



**QUESTIONNAIRE**

(Please include a copy of this form with each filing of your rule: Notice of Public Hearing or Comment Period; Proposed Rule, and if needed, Emergency and Modified Rule.)

DATE: September 28, 1999

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: Bureau of Commerce, Division of Natural Resources  
Building 3, Capitol Complex  
Charleston, West Virginia 25305  
Telephone Number: (304) 558-2784

LEGISLATIVE RULE TITLE: LITTER CONTROL GRANT PROGRAM

1. Authorizing statute(s) citation 20-7-25

2. a. Date filed in State Register with Notice of Hearing or Public Comment Period:  
June 30, 1999

b. What other notice, including advertising, did you give of the hearing  
Letter to interested parties.  
Statewide new release.

c. Date of Hearing(s) or Public Commend Period ended:  
July 30, 1999

d. Attach list of persons who appeared at hearing, comments received, amendments, reasons for amendments.

Attached \_\_\_\_\_ No comments received \_\_\_\_\_

- e. Date you filed in State Register the agency approved proposed Legislative Rule following public hearing: (be exact)

August 6, 1999

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- f. **Name, title, address and phone/fax/e-mail numbers** of agency persons(s) to receive all written correspondence regarding this rule: (Please type)

Emily Fleming, Chief of Environmental Resources Section, Capitol Complex, Bldg.. 3,  
Room 732, Charleston, WV 25305, phone: 558-3370, fax: 558-6207  
e-mail: eflemin@dnr.state.wv.us

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- g. ***IF DIFFERENT FROM ITEM 'f'***, please give **Name, title, address and phone number(s)** of agency person(s) who wrote and/or has responsibility for the contents of this rule: (Please type)
- 

Jim Hill, State Recycling Coordinator, Capitol Complex, Bldg.. 3, Room 732, Charleston,  
WV 25305, phone: 558-3370, fax: 558-6207, e-mail: jhill@dnr.state.wv.us

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3. If the statute under which you promulgated the submitted rules requires certain findings and determinations to be made as a condition precedent to their promulgation:

- a. Give the date upon which you filed in the State Register a notice of the time and place of a hearing for the taking of evidence and a general description of the issues to be decided.

Not Applicable

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- b. Date of hearing: Not Applicable
- 

- c. On what date did you file in the State Register the findings and determinations required together with the reasons therefor?

June 30, 1999

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- d. Attach findings and determinations and reasons:

Attached None received

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TITLE 58  
BUREAU OF COMMERCE  
DIVISION OF NATURAL RESOURCES

SERIES 6  
LITTER CONTROL GRANT PROGRAM

SUMMARY OF AGENCY APPROVED RULE

AGENCY: Bureau of Commerce; Division of Natural Resources

REGULATION: Title 58, Series 6, "Litter Control Grant Program"

ACTION: Filing of Agency Approved Rule

SUMMARY: The agency approved rule sets out the procedures and guidelines for providing Litter Control Grants to those who are required by law or who wish to plan and implement a litter control program.

**STATEMENT OF CIRCUMSTANCES WHICH REQUIRE THE  
PROPOSED AMENDMENT**

The proposed amendment allows funding for the costs incurred in razing unsightly structures and limits the amount of each grant awarded. Also, requires the grantee to submit a final performance and financial report to show evidence of accomplishments made as a result of grant funds.

Other technical changes are contained in the proposed amendments.

## FISCAL NOTE FOR PROPOSED RULE

Rule Title: LITTER CONTROL GRANT PROGRAM 58 C.S.R. 43

Type of Rule  Legislative  Interpretive  Procedural

Agency Division of Natural Resources

Address Capitol Complex

Building 3, Room 732

Charleston, WV 25305

### 1. Effect of Proposed Rule

	ANNUAL			FISCAL YEAR	
	INCREASE	DECREASE	CURRENT	NEXT	THEREAFTER
ESTIMATED TOTAL COST			\$12,800	\$12,400	\$12,500
PERSONAL SERVICES					
CURRENT EXPENSE					
REPAIRS & ALTERATIONS					
EQUIPMENT					
OTHER			\$12,800	\$12,400	\$12,500

### 2. Explanation of above estimates:

The changes in the rule will not increase or decrease the amount of revenue required to operate the Grant Program. The figures shown above reflect the budgets for the program for fiscal years 1999 and 2000 and the estimated costs during 2001. The above estimates are based on 50% of the special revenue deposited in the Litter Control Grant Fund as provided for in WV Code 20-7-25.

### 3. Objectives of these rules:

Set out procedures and guidelines for providing assistance grants to municipalities and counties planning and implementing litter control programs.

Rule Title: LITTER CONTROL GRANT PROGRAM 58 C.S.R. 43

4. Explanation of overall Economics Impact of Proposed Rule.

A. Economic Impact on State Government:

Funds for program, administration and assistance grants are derived from special funds provided for in the Litter Control Fund. General revenue funds are not involved.

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

This rule allows political subdivisions to apply for grant funds to implement litter control. By doing this, it eases the economic burden of these entities to operate such programs and allows them to redirect revenues into other aspects of their operation, such as jobs or expansion.

C. Economic Impact on Citizens/Public at Large:

Funds to generate the special revenue are derived from fines collected from litter violations.

Date: 6 - 29 - 99

Signature of Agency or  
Authorized Representative:



JOHN B. RADER, DIRECTOR

**WEST VIRGINIA ADMINISTRATIVE REGULATIONS**  
**Division of Natural Resources**  
**Series 6**  
**Awarding of Matching Grants for Local Litter Control Programs**  
**Interpretive Rules**

SEP 23 1 51 PM '99  
OFFICE OF THE SECRETARY OF NATURAL RESOURCES

**§58-6-1. General.**

1.1. Scope. The purpose of ~~these rules~~ this rule is to provide interpretations and guidance concerning the awarding of matching grants for local litter control programs.

1.2. Authority. -- W.Va. Code §20-7-25 and §29A-3

1.3. Filing Date. --

1.4. Effective Date. --

**§58-6-2. Definitions.**

Unless the context dictates otherwise, the following words and their meanings as used in ~~these rules~~ this rule 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 Division.~~

2.2. "Application" means Form LC-G-1 for use by single program applicants ~~of~~ 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. "Division" means the West Virginia Division of Natural Resources.

2.6. "Director" means the director of the West Virginia Division of Natural Resources.

2.7. "Grant" means matching grant funds allocated to an approved program applicant by the Division pursuant to W.Va. Code §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. "In-kind Services" means any personnel, equipment, supplies, or other items for a local

litter control program supplied or obtained by the applicant with funds or by methods other than the use of grant moneys.

2.10. "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.

2.11. "Litter Control Fund" means the fund created pursuant to W. Va. Code §20-7-26 of ~~the West Virginia Code.~~

2.12. "Local Government" means a county commission as defined in W. Va. Code §7-7-1 or a municipal corporation as defined in W. Va. Code §8-1-2(a)(1) of ~~the West Virginia Code.~~

2.13. "Local Litter Control Program" means a program sponsored by a local government for the purposes stated in its application.

2.14. "Resolution" means a resolution adopted by a local government that authorizes the creation of a local litter control program.

2.15. "Grantee" means the local government approved by the Division to receive a grant.

### **§58-6-3. Applicability.**

3.1. Grants may be used by eligible local governments, singly or in cooperative groups, in a local litter control program.

3.2. ~~The Division shall award grants~~ Grants will be made for a period not greater than one (1) calendar year. Subsequent grants may be obtained by an applicant through submission of a revised application to the Division.

3.3. ~~The Division shall award grants~~ Grants will be awarded on a one-to-one matching basis. For each dollar budgeted by an applicant for a local litter control program, the Division will shall award up to one (\$1) dollar in matching grant funds upon approval of the application. The Division reserves the right to limit the amount of a grant in accordance with the amount of money in the Litter Control Fund available for distribution as matching grants.

3.4. Grant awards will be are limited to a maximum amount of \$3000.00.

### **§58-6-4. In-kind Services.**

4.1. ~~The Division shall give credit~~ Credit will be given for in-kind services when determining the amount of local government funding to be matched by a grant.

4.2. ~~The Division shall value volunteer~~ Volunteer services will be valued at the minimum

hourly wage unless the applicant can demonstrate that such ~~the~~ services would normally be valued above that wage in the area served by the applicant's program.

4.3. ~~The Division shall value donated~~ Donated equipment will be valued at its fair market value prorated over the life of the grant.

#### **§58-6-5. Authorized Uses Of Grant Funds.**

5.1. ~~An applicant may use a G~~grants may be used for the initiation, continuation, or expansion of a local litter control program, but may not be used in any way to replace local funds currently budgeted or being used to maintain and operate a local litter control program during the grant period.

5.2. Authorized uses of grants funds moneys in an approved local litter control program may include the following:

5.2.1. Enforcement of anti-litter statutes;

5.2.2. Expenses incurred in traveling to Division sponsored or approved workshops, conferences, or other meetings;

5.2.3. Implementation and administration of the approved litter control program;

5.2.4. Implementation of local litter cleanup campaigns;

5.2.5. Public informational and educational programs, such as those which increase public awareness or solicit public support in promoting citizen responsibility toward reducing litter;

5.2.6. Purchase of equipment which will specifically serve to fulfill litter control program objectives;

5.2.7. Research or development of local solid waste recycling programs;

5.2.8. Surveys and evaluation studies made for the purpose of identifying and prioritizing local littering problems;

5.2.9. ~~Other relevant items upon the approval of the Division: Costs associated with razing abandoned buildings or other structures which are unsightly or offensive and promote possible health hazards; and~~

5.2.10. Other relevant items upon the approval of the Division.

#### **§58-6-6. Unauthorized Uses Of Grant Funds.**

6.1. ~~An applicant may not use a grant in any way to replace local funds currently budgeted~~

or being used to maintain and operate a local litter control program during the grant period.

~~6.12. Applicants shall not use Ggrant funds moneys may not be used~~ for expenditures not related to litter prevention, elimination, or control.

~~6.23. Applicants shall not use Ggrant funds moneys should not be used~~ for the following:

~~6.23.1.~~ To fund beautification projects such as landscaping (tree or shrub purchases) or the removal of roadside vegetation;

~~6.23.2.~~ To purchase lawn, tree, or shrub maintenance equipment;

~~6.23.3.~~ To purchase equipment routinely used to collect or transport solid waste;

~~6.23.4.~~ To fund landfill operations or management;

~~6.23.5.~~ To buy office furniture, ~~to buy office or~~ equipment, or ~~the~~ to decorate or renovate an office; or

~~6.23.6.~~ To pay for professional consultation or production in the development of litter control films, slide shows, or similar programs.

#### **§58-6-7. Reporting Requirements.**

7.1. The grantee shall submit a final performance and accounting report for approval on or before July 31 of the following year. The report shall include the following:

7.1.1. An evaluation of accomplishments in implementing the original proposal's work tasks;

7.1.2. An accounting of in-kind services provided;

7.1.3. An accounting of grant funds expended;

7.1.4. Evidence supporting in-kind services and grant expenditures; and

7.1.5. An analysis of the amount of litter collected or material recycled during the period.

#### **58-6-78. Grant Withdrawal And Penalty.**

78.1. The Division reserves the right to withdraw a grant upon determination of unsatisfactory program compliance with either ~~these rules~~ this rule or the specifications in the program application.

78.2. ~~A failure~~ ~~The Division may cancel a grant in the event a grantee fails~~ to commence program activities within ninety days after receiving a notice of ~~approval~~ ~~award~~ from the Division may result in the cancellation of the grant.

78.3. An applicant ~~shall be~~ is responsible for the payment to the State of West Virginia of two (2) times the total sum of a grant not properly used or accounted for pursuant to ~~these rules~~ ~~this~~. ~~Such~~ ~~The~~ total sum shall constitute a debt owed by the applicant or its successors or assignees by appropriate legal action. At its option, the Division may proceed against any local government participating in a cooperative program for the total sum owed by the applicant or its successors or assignees, or may hold each local government participating in a cooperative program individually liable to the State of West Virginia for its pro rata share of the total liability.

78.4. The Division reserves the right to conduct an on-site inspection or audit of an applicant's program records during or after the grant period.

#### **§58-6-89. Nondiscrimination Provision.**

89.1. During the performance of the program described in the application, the applicant will not discriminate against any employee or individual applying for employment because of race, religion, color, sex, handicap, or national origin.

#### **§58-6-910. Unexpended Funds.**

910.1. All unexpended funds remaining at the end of the grant period ~~will~~ ~~shall~~ be handled as follows:

910.1.1. If the applicant applies for a grant for the subsequent grant period, and the Division approves the ~~said~~ application, unexpended funds ~~will~~ ~~shall~~ be netted against the amount for which the ~~applicant~~ ~~grantee~~ is eligible to receive;

910.1.2. If the ~~applicant~~ ~~grantee~~ does not apply for a grant for the following grant period, unexpended funds ~~will~~ ~~shall~~ return to the control of the Division.

#### **§58-6-1011. Reduction Of The Litter Control Fund.**

~~1011.1.~~ Grants allocated under ~~these rules~~ ~~this rule~~ are dependent upon the availability of funds collected pursuant to ~~W.Va. Code §20-7-25 of the West Virginia Code~~. In the event that those funds are diminished by legislative action, the Division ~~will~~ ~~shall~~ adjust the amount of each grant issued accordingly.



**DIVISION OF NATURAL RESOURCES**  
Environmental Resources Section  
Capitol Complex, Building 3, Room 732  
1900 Kanawha Boulevard East  
Charleston WV 25305-0665  
Telephone (304) 558-3370  
Fax (304) 558-6207  
TDD (304) 558-1439  
TDD 1-800-354-6087

Cecil H. Underwood  
*Governor*

John B. Rader  
*Director*

### MEMORANDUM

**TO:** Judy Cooper, Director  
Secretary of State  
Administrative Law

Debra Graham, Chief Counsel  
Legislative Rule Making Committee

**FROM:** John B. Rader, Director  
Bureau of Commerce  
Division of Natural Resources

**DATE:** September 28, 1999

**SUBJECT: Division Approval of Proposed Rules**

The attached rule amendment has my approval to be filed as a rule modification to the agency proposed Litter Control Grant Program Legislative Rules pursuant to the West Virginia Administrative Procedures Act. Your approval is requested.

All changes are shown by strike-throughs for deleted language and underlined for new language.

Please call Emily Fleming, Chief, Environmental Resources Section at 558-3370 should there be any questions.

Attachments

JBR/efh



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Environmental Resources Section  
Capitol Complex, Building 3, Room 732  
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Cecil H. Underwood  
Governor

John B. Rader  
Director

**MEMORANDUM**

**TO:** Judy Cooper, Director  
Secretary of State  
Administrative Law

Debra Graham, Chief Counsel  
Legislative Rule Making Committee

**FROM:** John B. Rader, Director  
Bureau of Commerce  
Division of Natural Resources

**DATE:** September 8, 1999

**SUBJECT:** Withdrawal of Rule Modifications  
to Title 58, Series 6

OFFICE OF THE SECRETARY OF STATE  
SEP 9 11 35 AM '99  
FILED

On September 3, 1999, we submitted modifications to the proposed legislative rule of the Litter Control Grant Fund Program to the Secretary of State's Office and the Legislative Rule-Making Committee. This had been done without the review of the Agency Approval Of A Proposed Rule from the Legislative Grant Review Committee.

Our agency is hereby withdrawing the Rule Modifications Of A Proposed Rule only, until after further review by the Legislative Review Committee.

Should you have any questions concerning this matter, please feel free to call Emily Fleming at 558-3370.

JBR/efh





**DIVISION OF NATURAL RESOURCES**  
Environmental Resources Section  
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Charleston WV 25305-0665  
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Cecil H. Underwood  
Governor

John B. Rader  
Director

**MEMORANDUM**

**TO:** Judy Cooper, Director  
Secretary of State  
Administrative Law

Debra Graham, Chief Counsel  
Legislative Rule Making Committee

**FROM:** John B. Rader, Director  
Bureau of Commerce  
Division of Natural Resources

**DATE:** September 1, 1999

**SUBJECT: Division Approval of Proposed Rules**

The attached rule amendment has my approval to be proposed as technical modifications to the Litter Control Grant Program Legislative Rules pursuant to the West Virginia Administrative Procedures Act. Your approval is requested.

All changes are shown by strike-throughs for deleted language and underlined for new language.

Please call Emily Fleming, Chief, Environmental Resources Section at 558-3370 should there be any questions.

Attachments

JBR/efh



**DIVISION OF NATURAL RESOURCES**  
Environmental Resources Section  
Capitol Complex, Building 3, Room 732  
1900 Kanawha Boulevard East  
Charleston WV 25305-0665  
Telephone (304) 558-3370  
Fax (304) 558-6207  
TDD (304) 558-1439  
TDD 1-800-354-6087

Cecil H. Underwood  
Governor

John B. Rader  
Director

**MEMORANDUM**

**TO:** John B. Rader, Director

**FROM:** Emily Fleming, Chief *EF*

**DATE:** September 1, 1999

**SUBJECT:** Request for Division Consent to Sign and Comments  
Consent to File

The attached rule amendment has my approval to be proposed as technical modifications to the Litter Control Grant Program Legislative Rules pursuant to the West Virginia Administrative Procedures Act. Your approval is requested.

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Attachments

EF/ndh

**QUESTIONNAIRE**

(Please include a copy of this form with each filing of your rule: Notice of Public Hearing or Comment Period; Proposed Rule, and if needed, Emergency and Modified Rule.)

DATE: September 1, 1999

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: Bureau of Commerce, Division of Natural Resources  
Building 3, Capitol Complex  
Charleston, West Virginia 25305  
Telephone Number: (304) 558-2784

LEGISLATIVE RULE TITLE: LITTER CONTROL GRANT PROGRAM

1. Authorizing statute(s) citation 20-7-25

2. a. Date filed in State Register with Notice of Hearing or Public Comment Period:  
June 30, 1999

b. What other notice, including advertising, did you give of the hearing  
Letter to interested parties.  
Statewide new release.

c. Date of Hearing(s) or Public Comment Period ended:  
July 30, 1999

d. Attach list of persons who appeared at hearing, comments received, amendments, reasons for amendments.  
Attached \_\_\_\_\_ No comments received \_\_\_\_\_

- e. Date you filed in State Register the agency approved proposed Legislative Rule following public hearing: (be exact)

August 6, 1999

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- f. Name, title, address and phone/fax/e-mail numbers of agency persons(s) to receive all written correspondence regarding this rule: (Please type)

Emily Fleming, Chief of Environmental Resources Section, Capitol Complex, Bldg. 3,

---

Room 732, Charleston, WV 25305, phone: 558-3370, fax: 558-6207

e-mail: eflemin@dnr.state.wv.us

---

- g. ***IF DIFFERENT FROM ITEM 'f'***, please give Name, title, address and phone number(s) of agency person(s) who wrote and/or has responsibility for the contents of this rule: (Please type)
- 

Jim Hill, State Recycling Coordinator, Capitol Complex, Bldg. 3, Room 732, Charleston,

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WV 25305, phone: 558-3370, fax: 558-6207, e-mail: jhill@dnr.state.wv.us

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3. If the statute under which you promulgated the submitted rules requires certain findings and determinations to be made as a condition precedent to their promulgation:

- a. Give the date upon which you filed in the State Register a notice of the time and place of a hearing for the taking of evidence and a general description of the issues to be decided.

Not Applicable

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- b. Date of hearing: Not Applicable
- 

- c. On what date did you file in the State Register the findings and determinations required together with the reasons therefor?

June 30, 1999

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- d. Attach findings and determinations and reasons:

Attached None recieved

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TITLE 58  
BUREAU OF COMMERCE  
DIVISION OF NATURAL RESOURCES

SERIES 6  
LITTER CONTROL GRANT PROGRAM

SUMMARY OF AGENCY APPROVED RULE

AGENCY: Bureau of Commerce; Division of Natural Resources

REGULATION: Title 58, Series 6, "Litter Control Grant Program"

ACTION: Filing of Agency Approved Rule

SUMMARY: The agency approved rule sets out the procedures and guidelines for providing Litter Control Grants to those who are required by law or who wish to plan and implement a litter control program.

**STATEMENT OF CIRCUMSTANCES WHICH REQUIRE THE  
PROPOSED AMENDMENT**

The proposed amendment allows funding for the costs incurred in razing unsightly structures and limits the amount of each grant awarded. Also, requires the grantee to submit a final performance and financial report to show evidence of accomplishments made as a result of grant funds.

Other technical changes are contained in the proposed amendments.

## FISCAL NOTE FOR PROPOSED RULE

Rule Title: LITTER CONTROL GRANT PROGRAM 58 C.S.R. 43

Type of Rule  Legislative  Interpretive  Procedural

Agency Division of Natural Resources

Address Capitol Complex

Building 3, Room 732

Charleston, WV 25305

### 1. Effect of Proposed Rule

	ANNUAL			FISCAL YEAR	
	INCREASE	DECREASE	CURRENT	NEXT	THEREAFTER
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### 3. Objectives of these rules:

Set out procedures and guidelines for providing assistance grants to municipalities and counties planning and implementing litter control programs.

Rule Title: LITTER CONTROL GRANT PROGRAM 58 C.S.R. 43

4. Explanation of overall Economics Impact of Proposed Rule.

A. Economic Impact on State Government:

Funds for program, administration and assistance grants are derived from special funds provided for in the Litter Control Fund. General revenue funds are not involved.

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C. Economic Impact on Citizens/Public at Large:

Funds to generate the special revenue are derived from fines collected from litter violations.

Date: 6-29-99

Signature of Agency or  
Authorized Representative:

  
\_\_\_\_\_  
JOHN B. RADER, DIRECTOR

**WEST VIRGINIA ADMINISTRATIVE REGULATIONS**  
**Division of Natural Resources**  
**Series 6**  
**Awarding of Matching Grants for Local Litter Control Programs**  
**Interpretive Rules**

FILED

SEP 3 11 28 AM '99

OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

**§58-6-1. General.**

1.1. Scope. The purpose of ~~these rules~~ this rule is to provide interpretations and guidance concerning the awarding of matching grants for local litter control programs.

1.2. Authority. -- W.Va. Code §20-7-25 and ~~§29A-3~~

1.3. Filing Date. --

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#### **§58-6-5. Authorized Uses Of Grant Funds.**

5.1. ~~An applicant may use a Grants~~ may be used for the initiation, continuation, or expansion of a local litter control program, ~~but may not be used in any way to replace local funds currently budgeted or being used to maintain and operate a local litter control program during the grant period.~~

5.2. Authorized uses of grants funds moneys in an approved local litter control program may include the following:

5.2.1. Enforcement of anti-litter statutes;

5.2.2. Expenses incurred in traveling to Division sponsored or approved workshops, conferences, or other meetings;

5.2.3. Implementation and administration of the approved litter control program;

5.2.4. Implementation of local litter cleanup campaigns;

5.2.5. Public informational and educational programs, such as those which increase public awareness or solicit public support in promoting citizen responsibility toward reducing litter;

5.2.6. Purchase of equipment which will specifically serve to fulfill litter control program objectives;

5.2.7. Research or development of local solid waste recycling programs;

5.2.8. Surveys and evaluation studies made for the purpose of identifying and prioritizing local littering problems;

5.2.9. ~~Other relevant items upon the approval of the Division. Costs associated with razing abandoned buildings or other structures which are unsightly or offensive and promote possible health hazards; and~~

5.2.10. Other relevant items upon the approval of the Division.

#### **§58-6-6. Unauthorized Uses Of Gant Funds.**

6.1. An applicant may not use a grant in any way to replace local funds currently budgeted or being used to maintain and operate a local litter control program during the grant period.

6.12. Applicants shall not use Ggrant funds moneys may not be used for expenditures not related to litter prevention, elimination, or control.

6.23. Applicants shall not use Ggrant funds moneys should not be used for the following:

6.23.1. To fund beautification projects such as landscaping (tree or shrub purchases) or the removal of roadside vegetation;

6.23.2. To purchase lawn, tree, or shrub maintenance equipment;

6.23.3. To purchase equipment routinely used to collect or transport solid waste;

6.23.4. To fund landfill operations or management;

6.23.5. To buy office furniture, ~~to buy office~~ or equipment, or ~~the~~ to decorate or renovate an office; ~~or~~

6.23.6. To pay for professional consultation or production in the development of litter control films, slide shows, or similar programs.

#### **§58-6-7. Reporting Requirements.**

7.1. The grantee shall submit a final performance and accounting report for approval on or before July 31 of the following year. The report shall include the following:

7.1.1. An evaluation of accomplishments in implementing the original proposal's work tasks;

7.1.2. An accounting of in-kind services provided;

7.1.3. An accounting of grant funds expended;

7.1.4. Evidence supporting in-kind services and grant expenditures; and

7.1.5. An analysis of the amount of litter collected or material recycled during the period.

#### **58-6-78. Grant Withdrawal And Penalty.**

78.1. The Division reserves the right to withdraw a grant upon determination of unsatisfactory program compliance with either ~~these rules~~ this rule or the specifications in the program application.

78.2. A failure ~~The Division may cancel a grant in the event a grantee fails~~ to commence program activities within ninety days after receiving a notice of approval award from the Division may result in the cancellation of the grant.

78.3. An applicant ~~shall be~~ is responsible for the payment to the State of West Virginia of two (2) times the total sum of a grant not properly used or accounted for pursuant to ~~these rules~~ this. Such ~~The~~ total sum ~~shall~~ constitutes a debt owed by the applicant or its successors or assignees by appropriate legal action. At its option, the Division may proceed against any local government participating in a cooperative program for the total sum owed by the applicant or its successors or assignees, or may hold each local government participating in a cooperative program individually liable to the State of West Virginia for its pro rata share of the total liability.

78.4. The Division reserves the right to conduct an on-site inspection or audit of an applicant's program records during or after the grant period.

#### **§58-6-89. Nondiscrimination Provision.**

89.1. During the performance of the program described in the application, the applicant will not discriminate against any employee or individual applying for employment because of race, religion, color, sex, handicap, or national origin.

#### **§58-6-910. Unexpended Funds.**

910.1. All unexpended funds remaining at the end of the grant period ~~will~~ shall be handled as follows:

910.1.1. If the applicant applies for a grant for the subsequent grant period, and the Division approves said application, unexpended funds ~~will~~ shall be netted against the amount for which the applicant ~~grantee~~ is eligible to receive;

910.1.2. If the applicant ~~grantee~~ does not apply for a grant for the following grant period, unexpended funds ~~will~~ shall return to the control of the Division.

#### **§58-6-~~1011~~. Reduction Of The Litter Control Fund.**

~~1011.1.~~ Grants allocated under ~~these rules~~ this rule are dependent upon the availability of funds collected pursuant to W.Va. Code §20-7-25 ~~of the West Virginia Code~~. In the event that those funds are diminished by legislative action, the Division ~~will~~ shall adjust the amount of each grant issued accordingly.