ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT LAND DIVISION - SOLID WASTE PROGRAM ADMINISTRATIVE CODE

CHAPTER 335-13-10 ALABAMA RECYCLING FUND GRANTS PROGRAM

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335-13-10-.01 Purpose.

This regulation is to establish the procedures for the disbursement of recycling grants to local governments, authorities, and nonprofit organizations for use in developing, implementing, and enhancing local recycling, reuse and waste minimization projects and programs.
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335-13-10-.02 Definitions.

When used in 335-13-10, the following terms have the meaning given below:

(a) "Advance funds" means monies approved for known costs to the applicant within the grant period before the semi-annual report.

(b) "Authority" means any quasi-governmental agency, board, or authority created by agreement on behalf of one local government or between two or more local governments for solid waste management or recycling purposes.

(c) "Eligibility" means the standard or criteria by which a local government or applicant qualifies for grant funds, as

determined by the Department. These standards shall include, but are not limited to, completeness of the grant application, plans for recycling, reuse and waste minimization projects, current status of recycling and waste minimization efforts underway within the applicant's jurisdiction, and consistency with local solid waste management planning.

(d) "Grant agreement" means the binding contract between the Department and the applicant.

(e) "Grant application" means the initial request form for a grant from the Department.

(f) "Grant limited equipment" means any property or equipment greater than $5,000 cost that is purchased in whole or in part with grant funds and which must be used solely for recycling purposes per the grant agreement.

(g) "Grant period" means twelve months as outlined in the properly executed grant agreement.

(h) "Local government" means any municipality, county, district or authority or any agency thereof which has responsibility for and the authority to assure the proper management of solid waste within its jurisdiction, including but not limited to, its collection, disposal, treatment or recycling.

(i) "Nonprofit organization" means a corporation or association where no part of the income or profit of which is distributable to its members, directors or officers, and is operated pursuant to the requirements of Code of Ala. 1975, §§10-3A-1 to 10-3A-225.

(j) "Official" or "officer" means either the principal executive officer or ranking elected official of a governmental body, authority, or non-profit organization.

(k) "Program" means the grant program established and administered by the Department under the authority of Code of Ala. 1975, §22-27-17.

(l) "Temporary operating subsidy" means the use of grant funds for operational expenses of a solid waste reduction program or a recycling program, including personnel costs, training costs, rental of facilities, and other similar expenses approved by the Department.

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335-13-10-.03 Grant Application Requirements.

(1) Requests for funding shall be submitted to the Department electronically on application forms specified by the Department.

(2) Applications for grants from the Program must be submitted electronically to the Department no later than March 1, or the next business day if March 1 falls on a weekend, of each year to be considered for funding from that fiscal year's Fund allocation.

(3) Applications received from local governments, authorities, or nonprofit organizations which have not completed their obligations under all previously awarded funds may be denied by the Department.

(4) Applications from local governments, authorities, or nonprofit organizations which have not met their obligations under the terms of any previous grant agreements or accounted for any unused grant funds from a previous grant awarded under this rule during the previous 36 months shall be denied by the Department.

(5) All recycling projects included in an application must be consistent with the description of current or planned recycling programs included in the approved local solid waste management plan, which must include a focus on recycling in accordance with Code of Ala. 1975, §22-27-47(b)(4), of the appropriate local jurisdiction. Jurisdictions without an approved local solid waste management plan or without language in an approved solid waste management plan consistent with the grant application may be awarded conditional approval of the grant application pending the Department's approval of a modification to an existing solid waste management plan or the approval of a new solid waste management plan for the jurisdiction.

(a) Where proposed recycling projects would not be consistent with the approved local plan, the application shall include measures to revise the local plan, as necessary. Such revisions must be completed prior to the Department's approval of disbursement of grant funds for the proposed recycling projects.

1. The costs associated with the revisions of local solid waste management plans as required by subparagraph (a) are eligible for inclusion in an application for grant funds.

2. Only grant funds associated with the costs of amending the local solid waste management plan may be disbursed prior to departmental approval of the revised local solid waste management plan. The balance of grant funds in the

award shall be disbursed in accordance with Rule 335-13-10-.04 following final departmental approval of the revised local solid waste management plan.

(b) Applications for proposed recycling projects that would be inconsistent with the recycling programs included in the existing local solid waste management plan or plans that do not include a proposal to amend the local plan(s) in accordance with subparagraph (a) shall be denied by the Department.

(c) Any amendments to the local solid waste management plan necessary to comply with subparagraph (5) shall apply only to the jurisdiction proposing the modifications and not to any other local jurisdictions included under the local solid waste management plan.

(6) Applicants may submit a proposal for a multi-year grant plan. This proposal should include details of the grant plan, including but not limited to, budgetary information, project costs, justifications, timelines and key milestones, and overall project goal(s). This proposal shall be submitted to the Department no later than September 1st for the upcoming grant cycle.

(7) Any amendments or modifications to the grant agreement must be submitted by the listed responsible official and be approved by the Department in writing before becoming effective.
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335-13-10-.04 Disbursement Of Funds.

(1) Upon review and approval of the application, the Department shall determine the exact amount of the grant award and prepare a grant agreement.

(2) The grant agreement will be forwarded to the applicant to be signed by a local government official, authority official or officer of the nonprofit organization.

(3) The applicant may request advance funds through the application process; however, known needs must be documented before advance funds can be approved. Following approval by the Department, the advance funds will be forwarded to the applicant.

(4) Any local government, authority, or non-profit organization receiving grant funds will be reimbursed for actual expenses incurred from the implementation of the approved project or

program. Each semi-annual report shall report on the status of the recycling project or program to be funded by the grant, and shall include information necessary for review by the Department for reimbursement of actual costs. Each report must be submitted fifteen (15) days from the end of the previous semester. Semesters shall run October 1st through March 31st, and April 1st through September 30th of each year.

(5) The Director, or his designee, may terminate a grant award in whole or in part and demand refund of grant funds when there is substantial non-compliance with the terms of the award or these rules, a determination made by the Department that the grant was obtained by fraudulent means, a finding that grant monies have been used for non-allowable costs, or a determination made by the Department that gross abuse or corrupt practices have been used in the administration of the grant project by the recipient.

(a) The Director, or his designee, shall give written notice to the recipient (via certified mail, return receipt requested) of its intent to terminate a Fund grant, in whole or in part, at least 30 days prior to the intended date of termination.

(b) The Director, or his designee, shall afford the grant recipient an opportunity for consultation prior to any termination. After such opportunity for consultation, the Department may, in writing (via certified mail, return receipt requested), terminate the Fund grant in whole or in part.

(c) In event of such termination, the local government, authority, or non-profit organization shall be ineligible to make application for further participation in the grant program until the grantee complies with the terms of the grant award or these rules.

(6) The amount of each grant awarded under this Chapter shall be at the sole discretion of the Director, or his designee; however no single grant award may exceed 20% of the total funds appropriated to the Alabama Recycling Fund during the previous fiscal year. These grant award limitations may be waived by the Director if the total amount of grant funds requested by eligible applicants for a fiscal year does not exceed the funds appropriated to the Alabama Recycling Fund during the previous fiscal year, or if there are less than five total grant applications submitted to the Department.

(7) Grant funds not awarded due to insufficient requests or applications, shall remain in the Alabama Recycling Fund and shall be available for award in future grant years.

(8) Eligible grant applications will be divided into two categories for the purpose of awarding funds.

(a) Category 1 applications shall be those applications submitted by a jurisdiction or jurisdictions for projects or programs which will serve geographic areas containing more than 40,000 households, based on data from the most recent U.S. census or equivalent.

(b) Category 2 applications shall be those applications submitted by a jurisdiction or jurisdictions for projects or programs which will serve geographic areas with fewer than 40,000 households, as determined by the most recent U.S. census or equivalent.

(c) The Department shall award no less than 60 % of the total grant funds available during a fiscal year to Category 1 applications. Provided, however, at least 20 percent of the total grant funds must be awarded to Category 2 applications, if sufficient applications for one or both categories are received and approved by the Department. If sufficient applications are not received, the Director may, for a given grant year, adjust Category 1 and Category 2 thresholds to meet the no less than 60% and at least 20% of the total grant funds awarded.

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335-13-10-.05 Grant Recordkeeping.

(1) Each recipient of grant funds shall maintain accurate records of all expenditures associated with the recycling project funded by grants awarded pursuant to this Chapter, and shall assure that these records are available for inspection and/or audit upon request by the Department. Records shall be kept for a period of at least five years from the execution of the grant agreement.

(2) Recordkeeping information as required by the Department shall be listed in the grant agreement and shall be included with each semi-annual report submitted by the recipient. Such requirements established by the Department shall not be inconsistent with accounting and record-keeping methods such entities may be required to follow by the Alabama Department of Examiners of Public Accounts.

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335-13-10-.06 Specific Recycling Grant Requirements.

(1) Upon receipt and approval of the grant application, the Department will determine the amount of the grant award and prepare the grant agreement. Payment of grant awards will be contingent upon receipt and approval of the grant agreement.

(2) All local governments that choose to apply jointly shall enter into a binding agreement that designates a lead applicant and describes how the funds will be disbursed and used. Any agency or authority created by regional agreement for solid waste management or recycling purposes is eligible to apply for grants. The applicant shall submit all required documents on behalf of the local governments which are party to the agreement. Such applications and submittals shall be equivalent to those required if each local government were applying individually.

(3) Applicants shall provide the Department with information on any previous state or federal grants received for the purpose of solid waste management or recycling received by the jurisdiction during the previous 36 months. This information shall include the grant amount and the grant period, and other information or data as set forth in the application forms.

(4) Grant limited equipment must be properly maintained, managed, and used solely for recycling purposes for at least five (5) years from the date of the executed grant agreement.

(a) A local government, authority, or non-profit organization that ceases recycling activities, dissolves, or otherwise discontinues the use of grant limited equipment must notify the Department within thirty (30) days of the decision to cease, dissolve, or discontinue use after operations cease. A plan for appropriate dispensation of the grant limited equipment shall be submitted to the Department for review.

(b) Upon approval by the Director, or his designee, possession and ownership of grant limited equipment may be transferred, and not sold, to another local government, authority, or non-profit organization that meets the grant eligibility requirements listed in 335-13-10-.07 and serves the same or similar jurisdiction or jurisdictions covered by the proposed project or program of the original grant recipient that purchased the equipment.

(c) If grant limited equipment is sold within five (5) years of the executed grant agreement, such sale is subject to approval of the sale, including sale price, by the Department. All those funds generated from the sale must be returned to the Alabama Recycling Fund.

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335-13-10-.07 Eligibility Requirements.

(1) Existing and new recycling programs must be registered as determined by the Department.

(2) In order to be considered for a grant award under the Program, all applications shall include the following information for the area to be serviced under the terms of the requested grant:

(a) A description of the recycling or waste reduction/ minimization project for which grant funds are requested, including any business or accounting plans for such projects;

(b) An estimate of the quantity, source and type of materials to be collected and recycled under the proposed project or program, including an explanation of the methods used to estimate this quantity. The quantity shall include the volume of any out-of-state waste coming into the service area, but records of out-of-state waste volume shall be shown as a separate item on each semi-annual report;

(c) A description of all existing or proposed recycling facilities, collection centers or other related service centers located within the jurisdiction or jurisdictions covered by the proposed project or program. If the application is for a multi-jurisdictional or regional program, a listing of recycling facilities and services operating within the boundaries of the responsible regional planning and development commission, including ownership, capacity, type of facility and service area of such facilities shall also be included;

(d) A statement that the grant is needed to achieve or surpass both the recycling or waste reduction/minimization efforts set forth in the approved local solid waste management plan and the purpose and goals of the Solid Wastes and Recyclable Materials Management Act of 2008. This statement shall include an explanation of how any existing private and public sector recycling programs and efforts will be incorporated into the proposed recycling project or program;

(e) A summary of all costs incurred, or to be incurred, in planning and implementing the recycling and waste reduction/ minimization projects or programs;

(f) A copy of any regional agreement into which local governments have entered or will enter to accomplish the purposes of this rule;

(g) Any written contracts, written bids or written agreements which were entered into to develop and implement the proposed project or program;

(h) The description of objectives that will be utilized to evaluate any education or public outreach component of the proposed project or program, and an explanation of how the educational component will directly promote the use of existing or planned local recycling or waste reduction/ minimization projects; and,

(i) A description of the methods to be used in evaluating the success of the recycling project or program. Progress reports and methods used to measure the progress shall be included in the semi-annual reports.

(3) The grant application shall include a recycling plan for the population of the area included in the application containing at least the following information:

(a) An explanation of the manner in which the proposed recycling project or program will be implemented;

(b) A timetable for the continued development and implementation of the proposed recycling project or program;

(c) The number of households (not population) to be covered by the proposed recycling project or program, as determined by the most recent U.S. census;

(d) The estimated percentage of the population participating in various types of recycling activities, including the estimated success rates, perceived reasons for the estimated success or failure, and the public and private sector recycling activities which are ongoing and most successful;

(e) The estimated percent reduction each year in solid waste disposed at solid waste disposal facilities as a result of any existing public and private recycling programs and an estimate of avoided disposal costs due to recycling that occurs as a result of the proposed recycling project or program;

(f) An estimate of the number of households (not population) within the proposed program area served by solid waste collection services, an identification and description facilities where solid waste is being disposed or processed, and the anticipated effect of the proposed recycling project or program on such services and facilities;

(g) A description and evaluation of recyclable materials that are being recycled including, but not limited to, glass, aluminum, steel, other metallic materials, office paper, yard waste, newsprint, corrugated paper/cardboard, plastics, white goods, and tires;

(h) The currently available and anticipated markets or uses for materials collected through the proposed recycling project or program;

(i) The estimated costs of, and revenue from, operating and maintaining existing and proposed recycling projects or programs. This does not include specific costs and revenues from privately-operated recycling programs, but a summary of such costs and revenues shall be required if the applicant intends to provide funding for such programs;

(j) A description of any recycling activities planned or existing prior to the effective date of the grant regulations;

(k) If the application includes programs managing "special wastes" it should include a description of how all special wastes, as defined in 335-13, including but not limited to industrial wastes, as defined in 335-13, will be managed.

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335-13-10-.08 Grant Award Criteria.

Grants awarded under 335-13-10 shall be made in accordance with the requirements of 335-13-10-.08 and shall be used to develop, implement, enhance and promote recycling and beneficial re-use projects and programs, as necessary to meet the requirements and objectives of the Solid Wastes and Recyclable Materials Management Act of 2008. Funding awarded for this purpose shall meet the following:

(a) Recycling grants awarded under the Program shall be used to provide funding for recycling program costs, which may include equipment purchases, facility construction and other such costs approved by the Department, as part of the grant agreement.

(b) Where approved by the Department, recycling grants may be used for temporary operating subsidies, provided that the applicant demonstrates that such a use is necessary for the success of the program, and shows how the subsidy will benefit the program. Within one (1) year of the award the applicant

shall provide reasonable assurances that the program will be able to operate without a subsidy from this grant program.

(c) For recycling projects or programs involving multiple governmental jurisdictions within a region, recycling grants may also be used to assist local governments, authorities, or non-profit organizations in recycling paper, glass, plastic, construction and demolition debris, white goods, and metals and in composting and recycling organic materials, where such assistance is demonstrated to be necessary to make the regional effort viable. In such instances, the applicant shall provide a regional business plan for marketing recyclable materials.

(d) In conjunction with projects or activities described in subparagraphs (a), (b), and (c) of 335-13-10-.08, recycling grants awarded under the Program may be used to promote recycling, solid waste volume reduction, waste minimization projects, and market development for recyclable materials, provided that such efforts meet the requirements of 335-13-10-.07.

(e) All existing public and private recycling infrastructure shall be used to the greatest extent possible when planning and implementing the recycling programs funded by grants awarded under this Chapter. Grant funds shall not be used for duplicating existing private and public recycling programs unless the applicant satisfactorily demonstrates to the Department that such existing programs cannot be integrated into the proposed recycling or waste reduction projects or programs.

(f) Local governments or authorities may contract with private entities for the administrative operation of activities outlined in the grant application, with pre-approval from the Department.

(g) Grant applications for projects to be implemented within jurisdictions without existing recycling programs shall be given priority status for award under the Fund, as will applications submitted jointly by multiple jurisdictions or authorities on behalf of multiple jurisdictions.

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