



STATE OF WEST VIRGINIA  
DEPARTMENT OF NATURAL RESOURCES  
CHARLESTON 25305

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1986 OCT 16 PM 2:18

SECRETARY OF STATE

ARCH A. MOORE, JR.  
Governor

October 16, 1986

RONALD R. POTESTA  
Director

MICHAEL A. FOTOS  
Deputy Director

NOTICE OF PUBLIC HEARING  
OR COMMENT PERIOD ON A PROPOSED RULE

COMMENT PERIOD

AGENCY: West Virginia Department of Natural Resources  
RULE TYPE: Procedural and Interpretive  
RULE TITLE: Awarding of Matching Grants for  
Local Litter Control Programs

A COMMENT PERIOD ON THE ABOVE PROPOSED RULE HAS BEEN SCHEDULED  
AND WILL END ON FRIDAY, NOVEMBER 21, 1986 AT 5:00 P.M.

WRITTEN COMMENTS ARE TO BE MAILED TO THE FOLLOWING ADDRESS:

West Virginia Department of Natural Resources, Room 842  
1800 Washington Street East, Charleston, WV 25305  
Attention: Mr. Jeffrey E. Herrold

THE ISSUES TO BE HEARD SHALL BE LIMITED TO THE PROPOSED RULE.

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Ronald R. Potesta  
Director



STATE OF WEST VIRGINIA  
DEPARTMENT OF NATURAL RESOURCES  
CHARLESTON 25306

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NOTICE OF PUBLIC HEARING

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PUBLIC HEARING

AGENCY: West Virginia Department of Natural Resources  
RULE TYPE: Procedural and Interpretive  
RULE TITLE: Awarding of Matching Grants for  
Local Litter Control Programs

A PUBLIC HEARING ON THE ABOVE PROPOSED RULE WILL BE HELD AT  
3:00 p.m. on Tuesday, November 18, 1986 at Room 674,  
1800 Washington Street, East, Charleston, WV 25305

COMMENTS ARE LIMITED TO: ORAL \_\_\_\_\_ WRITTEN \_\_\_\_\_ BOTH XX  
COMMENTS MAY ALSO BE MAILED TO: Mr. Jeffrey E. Herrold,  
West Virginia Department of Natural Resources, Room 842,  
1800 Washington Street East, Charleston, WV 25305.

THE DEPARTMENT REQUESTS THAT PERSONS WISHING TO MAKE COMMENTS  
AT THE HEARING MAKE AN EFFORT TO SUBMIT WRITTEN COMMENTS IN  
ORDER TO FACILITATE A REVIEW OF THESE COMMENTS. THE ISSUES TO  
BE HEARD SHALL BE LIMITED TO THE PROPOSED RULE.

\_\_\_\_\_  
Ronald R. Potesta  
Director



STATE OF WEST VIRGINIA  
DEPARTMENT OF NATURAL RESOURCES  
CHARLESTON 25305

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OFFICE OF THE SECRETARY OF STATE

ARCH A. MOORE, JR.  
Governor

October 16, 1986

RONALD R. POTESTA  
Director

MICHAEL A. FOTOS  
Deputy Director

The Honorable Ken Hechler  
Secretary of State  
Capitol Complex, Suite 157-K  
Charleston, West Virginia 25305

Re: Filing of Proposed Rules (Awarding  
of Matching Grants for Local Litter  
Control Programs, Series 21A and  
Series 21B), Notice of Public Hearing,  
Hearing, and Notice of Comment Period  
by the Department of Natural Resources

Dear Mr. Hechler:

Enclosed please find for your filing a copy of proposed  
procedural and interpretive rules of the Department of  
Natural Resources, a Notice of Public Hearing, and a Notice  
of Comment Period for the proposed rule.

If you have any questions, please contact Mr. Jeffrey E.  
Herrold, Director's Office of Regulatory Affairs, at  
348-2761.

Sincerely,

Ronald R. Potesta  
Director

RRP/jhb

Enclosures

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Awarding of Matching Grants for  
Local Litter Control Programs

Type of Rule:           Legislative           X Interpretive           X Procedural

Agency:   Department of Natural Resources

Address:   1800 Washington Street East, Charleston, West Virginia 25305

1. Effect of Proposed Rule (Estimated Total Cost)	ANNUAL		Current \$	FISCAL YEAR	
	Increase \$	Decrease \$		Next \$	Thereafter \$
Personal Services					
Current Expense					
Repairs and Alterations					NO CHANGE
Equipment					
Other					

2. Explanation of Above Estimates:

West Virginia Code §20-7-25 stipulates that half of the money collected from litter law violators be distributed as matching grants for local litter control programs. This is not appropriated state money and would have no effect on Department budgets.

3. Objectives of These Rules:

The proposed rules establish procedures for awarding matching grants for local litter control programs.

4. Explanation of Overall Economic Impact of Proposed Rule.

A. Economic Impact on State Government:

None. One-half of the money collected from violators can be spent for administrative costs (non-appropriated special revenue).

B. Economic Impact on Political Subdivisions; Specific Industries; Specific Groups of Citizens:

Collections from litter violators are not great enough to have a material impact on local government cleanup efforts.

C. Economic Impact on Citizens/Public at Large:

None at this time. However, should income from this source dramatically increase, the control of litter could have a major positive impact on tourism.

Date: October 16, 1986



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Ronald R. Potesta  
Director

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OFFICE OF THE ATTORNEY GENERAL  
STATE OF NEW YORK

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NOV 18 1986

OFFICE OF THE SECRETARY OF STATE

PREAMBLE FOR PROCEDURAL AND INTERPRETIVE RULES  
RELATING TO MATCHING GRANTS FOR LITTER CONTROL

PROGRAM: Litter Control

REGULATIONS: Awarding of Matching Grants for Local Litter Control Programs (Series 21A, Procedural Rules and Series 21B, Interpretive Rules).

AUTHORITY: West Virginia Code, Chapter 20, Article 7, Section 25(b) and Chapter 29A, Article 3.

ACTION: Proposed Rules and Request for Comments

TOPIC: The awarding of matching fund grants for the implementation and administration of local litter control programs.

DATES: A public hearing will be held on Tuesday, November 18, 1986 at 5:00 p.m. in the Director's Conference Room 674, 1800 Washington Street East, Charleston, West Virginia. Comments will be received until the close of business on Friday, November 21, 1986.

SUMMARY: The Department is proposing rules concerning the awarding of matching grants for local litter control programs. Under Section 20-7-25(b) of the West Virginia Code, the Director must annually expend at least fifty percent of the money credited to the Litter Control Fund in the previous fiscal year by awarding matching grants to local governments for the initiation and administration of local litter control programs. The proposed procedural rules (Series 21A) establish the procedures to be followed and forms to be used by local governments in applying for a matching grant. The proposed interpretive rules (Series 21B) provide guidance concerning the use of grant monies.

FILED

WEST VIRGINIA ADMINISTRATIVE REGULATIONS  
Department of Natural Resources  
Series 21A  
Awarding of Matching Grants for Local Litter Control  
Procedural Rules

OCT 16 PM 2:18

DEPARTMENT OF NATURAL RESOURCES  
STATE OF WEST VIRGINIA

Section 1. Scope and Authority

- 1.1 Scope and Purpose. The purpose of these rules is to establish procedures for obtaining matching grants for the implementation and administration of local litter control programs.
- 1.2 Authority. These rules are promulgated under authority of the West Virginia Code, Chapter 20, Article 7, Section 25(b) and Chapter 29A, Article 3.
- 1.3 Effective Date. These rules will be effective 30 days after filing.
- 1.4 Filing Date. These rules were filed on \_\_\_\_\_, 1986.

Section 2. Definitions

Unless the context dictates otherwise, the following words and their meanings as used in these rules are defined below.

- 2.1 Applicant means the local government(s) applying for a grant or the local government(s) receiving a grant after approval by the Department.
- 2.2 Application means Form LC-G-1 for use by single program applicants or Form LC-G-2 for use by cooperative program applicants.
- 2.3 Cooperative Program means a program involving two or more local governments and coordinated by one of the participating local governments.
- 2.4 Coordinator means the individual who is responsible for coordinating the implementation and administration of a cooperative program.
- 2.5 Department means the West Virginia Department of Natural Resources.
- 2.6 Director means the Director of the West Virginia Department of Natural Resources.
- 2.7 Grant means matching grant funds allocated to an approved program applicant by the Department pursuant to Section 20-7-25(b) of the West Virginia Code.

- 2.8 Grant Period means July 1 of a calendar year through June 30 of the subsequent calendar year unless otherwise specified on the Notice of Approval, Form LC-G-3.
- 2.9 Litter means all waste material including, but not limited to, any garbage, refuse, trash, disposable package, container, can, bottle, paper, ashes, cigarette or cigar butt, carcass of any dead animal or any part thereof, or any other offensive or unsightly matter, but not including the wastes of primary processes of mining, logging, sawmilling, farming or manufacturing.
- 2.10 Litter Control Fund means the fund created pursuant to Section 20-7-26 of the West Virginia Code.
- 2.11 Local Government means a county commission as defined in Section 7-1-1 of the West Virginia Code or a municipal corporation as defined in Section 8-1-2(a)(1) of the West Virginia Code.
- 2.12 Local Litter Control Program means a program sponsored by a local government for the purposes stated in its application.
- 2.13 Resolution means a resolution adopted by a local government that authorizes the creation of a local litter control program.

### Section 3. Application Procedures

- 3.1 All applications for grants will be completed and submitted to the Office of Conservation Education/Litter Control, Department of Natural Resources, Room 711, 1800 Washington Street, East, Charleston, WV 25305. Applications must be postmarked not later than May 31 for consideration in the next grant period.
- 3.2 All applications will be submitted with a signed resolution authorizing the application, made by the governing body or bodies of the applicant, and an estimated budget for the applicant's proposed litter control program.
- 3.3 All applications will be signed by the individual whose name appears in the resolution as being authorized to apply for a grant.

### Section 4. Application Review and Approval

- 4.1 All applications will be reviewed by the Grant Approval Committee, which will be composed of three persons appointed by the Director. Applications will be approved or disapproved by the Director upon the recommendation of the Committee.

- 4.2 In approving applications and determining the amount of the awarded grant, the Director will give special consideration to the amount of money credited to the Litter Control Fund that has been collected from the area served by the applicant's proposed program through convictions pursuant to Section 20-7-26 of the West Virginia Code.
- 4.3 If an application is approved, the applicant will be notified in writing on a Notice of Approval, Form LC-G-3, on or before October 1 of the grant year. If an application is disapproved, the applicant will be so notified in writing.
- 4.4 The amount of the grant will be stated on the Notice of Approval. Grant checks will be sent directly to the applicant; in the case of a cooperative program, the check will be sent to the program coordinator.

#### Section 5. Performance and Accounting Reports

- 5.1 The applicant will keep account records for the program detailing expenditures of grant monies. The applicant will file a Performance and Accounting Report, Form LC-G-4, with the Department on or before June 20 of the grant period.
- 5.2 The coordinator of a cooperative program will keep account records for that program detailing expenditures of grant monies. The coordinator will file a Performance and Accounting Report, Form LC-G-4, with the Department on or before June 20 of the grant period.
- 5.3 Subsequent grants to an applicant will not be approved or funded until the performance and accounting report is received by the Department.

#### Section 6. Litter Control Grant Forms

- 6.1 Application Form LC-G-1 (Appendix A) will be completed by single program applicants and filed in accordance with Section 3 of these rules.
- 6.2 Application Form LC-G-2 (Appendix B) will be completed by cooperative program applicants and filed in accordance with Section 3 of these rules.
- 6.3 A Resolution Authorizing an Application for Matching Grant Funds for Litter Control (Appendix C) will be completed by single program applicants and filed in accordance with Section 3 of these rules.

- 6.4 A Resolution Authorizing a Cooperative Program Application for Matching Grant Funds for Litter Control (Appendix D) will be completed by each local government participating in a cooperative program and filed in accordance with Section 3 of these rules.
- 6.5 A Notice of Approval Form LC-G-3 (Appendix E) will be completed by the Department and mailed to approved applicants in accordance with Section 3 of these rules.
- 6.6 A Performance & Accounting Report Form LC-G-4 (Appendix F) will be completed by all applicants and filed in accordance with Section 5 of these rules.

**APPENDIX A**

APPLICATION FOR A MATCHING FUND LITTER CONTROL GRANT  
PURSUANT TO SECTION 20-7-25(b) OF THE WEST VIRGINIA CODE

AND GRANT AGREEMENT CONTRACT BETWEEN

---

AND

THE WEST VIRGINIA DEPARTMENT OF NATURAL RESOURCES

Applicant's Name \_\_\_\_\_

Applicant's Address \_\_\_\_\_

Contact Person \_\_\_\_\_

Telephone Number \_\_\_\_\_

A. Area served by the program:

\_\_\_\_\_  
\_\_\_\_\_

B. Person responsible for program organization and implementation:

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Phone: \_\_\_\_\_

C. Date program is to begin: \_\_\_\_\_

D. This program is (1) new \_\_\_\_\_ or (2) an ongoing program \_\_\_\_\_.

E. Program objectives:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

F. Description of the program:

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G. How this program will be implemented:

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H. How program accomplishments will be measured:

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The Applicant understands and agrees that the grant received upon the approval of this application will be used in accordance with West Virginia Administrative Regulations, Department of Natural Resources, Chapter 20-7, Series 21B and that the applicant shall be liable to the State of West Virginia pursuant to Section 7 of those Regulations.

\_\_\_\_\_  
Signature of Authorized Person

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

APPENDIX B

APPLICATION FOR A MATCHING FUND LITTER CONTROL GRANT  
PURSUANT TO SECTION 20-7-25(b) OF THE WEST VIRGINIA CODE

AND COOPERATIVE GRANT AGREEMENT CONTRACT BETWEEN

\_\_\_\_\_  
\_\_\_\_\_

AND

THE COORDINATING ORGANIZATION

\_\_\_\_\_

AND

THE WEST VIRGINIA DEPARTMENT OF NATURAL RESOURCES

Coordinating Organization's Address:

\_\_\_\_\_

Contact Person \_\_\_\_\_

Telephone Number \_\_\_\_\_

A. Area served by the program:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

B. Person responsible for program organization and implementation:

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Phone: \_\_\_\_\_

C. Date program is to begin: \_\_\_\_\_

D. This program is (1) new \_\_\_\_\_ or (2) an ongoing program \_\_\_\_\_.



G. How this program will be implemented:

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H. How program accomplishments will be measured:

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The Applicant understands and agrees that the grant received upon the approval of this application will be used in accordance with West Virginia Administrative Regulations, Department of Natural Resources, Chapter 20-7, Series 21B and that the applicant shall be liable to the State of West Virginia pursuant to Section 7 of those Regulations. The applicant further understands and agrees that any local government participating in this cooperative program can be held liable for the total sum due the Department for grant sums not properly used or accounted for pursuant to Section 7 of the above referenced Regulations.

\_\_\_\_\_  
Signature of Authorized Person

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

APPENDIX C

RESOLUTION AUTHORIZING AN APPLICATION FOR  
A MATCHING FUND GRANT FOR LITTER CONTROL

Whereas the \_\_\_\_\_ recognizes the existence of a litter  
problem within the boundaries of \_\_\_\_\_ and

Whereas the West Virginia Litter Control Program of 1985 provides  
matching grants of "litter control funds" through the West  
Virginia Department of Natural Resources for the purpose of  
establishing local litter control programs and

Whereas having reviewed and considered West Virginia Administrative  
Regulations, Department of Natural Resources, Chapter 20-7,  
Series 21A and 21B

Be it resolved that the \_\_\_\_\_

Hereby endorses and supports such a program for \_\_\_\_\_  
\_\_\_\_\_ as is indicated in the attached Application and

Hereby authorizes \_\_\_\_\_  
to plan, budget, and apply for a Grant which, if approved, will  
be used to fund said Program being in accord with the Regulations  
governing use and expenditure of said funds.

Adopted on: \_\_\_\_\_

Date

\_\_\_\_\_  
Signature of Authorized Person

\_\_\_\_\_  
Title

APPENDIX D

RESOLUTION AUTHORIZING A COOPERATIVE PROGRAM APPLICATION  
FOR A MATCHING FUND GRANT FOR LITTER CONTROL

Whereas the \_\_\_\_\_ recognizes the existence of a litter  
problem within the boundaries of \_\_\_\_\_,  
and

Whereas the West Virginia Litter Control Program of 1985 provides  
matching grants of "litter control funds" through the West  
Virginia Department of Natural Resources for the purpose of  
establishing local litter control programs and

Whereas having reviewed and considered West Virginia Administrative  
Regulations, Department of Natural Resources, Chapter 20-7,  
Series 21A and 21B

Be it resolved that the \_\_\_\_\_:

Hereby endorses and supports such a program for the \_\_\_\_\_  
\_\_\_\_\_ and expresses the intent to combine with  
\_\_\_\_\_ in a mutually  
agreed upon and Cooperative Program contingent upon approval of  
the Application by the Department of Natural Resources, and

Hereby authorizes \_\_\_\_\_ to apply on behalf  
of all of the above named Local Governments for a Grant, and to  
be responsible for the administration and implementation of the  
program as it is described in the attached Application and

Further accepts responsibility jointly with \_\_\_\_\_  
\_\_\_\_\_ for all phases of the Program, and

Further accepts liability for its pro rata share of any funds not  
properly used or accounted for pursuant to the Regulations and  
the Application, and understands and agrees that, at its option,  
the Department of Natural Resources may hold any local government  
participating in a cooperative program liable for the total sum  
owed by the applicant or its successors or assignees, and

Agrees that grant funds will be used in the Cooperative Program to  
which we give our endorsement and support.

Hereby requests the Department of Natural Resources to consider and  
approve the Application and Program, said Program being in accord  
with Regulations governing use and expenditure of said funds.

Adopted on: \_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Authorized Person

\_\_\_\_\_  
Title

APPENDIX E

NOTICE OF APPROVAL

Application for A Matching Fund Grant Under  
the West Virginia Litter Control Program  
Section 20-7-25(b) of the West Virginia Code

TO:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Attention: \_\_\_\_\_

Your application for a litter control grant has been approved.

\_\_\_\_\_ A check in the total amount indicated below will be sent to you.

\_\_\_\_\_ A check in the total amount indicated will be sent to the  
coordinator of your cooperative program.

ALL FUNDS MUST BE SPENT DURING THE GRANT PERIOD

\_\_\_\_\_, \_\_\_\_\_ THROUGH \_\_\_\_\_, \_\_\_\_\_

In accepting this grant, the applicant(s) must comply with the West Virginia Administrative Regulations, Department of Natural Resources, Chapter 20, Series 20B and with the program as stated in the Application.

Date Approved: \_\_\_\_\_  
Director

Total Amount of Grant: \_\_\_\_\_

APPENDIX F

PERFORMANCE & ACCOUNTING REPORT

FOR \_\_\_\_\_  
\_\_\_\_\_, 19\_\_ THROUGH \_\_\_\_\_, 19\_\_ GRANT PERIOD.

Applicant's Name \_\_\_\_\_  
Applicant's Address \_\_\_\_\_  
Compiled by \_\_\_\_\_  
Title \_\_\_\_\_  
Telephone Number \_\_\_\_\_

PERFORMANCE REPORT

Section I. Administration. Report only that time spent in meetings, program planning, organization, coordination, or other administrative activities.

Number

- 1.a \_\_\_\_ hours by paid nongovernment personnel.
- 1.b \_\_\_\_ hours by paid government employees other than coordinator.
- 1.c \_\_\_\_ hours by paid program coordinator.
2. \_\_\_\_ hours by volunteer personnel.
3. \_\_\_\_ estimated dollar value of in-kind services donated to program.
4. \_\_\_\_ money donated to program.

Section II. Cleanup. Report only time spent in cleanup activities. Do not report regularly scheduled street cleaning or garbage collection.

Number

- 1.a \_\_\_\_ hours by paid nongovernment personnel.
- 1.b \_\_\_\_ hours by paid government employees other than coordinator.
- 1.c \_\_\_\_ hours by paid program coordinator.
2. \_\_\_\_ hours by volunteer personnel.

3. \_\_\_\_\_ cubic yards of litter removed in cleanup activities.  
(Six 30 gallon garbage bags hold approximately one cubic yard of litter.)
4. \_\_\_\_\_ miles of roads, streets, or trails cleaned.
5. \_\_\_\_\_ school yards or campuses cleaned.
6. \_\_\_\_\_ indiscriminate dumps eliminated.
7. \_\_\_\_\_ litter containers purchased.
8. \_\_\_\_\_ shares in "WEST VIRGINIA'S BEAUTY IS EVERYONE'S DUTY" were issued in the statewide litter control program.

Section III. Public Information. Report accomplishments in public relations activities only; do not include school-related activities.

Number

- 1.a \_\_\_\_\_ hours by paid nongovernment personnel.
- 1.b \_\_\_\_\_ hours by paid government employees other than coordinator.
- 1.c \_\_\_\_\_ hours by paid program coordinator.
2. \_\_\_\_\_ hours spent in public relations activities by volunteers.
3. \_\_\_\_\_ pamphlets or other printed materials distributed.
4. \_\_\_\_\_ articles in newspapers.
5. \_\_\_\_\_ Public Service Announcements sent to radio stations.
6. \_\_\_\_\_ Radio stations used the Announcements.
7. \_\_\_\_\_ Public Service Announcements sent to television stations.
8. \_\_\_\_\_ Television stations used the Announcements.
9. \_\_\_\_\_ group presentations made (exclude school-related activities).

Section IV. Education. Please report only the accomplishments related to education on litter control done in the classroom. School projects such as cleanup and recycling should be reported in their respective sections of this report.

Number

1. \_\_\_\_\_ hours spent in school program planning and contacts by volunteers working with the litter control program.
2. \_\_\_\_\_ hours spent in antilitter program presentations by volunteers working with the litter control program.

3. \_\_\_\_\_ number of students who received litter control messages.
- 4.a \_\_\_\_\_ number of students involved in Poster Contest.
- 4.b \_\_\_\_\_ number of students involved in Essay Contest.
- 4.c \_\_\_\_\_ number of students involved in the West Virginia Youth Conservation Program.

Section V. Law Enforcement

Agencies involved in law enforcement:

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Number \_\_\_\_\_

1. \_\_\_\_\_ hours were spent by volunteers in litter ordinance review or other law enforcement activities.

Section VI. Recycling. Report any recyclables collected as a result of the litter control program.

Number \_\_\_\_\_

1. \_\_\_\_\_ pounds of aluminum
2. \_\_\_\_\_ pounds of glass
3. \_\_\_\_\_ pounds of paper
4. \_\_\_\_\_ pounds of rubber
5. \_\_\_\_\_ pounds of \_\_\_\_\_
6. \_\_\_\_\_ pounds of \_\_\_\_\_

SPECIAL INSTRUCTIONS FOR ACCOUNTING REPORT

1. Under LINE ITEM list those items in your grant application.
2. Under AS BUDGETED IN GRANT copy the line item budget submitted with your grant application.
3. Under AMOUNT SPENT indicate actual dollars spent per line item.

ACCOUNTING REPORT

REPORT GRANT FUND ITEMS ONLY:

<u>LINE ITEM</u>	<u>AS BUDGETED IN GRANT</u>	<u>AMOUNT SPENT</u>
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PLEASE TOTAL:

(Amount Received)

(Amount Spent)

\_\_\_\_\_  
Signature of Authorized Person

Date: \_\_\_\_\_