processing facilities or services recommended for development in the state. Once the Board has recommended certain facilities or services, it is reasonable for the Board in its evaluation of a proposal to determine if the proposal is consistent with the Board's recommendations.

Section 9200.6006 Subpart 2.F.

This item responds to Minnesota Statutes, Section 115A.156, Subd. 2 which states that the Board may give preference to an application from an association of two or more Minnesota generators. The Board must determine whether the proposed facility or service will make a major contribution toward cooperation among generators and will help solve their hazardous waste management problems. It is reasonable that the Board give preference to Minnesota hazardous waste generators who are making a serious effort to help solve mutual hazardous waste problems. Cooperation among generators to solve waste management problems is desirable because it promotes greater economic efficiency and avoids proliferation of on-site treatment facilities which may increase risks to health and safety, and impose greater regulatory enforcement burdens on the state.

9200.6007 Award of Grants

9200.6007 Subpart 1

This subpart provides that grants will be awarded for those proposals which in the Board's judgment will be most beneficial in improving hazardous waste management in the state, based upon the Board's evaluation of the factors

set forth in Section 9200.6006. The decision on any given grant requires the Board to consider, evaluate, and balance many factors, including those factors mandated by statute. The final decision is necessarily one of judgment based on everything the Board has reviewed.

9200.6007 Subpart 2

This subpart gives the Board the authority to determine the amount of a grant up to a maximum. The amount requested by the applicant will be an important factor in determining the amount of the grant. Minnesota Statutes, Section 115A.156, Subd. 4 limits a grant to \$50,000 for any one proposal.

9200.6007 Subpart 3

This subpart specifies that a grant recipient other than an association of Minnesota generators must agree to provide at least 50 percent of the cost of the proposal. These are the minimum matching amounts required under Minnesota Statutes, Section 115A.156, Subd.5. An association of two or more generators in the state must agree to provide at least 20 percent of the cost of the proposal. These are the minimum matching amounts required under Minnesota Statutes, Section 115A.156, Subd.5. It is reasonable to require a match for these grants since applicants which must supply their own resources to complete a study will have more at stake in the project. This should help insure more complete and well thought out proposals. It is also reasonable to require a smaller match from an association of Minnesota generators if they are making a major contribution toward solving mutual hazardous waste management problems.

9200.6007 Subpart 4

This item provides that the Board may award more than one grant for proposals

related to the same facility or service. However, these grants would be awarded in a sequence where any additional grants beyond the original grant would be based on evaluation of the results of the previous grant. This item is reasonable in that the Board realizes that it may take more than one grant to implement the development of a facility or service. At the same time the Board will not fund additional grants if the results of previous work fail to show a proposed facility or service is feasible.

9200.6008 Grant Agreement

Section 9200.6008 Subpart 1

This part specifies that the Board and a recipient will enter into a grant agreement and sets forth specific conditions which will govern the administration of the grant. An agreement is necessary in order to insure that the proposed work is carried out in a manner that is satisfactory to the Board.

Section 9200.6008 Subpart 1.A.

This item specifies that, unless otherwise stated in the agreement, the maximum term of the grant agreement is one year. The period will provide sufficient time for the recipient to complete the study and provide the Board with timely results.

Section 9200.6008 Subpart 1.B.

This item establishes that the recipient is authorized to enter into contracts to complete the types of work specified in the agreement. Since a recipient may not have the expertise to carry out all or part of the proposed study it is reasonable to assume that such a study could be undertaken by another party under a contractual agreement with the recipient.

Section 9200.6008 Subpart 1.C.

This item specifies that a product such as a report will be required of each recipient. Since the type of product may differ for each recipient, specification of the product to be delivered will be made in each grant agreement. All results of the study shall be made available to the Board. Since grant recipients may provide the Board with information which, if made public, may give competitors an economic advantage, the grant agreement may include provisions for classifying certain trade secret and sales information as non-public. This provision on non-public data is subject to the Board's ordinary statutory authority to classify information. The provision is reasonable and needed to assure grant recipients that the information they gather will not be used by competitors to gain an economic advantage in the marketplace and to assure the Board that it will obtain the information needed for its evaluation of the recipient's work.

Section 9200.6008 Subpart 2

The Board is authorized to cancel a grant not completed in accordance with the terms of the agreement. This is necessary to protect the Board's interest in assuring that the work for which the grant was awarded is undertaken according to the terms of the grant agreement. It also allows flexibility in administering a grant by authorizing the chairperson to grant a variance when he determines it is necessary. This provision protects the legitimate interests of both the Board and the grant recipients.

Section 9200.6008 Subpart 3

The Board is authorized to terminate the work under a grant upon 30 days notice and to require that no additional funds be spent by a recipient after a termination notice has been issued. A recipient may also give notice to

terminate work under a grant. This is necessary to provide a clear method to terminate work under a grant and to provide the Board with the authority to halt all further expenditures of the grant funds immediately upon notice. This gives the Board authority to assure the proper management of grant funds.

Section 9200.6008 Subpart 4

The Board and recipient will develop a disbursement schedule in the grant agreement. Phased disbursement and final holdback provisions, if deemed appropriate by the Board, are necessary to provide effective control of public funds and completion of the work under these grants.

Section 9200.6008 Subpart 5

This subpart requires that unspent funds following completion of the project, cancellation of the grant, or termination of the project be returned to the Board. This is a reasonable requirement to protect the Board's interest in the proper use of public funds.

HAZARDOUS WASTE PROCESSING FACILITY LOANS

9200.6009 Initial Application Review

Section 9200.6009 Subpart 1

This subpart identifies the chairperson or his designee as the person who will make the initial review of the application after it has been transmitted to the Board from the commissioner.

Section 9200.6009 Subpart 2

This subpart specifies that the chairperson or his designee will be authorized to determine if the supporting documentation is adequate. This subpart specifies that documentation is considered adequate if it provides sufficient information for the Board to review the certification factors and to make a determination on certifying a loan. This procedure establishes a clear method of initial review and provides the basis on which applicants will be notified of the adequacy of their application. It allows the Board to avoid time consuming work on applications that are not complete and cannot be adequately evaluated.

Section 9200.6009 Subpart 3

This subpart specifies the procedure to be used by the Board to notify the commissioner of the additional information needed by the Board to determine whether the application will be certified. No determination on certification is made at this time. The time requirement of 14 days is a reasonable length of time for the board to determine if supporting documentation is adequate.

9200.6010 Evaluation of Loan Application

Section 9200.6010 Subpart 1

This subpart specifies that the Board will begin to review a loan application once it receives an application that the commissioner has determined to be complete.

Section 9200.6010 Subpart 2

This subpart specifies certain factors in addition to the requirements of Section 9200.6011 which the Board shall consider when evaluating whether a loan application will be certified and determining the share of capital costs that must be provided by the applicant. The Board is authorized to consider the factors listed in Subpart 2.A., C. and D. by Minnesota Statutes, Section 115A.162.

Section 9200.6010 Subpart 2.A.

This subpart states that the Board shall consider the types and quantities of hazardous waste that will be handled by the facility or service. The Board will consider if the facility or service handles a significant quantity of hazardous waste or a waste that is particularly difficult to process. In either case such a facility or service would make a major contribution towards improving hazardous waste management in the state. This would insure that state funds would be used where they have the most beneficial impact.

Section 9200.6010 Subpart 2.B.

This subpart states that the Board shall consider the types and quantities of residuals produced by the facility or service and their final disposition. The ability of a company to properly dispose of its treatment residuals can affect the overall feasibility of a project. Also, certain types of treatment may result in residuals which are still hazardous while other facilities may produce

residuals that are non-hazardous. Thus the final disposition of treatment residuals may be different. It is reasonable that the Board consider the disposition of treatment residuals as a certification factor.

Section 9200.6010 Subpart 2.C.

This subpart states that the Board shall consider the number of generators that are served by the facility or service. Facilities or services which would serve a large number of generators would have the most impact on waste management.

Section 9200.6010 Subpart 2.D.

This subpart states that the Board shall consider the extent to which the facility will serve the needs of smaller businesses that generate hazardous waste. Many smaller generators of hazardous waste, especially those outside the Minneapolis/St. Paul area have a difficult time in properly disposing of their waste. A facility which takes into account the special needs of smaller businesses could greatly improve hazardous waste management in Minnesota. Such a facility or service could also lower transportation costs now incurred to move waste to facilities outside of Minnesota. These costs can be a significant factor for many small businesses.

Section 9200.6010 Subpart 2.E.

This subpart states that the Board shall consider whether an applicant has received a grant from the Board to undertake feasibility studies for the proposal. In considering this factor, the Board may give preference to an applicant who has received a grant from the Board and successfully completed the feasibility studies. This is a reasonable factor since the Board may want to give preferences to companies that have successfully worked with the Board on the feasi-

bility of a proposed facility. If a feasibility study shows a facility or service is viable the Board could further assist the development of the facility or service through the loan program. At the same time if an applicant did a poor job with a Board grant, the Board would want to consider that when deciding whether to certify a loan application.

Section 9200.6010 Subpart 2.F.

This subpart states that the Board shall consider the applicant's managerial and technical experience for developing and operating the proposed facility or service. A review of an applicant's experience in developing and operating similar facilities or services will be very useful. The Board does not want to certify applications from applicants who do not have the capability to develop and operate a facility or service.

Section 9200.6010 Subpart 2.G.

This subpart states that the Board shall consider the results of previous studies of hazardous waste processing and reduction proposals and opportunities in Minnesota, including a comparison of the applicant's market assessment with market information previously available to the Board. Several studies have been made regarding the amount of hazardous waste generated in Minnesota. It is reasonable that the Board should compare the applicants market study with other market studies to determine whether the applicant's market assessment is reasonable (see Section 9200.6211.B.).

Section 9200.6010 Subpart 2.H.

This subpart states that the Board shall consider any Board determination of the types of processing facilities or services recommended for development in the state. It is reasonable that the Board should compare the proposed facility

with the type of facility or service that may be recommended for development and to direct loans to those applicants whose proposals are consistent with the types of facilities that it has recommended for development. This allows the Board to direct loans to facilities and services that support the policy objectives of the Board and of the Waste Management Act, Minnesota Statutes Ch. 115A.

Section 9200.6010 Subpart 2.I.

This subpart states that the Board shall consider the availability of funds from the Authority or other funding sources. With only a limited amount of public funds available it is reasonable that the Board consider what other funding sources are available to an applicant. If applicants are able to secure funding from other sources, state funds can be reserved for those applicants who would have no other source of funds for their project.

Section 9200.6010 Subpart 3

This subpart outlines the procedures that the Board will use if it needs additional information from an applicant after it begins to evaluate a loan application. Though the Board made a preliminary determination as to the completeness of the application, it may find that to do a fair and thorough evaluation additional information is necessary. It is reasonable to expect an applicant to provide the requested information within 30 days. It is also reasonable that the Board should not consider an application for certification if after a sufficient length of time the requested supporting information is not provided.

9200.6011 Certification

Section 9200.6011 Subpart 1

Minnesota Statutes, Section 115A.162 lists five items that the Board must deter-

mine have been met before certifying a loan application. These items are repeated in the rules so that potential loan applicants will have a clear understanding of what the Board must determine before certifying an application.

Section 9200.6011 Subpart 1.A.

The applicant has demonstrated that the proposed facility or service is technically feasible.

Section 9200.6011 Subpart 1.B.

The applicant has made a reasonable assessment of the market for the services offered by the proposed facility or service.

Section 9200.6011 Subpart 1.C.

The applicant has agreed to provide funds for the proposed facility in an amount equal to at least 25 percent of the capital cost of the facility excluding land acquisition cost.

Section 9200.6011 Subpart 1.D.

The applicant has agreed to pay the cost of any land acquisition necessary to develop the facility.

Section 9200.6011 Subpart 1.E.

The facility will contribute in a significant way to achievement of the policies and objectives of the Board's draft hazardous waste management plan, in particular, the reduction of the need for and practice of hazardous waste disposal.

Section 9200.6011 Subpart 2

Minnesota Statutes, Section 115A.162 allows the Board as a condition of its certification to require an applicant to agree to provide funds in excess of 25

percent of the capital cost of the facility excluding land acquisition cost. This subpart specifies that the Board would have to base the requirement for a match in excess of 25 percent on its consideration of the certification factors.

Section 9200.6011 Subpart 3

This subpart identifies the chairperson as the person who will notify the commissioner and the applicant in writing of the Board's decision regarding certification, the percentage of matching funds, and the basis for its decision. If the Board bases its decision on any of the certification factors listed in Section 9200.6010, Subpart 2, the Board will state in its written decision the relationship of that factor to the decision.

EFFECT OF PROPOSED RULE ON SMALL BUSINESS

The proposed rules 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 do not impose any requirements or standards on the operation of small businesses. The programs which these rules are designed to implement will provide grants and loans to persons seeking to develop and operate hazardous waste collection and processing facilities and services. Availability of these facilities and services to small businesses generating hazardous waste is an important goal of the Board. Under the rules for processing facility loans, the Board must specifically consider the extent to which a proposed facility serves the needs of smaller businesses that generate hazardous waste when evaluating loan applications (see Part 9200.6010, subpart 2.D.).