

Title 8. Environmental Law

Chapter VIII. East Arkansas Regional Solid Waste Management District

Subchapter A. Generally

Part 170. Rules Regarding Administration of Recycling Fund Grant Program Pursuant to the Provisions of Arkansas Code § 8-6-615

Codification Notes. This part as promulgated prior to codification into the Code of Arkansas Rules provided as follows:

"Section 1. Authority.

Arkansas Code Annotated Section 8-6-615 provides that approved regional solid waste management districts shall annually receive its share of recycling grant funds from the Solid Waste Management and Recycling Fund of ADEQ in accordance with applicable law."

"ARTICLE VI

MISCELLANEOUS

Section 1. Term. These Rules shall remain in full force and effect until such time as the Board modifies, amends or otherwise changes these Rules.

Section 3. Effective Date. The effective date of this rule shall be thirty (30) days after filing under Arkansas law."

Subpart 1. Purpose and Definitions

8 CAR § 170-101. Purpose.

Pursuant to such legislation, the Board of the East Arkansas Regional Solid Waste Management District desires to enact this part to provide for the administration and distribution of the East Arkansas Regional Solid Waste Management District's share of

the Solid Waste Management and Recycling Fund which shall be known as the Solid Waste Management and Recycling Grant Program.

Authority. Arkansas Code § 8-6-704.

8 CAR § 170-102. Definitions.

As used in this part, the following definitions shall apply:

- (1) "ADEQ" means the Division of Environmental Quality;
- (2) "Board" means the Board of the East Arkansas Regional Solid Waste Management District;
- (3) "District" means the East Arkansas Regional Solid Waste Management District;
- (4) "Grant recipient" means the entity which has:
 - (A) Had a grant application selected by the East Arkansas Regional Solid Waste Management District; and
 - (B) Been notified by the East Arkansas Regional Solid Waste Management District that its application has received a grant award;
- (5) "Solid waste" shall have the same meaning as the definition set forth in 8 CAR pt. 60, as presently adopted or subsequently amended; and
- (6) "Solid Waste Management and Recycling Grant Program" means the grant program administered by the East Arkansas Regional Solid Waste Management District pursuant to the provisions of Arkansas Code § 8-6-615.

Authority. Arkansas Code § 8-6-704.

Subpart 2. Eligibility and Eligible Products

8 CAR § 170-201. Eligibility.

The following entities are eligible to apply for grant assistance:

- (1) County governments; and

(2) Incorporated cities and towns located within the East Arkansas Regional Solid Waste Management District.

Authority. Arkansas Code § 8-6-704.

8 CAR § 170-202. Eligible projects.

Projects eligible for grant assistance include, but are not limited to, the following:

- (1) Solid waste management planning that integrates solid waste reduction and landfill diversion;
- (2) Public information and education programs that:
 - (A) Encourage solid waste reduction and recycling; and
 - (B) Stimulate demand for products produced from recycled materials;
- (3) Waste and waste transfer facilities and equipment that integrate waste diversion and recycling into their operations;
- (4) Activities that support material recovery facilities (recycling centers) including, but not limited to:
 - (A) Facility costs;
 - (B) Equipment costs; and
 - (C) Logistical systems;
- (5) Recycling and waste diversion activities associated with illegal dump abatement programs;
- (6) Other solid waste stream reduction activities that divert the flow of materials away from landfills to more beneficial use; and
- (7) Costs related to the daily administrative functions of the East Arkansas Regional Solid Waste Management District's operations.

Authority. Arkansas Code § 8-6-704.

8 CAR § 170-203. Ineligible expenses.

(a) The Solid Waste Management and Recycling Grant Program is a reimbursement grant program and eligible expenses must be incurred by a grant recipient only after a grant has been awarded.

(b) Any and all expenses incurred prior to grant award:

(1) Are ineligible; and

(2) Cannot be reimbursed to the grant recipient.

(c) The East Arkansas Regional Solid Waste Management District reserves the right to deny reimbursement of any grant expense or expenses to a grant recipient that the district considers inappropriate or ineligible for reimbursement.

Authority. Arkansas Code § 8-6-704.

Subpart 3. Grant Application Procedure

8 CAR § 170-301. Preapplication.

(a) At the beginning of each annual grant round, a letter and preapplication form will be mailed to all county judges and to all mayors of incorporated cities and towns within the East Arkansas Regional Solid Waste Management District notifying them of the grant round and application period.

(b) A listing of eligible grant projects, any local match requirement, and a submission deadline will be included in the notification.

Authority. Arkansas Code § 8-6-704.

8 CAR § 170-302. Review and prioritization of projects.

(a) Following receipt by the East Arkansas Regional Solid Waste Management District of its share of the Solid Waste Management and Recycling Fund from the Division of Environmental Quality, the Recycling Committee of the Board of the East Arkansas Regional Solid Waste Management District shall meet to:

(1) Review preapplications received during the application period;

- (2) Set aside any unacceptable applications; and
- (3) Prioritize eligible applications for potential funding.

(b) If requested funding under the applications received exceeds the amount of the district's funding receipt from the division, then the board may withhold funding of a project until a future grant round or may adjust funding levels of any or all applications in its sole discretion.

Authority. Arkansas Code § 8-6-704.

8 CAR § 170-303. Final applications.

(a) Following the prioritization of the preapplications, applicants will be:

- (1) Provided a final application form; and
- (2) Asked to submit applications and supporting documentation by a specified deadline.

(b) Final applications will be reviewed by the East Arkansas Regional Solid Waste Management District's staff for a completeness determination.

(c) Applications not submitted by the applicable deadlines will not be considered for funding.

Authority. Arkansas Code § 8-6-704.

8 CAR § 170-304. Public notice and comment period.

(a) Following the completeness determination of the final applications by the East Arkansas Regional Solid Waste Management District staff, a listing of proposed applicants and projects will be published in a newspaper or newspapers of general circulation for the area or areas impacted by the proposed grant projects.

(b)(1) Notice will be in the form of a legal notice that will appear a minimum of thirty (30) days prior to the date scheduled for the Board of the East Arkansas Regional Solid Waste Management District to determine the grant recipients.

- (2) The notice shall, at a minimum, provide:

- (A) Applicant names;
- (B) Project names and amounts; and
- (C) Instructions for submission of comments, both orally and in writing.

(c) All comments received will be presented to the board at a properly called meeting of the district for consideration prior to final funding approval.

Authority. Arkansas Code § 8-6-704.

8 CAR § 170-305. Selection of grant recipients.

(a) The Board of the East Arkansas Regional Solid Waste Management District shall:

(1) Review all final applications at a properly called meeting of the East Arkansas Regional Solid Waste Management District; and

(2) Determine which final applications shall be granted.

(b) Grant awards will be executed by an:

(1) Officer of the board; and

(2) Appropriate representative of each grant recipient.

Authority. Arkansas Code § 8-6-704.

Subpart 4. Disbursement of Grant Funds

8 CAR § 170-401. Reimbursement procedure.

(a) A grant recipient can commence grant purchases immediately upon notification by the East Arkansas Regional Solid Waste Management District that:

(1) An applicant's grant has been awarded; and

(2) The grant recipient has executed all documents required by the district.

(b) Only items included in the budget of the approved grant application will be reimbursed.

(c) For expenses to be reimbursed, the grant recipient must submit the following:

- (1) A detailed bill of sale or invoice of the item or items purchased;
- (2) A cancelled check copy (bank statement copy or two-sided proof showing cancellation) for each purchase; and
- (3) All capital equipment purchases of three hundred dollars (\$300) or more must include applicable VIN, serial number, detailed photos, and physical location of the equipment purchased.

Authority. Arkansas Code § 8-6-704.

Codification Notes. "VIN" means vehicle identification number.

8 CAR § 170-402. Grant fund disbursement procedure.

(a) The grant recipient shall submit reimbursement documents to the East Arkansas Regional Solid Waste Management District staff for review and disbursement of grant funds to the grant recipient.

(b) The district staff will check the submitted documentation and determine the appropriate amount for reimbursement to the grant recipient.

(c) Expenses exceeding grant awards cannot be reimbursed to the grant recipient.

Authority. Arkansas Code § 8-6-704.

8 CAR § 170-403. Reimbursement deadline.

Grant recipients will be allowed three (3) years from the date a grant was funded to complete the grant project and request reimbursement for project expenses as required herein.

Authority. Arkansas Code § 8-6-704.

8 CAR § 170-404. Unexpended grant funds.

(a) Grant funds awarded to a grant recipient that remain unexpended because a project has been cancelled, a project did not utilize all grant funds, or the three-year grant expenditure deadline expires prior to the utilization of the grant funds may be released to the East Arkansas Regional Solid Waste Management District to be redistributed as all or part of another grant project.

(b) A request by a grant recipient to relinquish and release unspent funds to the district must be documented by a signed request by the grant recipient and submitted to the district.

Authority. Arkansas Code § 8-6-704.

8 CAR § 170-405. Redistribution of unexpended grant funds.

(a) The East Arkansas Regional Solid Waste Management District shall:

(1) Review unspent grant funds; and

(2) When deemed appropriate, make funds available for other proposed grant project or projects whether separate from or included with the annual Solid Waste Management and Recycling Fund disbursement to the district.

(b) Proposed projects using unexpended grant funds will follow the same grant application procedure provided for in this part.

Authority. Arkansas Code § 8-6-704.

Subpart 5. Grant Acceptance Requirements

8 CAR § 170-501. Minimum conditions of grant acceptance.

The grant recipient shall execute written documentation which shall require the grant recipient to comply with the following minimum conditions as a condition of the East Arkansas Regional Solid Waste Management District's obligation to disburse grant funds to the grant recipient:

(1)(A) Maintain accurate grant records with an itemized listing of grant expenses including purchase date or dates, item or items purchased, vendor or vendors, and purchase price or prices, along with purchase documents (detailed invoice or bill of sale, cancelled check copies, and detailed photos, VIN numbers, and/or serial numbers of equipment purchased).

(B) This information shall be maintained by the grant recipient for a minimum of five (5) years from the date the grant was awarded;

(2)(A) Compile and submit an annual report to the district including the itemized listing of grant expenses set forth herein and summarizing:

- (i) The progress made on the project; and
- (ii) Its impact on the facility or program.

(B) The physical locations of equipment purchased shall also be listed in this report;

(3)(A) Maintain information for the State Recycling Activity Survey, which is to be submitted through the district, for a period of five (5) years after the grant award.

(B) The quantities of materials recycled/diverted (tons, cubic yards, gallons, etc.) and any revenue received from the sale of wastes diverted or recycled should be recorded throughout the fiscal year (July 1 – June 30); and

(4) All purchases of property, equipment, and materials will be in accordance with the appropriate state purchasing law for the applicant entity.

Authority. Arkansas Code § 8-6-704.

Codification Notes. "VIN" means vehicle identification number.

Subpart 6. Miscellaneous

8 CAR § 170-601. Severability.

If any provision of this part or the application thereof to any person, event, or circumstance is held invalid, such invalidity shall not affect other provisions or

applications of this part which can be given effect without the invalid provisions or application, and to this end, the provisions of this part are declared to be severable.

Authority. Arkansas Code § 8-6-704.