

WEST VIRGINIA  
SECRETARY OF STATE

KEN HECHLER

ADMINISTRATIVE LAW DIVISION

Form #3

RECEIVED

1992 SEP 17 PM 3:06

OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE  
AND  
FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

AGENCY: DCL&ER, Division of Natural Resources TITLE NUMBER: 47

CITE AUTHORITY § 20-11-5a(h)(1)

AMENDMENT TO AN EXISTING RULE: YES  NO

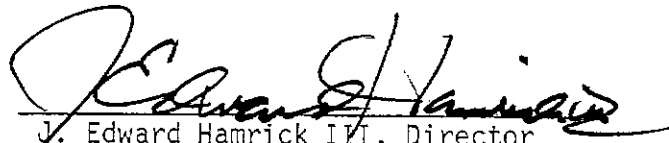
IF YES, SERIES NUMBER OF RULE BEING AMENDED: \_\_\_\_\_

TITLE OF RULE BEING AMENDED: \_\_\_\_\_

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: 43

TITLE OF RULE BEING PROPOSED: Recycling Assistance Fund Grant Program

THE ABOVE PROPOSED LEGISLATIVE RULE HAVING GONE TO A PUBLIC HEARING OR A PUBLIC COMMENT PERIOD IS HEREBY APPROVED BY THE PROMULGATING AGENCY FOR FILING WITH THE SECRETARY OF STATE AND THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE FOR THEIR REVIEW.

  
J. Edward Hamrick III, Director  
Division of Natural Resources

7.10



STATE OF WEST VIRGINIA  
DEPARTMENT OF COMMERCE, LABOR AND ENVIRONMENTAL RESOURCES  
DIVISION OF NATURAL RESOURCES

State Capitol Complex  
Building 3, Room 732  
1900 Kanawha Boulevard, East  
Charleston, West Virginia 25305-0665  
TDD 558-1439 TDD 1-800-354-6087  
Telephone (304) 558-3370 Fax (304) 558-2768

GASTON CAPERTON  
Governor

J. EDWARD HAMRICK III  
Director

JOHN M. RANSON  
Cabinet Secretary

September 18, 1992

RECEIVED  
1992 SEP 17 PM 3:05  
OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

TO: The Honorable Ken Hechler  
Secretary of State

FROM: J. Edward Hamrick III, Director  
Division of Natural Resources *JEH*

SUBJECT: Proposed Rule - Title 47, Series 43  
(Recycling Assistance Fund Grant Program)

Rules and regulations for the West Virginia Recycling Grant Assistance Program were filed with the Secretary of State on July 29, 1992, with a comment period being established through August 31, 1992. Notification of the comment period was made through the state register. In addition, a series of eight regional workshops were conducted during June for local government officials, solid waste authorities and regional planning councils.

For your information, a list of those attending the workshops is attached and questions asked regarding the grant program are included along with comments from the Division of Natural Resources, Conservation Education and Litter Control section, who is responsible for administering the grant program.

During the comment period, two responses were received from the public and recorded as follows:

Tom Degen, Member, Board of Directors, West Virginia Environmental Council; and, Robert Meneses, Jr., Executive Director, Putnam County Solid Waste Authority.

The comments are attached from these two individuals with responses from the Division of Natural Resources grouped according to the numerical outline of the regulations.

JEH/mso

cc: Legislative Rule Making Review Committee

attachments

DATE: September 18, 1992

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: WV Division of Natural Resources

LEGISLATIVE RULE TITLE: Recycling Assistance Fund Grant Program

1. Authorizing statute(s) citation § 20-11-5a(h)(1)

2. a. Date filed in State Register with Notice of Hearing:

July 29, 1992

b. What other notice, including advertising, did you give of the hearing?

State Register and eight regional workshops.

c. Date of hearing(s): July 29, 1992 in state register;

regional workshops held June 10, 12  
18, 22, 23, 24, 25, 26

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

Attached X No comments received                     

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

September 18, 1992

f. Name and phone number(s) of agency person(s) to contact for additional information:

Ms. Ollie M. Harvey; DNR Recycling Coordinator

558-3370



TITLE 47  
DIVISION OF NATURAL RESOURCES  
DEPARTMENT OF COMMERCE LABOR AND  
ENVIRONMENTAL RESOURCES

RECEIVED  
1992 SEP 17 PM 3:06  
OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

SERIES 43  
RECYCLING ASSISTANCE FUND GRANT PROGRAM

COMMENTS TO PROPOSED RULE

EIGHT REGIONAL WORKSHOPS WERE HELD DURING THE MONTH OF JUNE, 1992, FOR ELECTED OFFICIALS AND MEMBERS OF SOLID WASTE AUTHORITIES REGARDING THE NEW RECYCLING GRANT ASSISTANCE PROGRAM WITH 157 IN ATTENDANCE. A COMMENT PERIOD WAS HELD WITH QUESTIONS AND RESPONSES INCLUDED IN THIS REPORT.

MEETINGS WERE HELD AS FOLLOWS:

June 10, 1992, Huntington, West Virginia	- 12 in attendance
June 12, 1992, Sutton, West Virginia	- 33 in attendance
June 18, 1992, Logan, West Virginia	- 8 in attendance
June 22, 1992, Bridgeport, West Virginia	- 22 in attendance
June 23, 1992, Parkersburg, West Virginia	- 22 in attendance
June 24, 1992, New Martinsville, West Virginia	- 15 in attendance
June 25, 1992, Martinsburg, West Virginia	- 15 in attendance
June 26, 1992, Beckley, West Virginia	- 30 in attendance

COMMENTS AND RESPONSES

- (1) Is the new grant program coordinating efforts with the West Virginia Solid Waste Management Board grant program?

Response - The Solid Waste Management Board will review and approve all mandated municipalities, county commissions and county solid waste authority applications. Their Executive Director will serve on the Review Committee.

- (2) Small communities that started programs 3-4 years ago for the most part have ceased operations due to lack of funds. Will this program help them?

Response - In the second phase of the grant program after the mandates have started their implementation, if a county solid waste authority or county commission has not applied for funds to implement a county program, municipalities under 10,000 can apply.

- (3) What will feasibility study funds be used for?

Response - A feasibility study should include a waste audit, a plan for recycling, market development and the possibilities of cooperative marketing with adjoining counties for larger volumes and better transportation to markets.

- (4) What is the state doing in market development? Is anyone working to bring industry in that will use post-consumer materials in the product they are making?

Response - Two regional councils have received feasibility study funds to complete an in-state industrial study of what existing business/industry opportunities might be available for the use of post-consumer raw material in production and scrap material generated by them that could be used. There is a good possibility of locating a business or industry that can use recyclables from the community as feedstock for making their product.

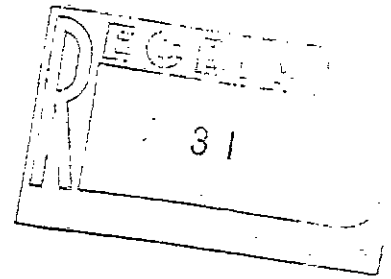
All feasibility studies will cover various phases of market development which is so critical to the recycling process. It was felt that satellite centers in strategic areas of the state to accept materials such as steel cans and tires would assist communities by eliminating long distance transportation.

#### COMMENTS

- (1) Can the private sector come under the grant program for funding? The public feels recycling centers are closing because of lack of assistance and very little income.
- (2) State government procurement of recycled content materials was discussed at each workshop. There was great interest in high grade office paper, using soybean ink, and crumb rubber for asphalt paving.
- (3) Many felt items that are being banned from the landfill must be addressed by the state, i.e., tires, lead acid batteries and yard waste.
- (4) The question was asked as to why West Virginia went out-of-state to get their feasibility study done for Senate Bill 18.
- (5) Has West Virginia considered a bill to regulate packaging?
- (6) Many felt the word "co-mingled" should have been in the legislation so residents would know materials could be mixed at curbside.

August 24, 1992

To: Maxine Scarbro  
Division of Natural Resources  
Office of Conservation Education/Litter Control  
Capitol Complex, Building 3, Room 732  
Charleston, WV 25305



Dear Ms. Maxine Scarbro;

Enclosed are comments on the regulations for the WV Recycling Assistance Grant Fund. I am glad that the Legislature created this grant program, for I feel it is important to encourage recycling. However, I have some concerns about the implementation of the program that I would like to share with you.

Monies for feasibility study/planning recycling grants have already been disbursed. At the Governor's Litter Control Conference in April, at the Association of Solid Waste Authorities' conference on May 8, and in a meeting I had with Frank Peluri in April, we were told that only municipalities with populations over 10,000 would be considered for this first round of feasibility funding, which had an application deadline of May 15. According to the attached Associated Press article, municipalities with populations under 10,000, county commissions and solid waste authorities were funded. While I am glad to know that there was enough money to fund these other entities, it would have been much better to know this beforehand, so that all interested parties could apply. I also notice that in these regulations that are now finally out for public comment, there is no mention of this initial round of funding and its timetable.

I attended the workshop that you and Ms. Harvey conducted concerning this grant program in Parkersburg on June 23. During the course of that workshop, Ms. Harvey offered to notify interested parties when the regulations for the Recycling Assistance Fund Grant Program went out for public comment. Even though I had asked Ms. Harvey to notify me as secretary of the Calhoun County Solid Waste Authority, I never did receive such notification. I also see that there is to be no public hearing on these regulations.

I feel that this is a very worthwhile and positive program, but it is getting off on the wrong foot. To start the program and implement it in such

an inconsistent manner before any regulations are in place, to overlook notification of parties that were told they would be notified, and to omit a public hearing, while technically-legal, seems inappropriate, especially in view of the fact that public monies are being disbursed.

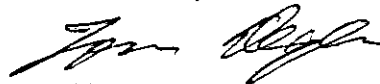
I would greatly appreciate it if your office would provide the Calhoun County Solid Waste Authority, of which I am secretary, and the West Virginia Environmental Council with notices, agendas and minutes of the review committee's meetings. Please send these to:

Tom Degen, Secretary  
Calhoun County Solid Waste Authority  
Box 63  
Chloe, WV 25235

West Virginia Environmental Council  
1324 Virginia Street East  
Charleston, WV 25301

We look forward to your response to these comments and to working with your office on recycling matters. Thank you.

Sincerely,



Tom Degen,  
member, Board of Directors  
West Virginia Environmental Council

cc: Perry McDaniel, President, WVEC  
Norm Steenstra, Environmental Director, WV Citizens Action Group  
Martha Huffman, Chair, WV Association of Solid Waste Authorities  
J. Edward Hamrick III, Director DNR

## Comments on:

- Title-47

To be filed as an Emergency Rule  
Division of Natural Resources  
Department of Commerce, Labor and  
Environmental Resources

Series 43

Recycling Assistance Fund Grant Program

### General Comments

- In addition to this recycling grant program, we would like to suggest that you look into a format that may provide a bit more stability in the long run and also help provide markets for recycled materials. What we suggest is the establishment of a "Recycling Mutual Fund". The purpose of this fund would be to invest in industries that use recycled inputs, as well as to operate this grant program.

De-tinning, plastic lumber, composting and asphalt utilizing tires are some examples that come to mind. The money from the assessment fees would be invested in mutual funds and placed in Treasury Bills. The capital would be used to buy stock in companies that use recycled inputs and would place their operations in WV. The interest would be used to fund this grant program. Such a program would not only provide grants, but promote economic development and provide markets for recycled materials.

Since any program involving solid waste/recycling generates great interest and concern among the public in general and environmentalists in particular, we would recommend that the environmental community be involved in this program.

- Composting is not addressed in these regulations as an operation qualifying for these grants. The definition of Recyclable Materials leaves room for composting ("is not limited to"), especially if the language from §20-11-5(d) is retained. Since §20-11-8(a) bans "yard waste, including grass clippings and leaves" from landfills by June 1, 1993 and further makes specific reference to the composting or otherwise recycling of these materials, we suggest it would be appropriate to include the composting of yard waste in this grant program. Also, since the municipalities over 10,000 have to submit a proposal that is consistent with the county solid waste

management plan (§20-11-5(a)), and many of those plans address composting, it would be difficult to exclude composting. However, we also suggest that other types of composting, such as food wastes, mixed wastes and sludges **not** be included in these grants for the following reasons:

- \* there is no deadline banning the landfilling of these other items, so there is not the urgent need to develop programs for them,
  - \* because these other wastes have more pathogens, heavy metals and toxins, they require a higher technology (liners, leachate collection and treatment, testing, etc.) to properly compost them. This extra expense would drain the grant fund faster.
- Are entities eligible for a grant to re-fund the same project year after year, or will preference be given (after the initial first year preference for those entities required by law to implement programs) to those applicants who have not yet had a shot at these funds? We would suggest giving re-funding grants a lower priority than first time applications, but not ruling out the re-funding of a project of exceptional merit.
  - In the booklet West Virginia Recycling Act Grant Guidelines that was distributed earlier this year, there was information in the forms that had substantive effects on the program. For example, the requirement that BTU savings be reported, and the timetable for the initial feasibility study/planning grants are addressed in the forms, but not in the body of the regulations. In the regulations currently out for comment, the forms are not included. The substantive information in those forms should appear in the body of the regulations if it is still to be retained. I do not see the need for the BTU reporting requirement; it is apparently a holdover from a former program to which it was relevant.

### **Specific Comments**

#### **Section 2. Definitions**

##### **2.4 "Materials Recovery Facility"**

While we prefer this definition, it is different than the definition in §20-9-2. We suggest using this definition for "Intermediate Processing Center". The definition of "Materials Recovery Facility" from the code can then be used to exclude this type of facility from this grant program, since it is a mixed waste technology.

##### **2.7 "Recyclable Materials"**

In §20-11-5(d), the definition is the same through the word "paper". Then it reads "...and such other solid waste materials as may be specified by either the municipality or county commission with the advice of the county or regional solid waste authority." The language from the Code should be kept.

### **Section 3. Grants Available From Recycling Assistance Fund Grant Program.**

Does the reference to all agencies of the state mean that DNR can give grants to itself? Is this what was intended, and if so, there should be some checks and balances.

### **Section 4. Grant Program Priority and Other Criteria.**

4.3. Parties may apply for grants under a reserved subsection? How will that work? They are only going to have to recycle two materials? Why not three?

### **Section 5. Use of Grant Funds.**

5.2.1.a. Most grantors are reluctant to fund wages, if for no other reason than that they are hard to repossess. We suggest language that gives wage funding a low priority.

5.2.1.c. and 5.2.2.c. seem backwards. The equipment listed in 5.2.2.c. is items that can be repossessed, while the supplies in 5.2.1.c. are things that are used up and can not be repossessed. DNR would be better off the other way around.

### **Section 7. Schedule of Grants Available.**

7.1. Please make it clear which category the solid waste authorities fall into.

### **Section 8. Criteria for Developing a Grant Proposal.**

8.7. Impossible under present conditions! That's why the grant program was created, to "jump start" recycling.

8.8. Most grantors have minimum required levels of in-kind services, we recommend that this program do the same.

There doesn't seem to be any requirement for the submission of contracts, written estimates of the cost of equipment, etc. In short, no hard accounting needs to be presented. This could lead to discrepancies and confusion between the actual and proposed costs of these programs.

### **Section 9. Recycling Assistance Fund Grant Review Committee.**

9.1. It would seem to be appropriate to require that one of the members of this committee have experience in recycling. Also, since any program involving solid waste/recycling generates great concern among the public and environmentalists, we would recommend that a representative of the environmental community be on this committee.

When Ms. Harvey was conducting workshops on this grant program, she stated that the recycling committee's meetings would not be open to the public. We feel that is most inappropriate. This committee should announce it's meetings, notify parties that request notification, keep minutes, and comply with Open Governmental Proceedings generally.

9.2. Unsuccessful applicants should be given the opportunity to discuss their proposals with the entity that made the decision to deny them a grant, whether it is the Review Committee or the Director. The term "staff" does not seem to convey this.

### **Section 10. Submittal of Grant Applications; Awarding of Grants; Financial Management; Unexpended Funds and Termination of Grant.**

10.2. There has been talk of an extension of the August 1st deadline. If there is to be one, put it in the regulations so that everyone will be equally informed of it.

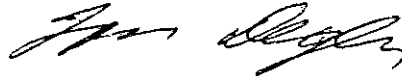
### **Section 11. Site Visits and Reports Required.**

11.3. We feel that the term "periodically" should be defined. If the DNR intends for these site visits to be random spot checks, then the wording should reflect that.

### **Section 14. Submission of Application.**

14.1. No requirements for anything written in the "estimated budget"? No written estimates from equipment salesmen, no written prices from buyers, no written commitments from persons that are going to be entering into

contracts? It will be very difficult to implement these programs without that type of information.



submitted by: Tom Degen  
member, board of directors  
WV Environmental Council

## Cities given grants for recycling

THE ASSOCIATED PRESS

The state Division of Natural Resources on Tuesday awarded \$564,000 in grants to help 30 government agencies develop state-mandated recycling programs.

Under legislation approved last year, cities with populations of 10,000 or more must establish recycling programs by the fall of 1993.

The grants will be used to develop plans for collecting, separating and marketing recyclable materials. The 10 cities, two coun-

ty commissions and 18 county solid waste authorities receiving the grants must submit feasibility plans by Oct. 15 to the state Solid Waste Management Board.

The grants are funded by a \$1 fee charged on each ton of trash deposited in West Virginia landfills.

Receiving grants of \$20,000 each were the cities of Beckley, Charleston, Huntington, Martinsburg, Moundsville, St. Albans, South Charleston, Vienna, Weirton and Wheeling; the Boone and Harrison county commissions; and the solid waste authorities in Barbour, Brooke, Jefferson, McDowell, Marion, Marshall, Mercer, Mingo, Monongalia, Putnam, Raleigh, Tucker, Wirt and Wood counties.

Other county solid waste authorities receiving grants were Berkeley, \$17,000; Monroe, \$5,000; Morgan, \$15,000; and Upshur, \$7,000.

TITLE 47  
DIVISION OF NATURAL RESOURCES  
DEPARTMENT OF COMMERCE, LABOR AND  
ENVIRONMENTAL RESOURCES

SERIES 43  
RECYCLING ASSISTANCE FUND GRANT PROGRAM

RESPONSE TO COMMENTS FROM TOM DEGEN  
MEMBER, BOARD OF DIRECTORS  
WEST VIRGINIA ENVIRONMENTAL COUNCIL

GENERAL COMMENTS

The West Virginia Recycling Act established time frames for mandated municipalities and the Division of Natural Resources staff committee responsible for developing the grant program worked hard to interpret legislative intent which we felt for the first year was to provide funds for feasibility study/planning grants and implementation of a curbside recycling program for communities over 10,000.

All mandated communities, county commissions, solid waste authorities and regional planning councils were notified on April 20, 1992, that they were eligible to apply for the feasibility study grant. We realize the deadline of May 15 was short but necessary in order to comply with an August 1 deadline for the implementation grant. We worked with municipalities and solid waste authorities that requested short extensions to get their feasibility application in to the state office.

While many of the entities awarded grants for feasibility studies will not be given implementation grants the first year due to the mandated municipalities being given priority, the study plan will aid them in developing an overall recycling plan and they will be ready to apply for funding to implement on August 1, 1993.

Feasibility study/planning grants have been awarded to ten of the mandated municipalities, 26 solid waste authorities, two planning councils and two county commissions to help them determine the best plan for implementation. Market Development will be a part of all feasibility studies.

Mandated municipalities will not be given priority for funding after the first year implementation grants are awarded but will be encouraged to expand their programs into other areas of solid waste management, i.e., cardboard, yard waste and composting. They can apply for grant assistance without priority being given and the review committee will assess their overall program. All applicants will be asked to formulate their plans to become as self-sufficient as possible, not relying on state funding to keep the programs going.

Composting was not addressed by the statute; therefore, the grant program was outlined to begin with household items.

In reference to Mr. Degen's suggestion to establish a "Recycling Mutual Fund" through assessment fees on de-tinning, plastic lumber, composting and asphalt utilizing tires through industries using recycled raw materials, we feel the legislature must make that decision.

The grant forms that are part of the rules and regulations are attached and should be part of the regulations that have been filed.

### SPECIFIC COMMENTS

#### **§47-43-2. Definitions.**

- 2.4 Material Recovery Facility definition was changed to include "co-mingled" at curbside to encourage a clean versus dirty mixed waste facility. We feel the legislation is a source separated piece of legislation and not intended to include all of the problems consistent with a dirty mixed waste facility.

We feel the one "weak" area of the legislation is giving municipalities over 30,000 the option of going with the program outlined or a material recovery facility and does not state whether it can be clean or dirty.

There are good markets for clean, quality materials but they become very limited and cannot meet specifications by the end market if materials are dirty.

#### **§47-43-3. Grants Available From Recycling Assistance Fund Grant Program.**

- 3.3.2 and 3.3.4 - State agencies and instrumentalities of the state.

The legislation mandates state agencies and instrumentalities of the state to recycle if a county program has not been established.

If there is not a countywide program a state agency can take the lead and develop an office recycling project collecting two materials and can coordinate with other agencies in the county. A school or college can qualify to recycle two materials. There will be proper checks and balances through the auditing system as quarterly reports are filed.

#### **§47-43-4. Grant Program Priority and Other Criteria.**

- 4.3 Parties may apply for grants under a reserved subsection.

This will include non-profits and the private sector and will be available after communities have implemented programs. There will not be adequate funding to assist all segments of the population at one time.

#### **§47-43-5. Use of Grant Funds.**

- 5.2.1.a. We felt funding a recycling coordinator would be of paramount importance in implementing the various phases of a recycling program, i.e., public education, monitoring the program, marketing recyclables. Local officials will be aware they cannot depend on continued funding through

the grant program.

5.2.1.c. and 5.2.2.c. - We are not interested in repossessing equipment. Results are not achieved by furnishing offices but by providing a means of implementing a recycling program and selling clean, quality materials. The end result of the grant program will be to reduce and manage solid waste.

**§47-43-7. Schedule of Grants Available.**

7.1 Solid Waste Authorities will qualify for a countywide implementation grant and a feasibility study grant.

**§47-43-8. Criteria for Developing a Grant Proposal.**

8.8 The grant committee developing the guidelines chose not to impose any level of in-kind services to enable all communities to participate in some level of recycling. It was felt communities would use existing employees, equipment and space to implement the program thereby fulfilling in-kind services.

**§47-43-9. Recycling Assistance Fund Grant Review Committee.**

9.1 The review committee has representatives from the Divisions of Environmental Protection, Office of Economic Development, Solid Waste Management Board, Natural Resources, local solid waste authority and business or industry. Within this committee it is felt there should be a high level of knowledge in recycling and solid waste management.

The review committee meetings will be posted through the state register thirty days before being held.

9.2 The committee members are volunteers coming together for a short period of time to review the grants, it would not seem feasible to allow them to be called at home or the office to discuss a grant applicant. The full time Division of Natural Resources staff will be the most logical to contact to discuss a proposal.

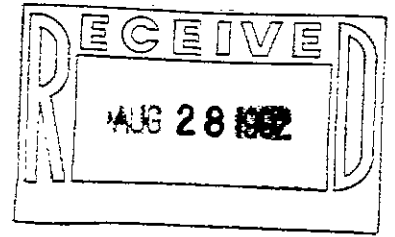
**§47-43-11. Site Visits and Reports Required.**

11.1.3 Quarterly visits to the grantee will be made by the Division of Natural Resources recycling coordinator and/or auditor and may include inspections from the Division of Environmental Protection and site visits from the West Virginia Solid Waste Management Board.

PUTNAM COUNTY SOLID WASTE AUTHORITY

4237 STATE ROUTE 34, ROOM 130 • HURRICANE, WEST VIRGINIA 25526 • TELEPHONE (304) 757-7347

August 27, 1992



Ms Maxine Scarbro  
DNR Conservation Education  
Litter Control  
Capitol Complex  
Bldg. 3, Room 732  
Charleston, WV 25305

RE: Recycling Assistance Fund Grant Program

Dear Ms. Scarbro,

Pursuant to legislative rules 20-11-5A(h) and 20-11-5(a) and public comment period ending 8-31-92. The follow concerns are provided by the Putnam County Solid Waste Authority herein known as the PCSWA.

The PCSWA appreciates having grant assistance for funding of their recycling program. However all grants are proportioned and allocated specially for government entities.

In order to support marketable recycling commodities, grant emphasis should include and be made available to the private business sector located in West Virginia. Without local private entrepreneurial business, supporting countywide recycling programs, the cost effectiveness of "going to market" will become excessively expensive. This will act as a deterrent to successful recycling programs. Since, private sector business operates more cost effectively than government funded operation, it would benefit our state to help provide financial resources to support the private sector. This will include new technologies in the industry supporting statewide recycling programs.

We need to proportion our grant resources to include and encourage recycling processes operated by local business and industry.

It is the PCSWA's hope and desire to see funding available to local recycling business to help promolugate cost effective recycling programs for all of West Virginia.

Very truly yours,

Putnam County Solid Waste Authority  
Board of Directors

A handwritten signature in cursive script that reads "Robert Meneses Jr." The signature is written in dark ink and is positioned above the typed name.

Robert Meneses Jr.  
Executive Director

RM/ge

TITLE 47  
DIVISION OF NATURAL RESOURCES  
DEPARTMENT OF COMMERCE, LABOR AND  
ENVIRONMENTAL RESOURCES

SERIES 43  
RECYCLING ASSISTANCE FUND GRANT PROGRAM

RESPONSE TO COMMENT FROM ROBERT MENESES, JR.  
EXECUTIVE DIRECTOR  
PUTNAM COUNTY SOLID WASTE AUTHORITY

Comment - Grants should be made available to the private business sector located in West Virginia in order to expand the recycling markets.

Response - The committee felt the intent of the legislature was to get recycling implemented beginning with the mandated municipalities. It was a general feeling that as community programs got underway there would no longer be a need for feasibility studies and funds could be made available for the private sector through the reserved section of the guidelines. The committee also saw expansion of community programs into cardboard, yard waste, composting, office recycling, etc., as added phases.

DISTRICT V / REGIONAL WORKSHOP / JUNE 10, 1992 / GATEWAY INN, HTG.

COUNTIES: PUTNAM, MASON, CABELL, WAYNE, KANAWHA

- (1) CITY OF CHARLESTON (2)
- (2) KANAWHA COUNTY SWA (2)  
Sally Shepherd  
Scott Bell
- (3) PUTNAM COUNTY SWA (1)  
Robert Meneses, Jr.
- (4) MASON COUNTY SWA (2)  
Ed Bumgarner  
Nancy Eads
- (5) CITY OF HUNTINGTON (2)
- (6) CITY OF ST. ALBANS (2)  
Jim Romeo, Recycling Coordinator  
Larry Lawson
- (7) CITY OF BARBOURSVILLE (2)  
William Plyburn, Mayor  
Ann Reed
- (8) WAYNE COUNTY SWA (contacted, meet 6/9)
- (9) *Sam Colvin, Cabell Cty. SWA*

MADE RESERVATIONS FOR 25 (no room charge)

COFFEE/DANISH to be served at 9:45 a.m.

LUNCH 12:15

<u>Name</u>	<u>Representing</u>	<u>County</u>
Audrey N. Nelson	Town of Cowen	Webster
Donna Brown	Camden or Gauley	Webster
Wally Sigaty	Web. Co. S.W.A.	Webster
Dorothy Howell	Town Council	Webster
James Moran	Webster County	Webster
Jasper Roy	Springfield Control	Lewis
John C. Burkhardt	City of Weston	"
Ed Riley	" " "	"
Sam Lublow	Poca. Co. SWA	Pocahontas
Bob Coit	CITY OF BUCKHANNON	UPSHUR
G. Glenn Jack	UPSHUR Co. Solid WASTE A.	UP
B. Hoffman	Po Box 197 Coalton WVA	Randolph
Rodney Brown	Po Box 197 Coalton WVA	-
Samuel Cogar	TOWN OF BURNSVILLE	BRAXTON
Stephen Shepler	" " "	"
Harley Brown	City of Elkins	Randolph
Jan Nelson	City of Buckhannon.	UPSHUR
Willie Parker	Solid Waste Authority	Pocahontas
Sara Hicks	Upshur County Commission	UPSHUR
Corniea Catrell	Solid Waste Authority	Lewis
Virginia Brown	City of Jane Lew	Lewis
Neva Walling	Flatwoods, W. V. Council	BRAXTON
Barbara Ritchie	Clay County EXT & FRN 1ERDC	Clay
Dot Gioulis	Town of Cowen	Webster
Jean Harman	Town of Sutton	BRAXTON
Furlo Marzuy	Town of Harman	Randolph
Harry Davis	" " "	"
	BRAXTON C. SWA	BRAXTON

Name

Representing

County

Charles C. Kewler

Gassaway

Brookley

JACK M. BOONE

MOUNTAIN RECYCLING

BRAXTOWN

Roger King

Wood Co. SWA. Chairmen

Wood

June 18, 1992 - Logan

Gail Conner -	Boone County Commission
Gerald Conner -	
James E. Sheets	J County SWA
Doc Pez	City of Charleston
Jayce Horan	City of Charleston
Sharon Jamieson	B+E Carriage
Maryann Skulden	Lincoln Co. S.W.A.
Zeke Wood	Lincoln Co SWB



# The Greenbrier

Budget Report June 22, 1992

## DISTRICT I

Bill Norway - DNR -  
 James Conway - DNR - 1304 Pine Hill Rd. Fint. WV.  
 James Vandeth - Mayor Monongah, WV.  
 George Kelley - Harrison County SWA.  
 Bill McLean - Councilman Morgantown WV  
 Jane Hill - Marion County SWA  
 Al Beberke - M. CSWA  
 James Zanni - Hamlin Co. Commission  
 Greg Jayn - Taylor Co SWA  
 WALTER SWIGER - HCSWA  
 Erwin Stemple - Tucker County S.W.A.  
 Patricia C. Conely - Charlesburg  
 Lily Morgan - MORGANTOWN  
 Edith Barrell - Star City, WV  
 Jim Mohrman - MORGANTOWN "WR RECYCLER"  
 James E. Shriver - Taylor County  
 David Rice - Nassau Hempstead  
 Fred Daugherty - Banner SWA  
 Mary Lee Ramsey - Mascoutown  
 Alex Lawrence - Mascoutown  
 Jean Friend - Mascoutown  
 Kim Pritchard - Tri Line Associates, Inc

# Holiday Dinner

1. Edwina Marin, Doddridge Cty Solid Waste Authority
2. John O. Duer North Hills
3. Al Maguire Coordinator RCSWA
4. Todd E. Helms MOVRC
5. W. C. Monroe WIRTGO
6. Leonard Payton Roane Co Solid Waste Authority
7. Juelley W. Keith Roane - Pres. Roane Co. Commission
8. Peter Schumaker RCSWA
- ~~9. [REDACTED]~~
- ~~10. [REDACTED]~~
9. John Licillo waswa
10. Michael A. Sermon Wirt Co SWA
11. Ron Looney -
12. Peggy Mace - Vienna
13. Ruby Montgomery - Vienna
14. Lisa Burgess - TOKRAGON - wood Cty
15. Chris Fought - wood Cty
16. Tom Vigen - Calhoun County SWA
17. Beth Bell CCSWA



The Greenbrier

Recycling Workshop

June 24, 1992  
New Martinsville

Name	
Tammy Bonar	Ohio Co. SWA
Chas. J. Ruggard	Martinsville SWA Assoc.
Jim Conway	DNR
Bill Brown	New Martinsville
Wanda A. Ballard	Wright Co. Solid Waste Authority
Terry R. Weigel	City of Weirton
Vince Azzarella	" "
Mary Lou Aleckly	McMechen Women's Club + of McMechen <sup>City</sup>
Marge Kern	McMechen Woman's Club "
William Kern	McMechen WA Mayor
Donald R. Robinson	Brooke County SWA
Richard Pitzer	Glendon Dale
Jack Adams	Glendon Dale
Jim CURNES	Wheeling
Rusty Jerber	CITY OF WHEELING

PROGRAM DNR - Beckley  
 Date(s) of Program June 26, 1992

The Academy will need a complete roster of all participants in your program. It is important that you complete this roster and return it to Priscilla Mitchem at the end of your program.

<u>NAME OF PARTICIPANT</u>	<u>DATE(S) ATTENDED</u>
1. <u>Emmett Pugh</u> , Mayor of Beckley	SWA = Solid Waste Authority
2. <u>Ken Richmond</u> City of Beckley	
3. <u>Oliver Porterfield</u> Monroe Co. SWA	
4. <u>Charles Leonard</u> City of Gary	
5. <u>Mike Florino</u> rep for County Commission, Fayette Co.	
6. <u>Phil L. Gainer</u> , Mayor, Lewisburg	
7. <u>Betty Lilly</u> Mt. Hope Councilwoman	
8. <u>June McGraw</u> Summers Co. SWA	
9. <u>Les Shaffar</u> "	
10. <u>Teri Clark</u> "	
11. <u>John Truckwiller</u> Greenbrier Co. SWA	
12. <u>Richard Coffman</u> "	
13. <u>Susan Coffman</u> Town of Boneverte	
14. <u>Ernest D. McGraw</u> Mayor of Meadow Bridge	
15. <u>Chester Matney</u> McDowell Co. SWA	
16. <u>James Stafford</u> "	
17. <u>Mary Blackwell</u> City of Gauley Bridge	
18. <u>Waverly Cogsdale</u> City of Blountfield	
19. <u>Charlie Cromer</u> "	

- 20. Brian Shumate                      Staff for Rab. Co. SWA
- 21. Don Bare                              "                      "
- 22. Clifford Sargent                      Mayor of Rhodell
- 23. Wallace Muncy                      Mingo Co. SWA
- 24. Lucille Muncy                      "
- 25. Martha L. Judy                      City of Alderson
- 26. David Church                      Wyoming Co. SWA
- 27. Billy Cooper                      "
- 28. Calvin Moran                      city of Sophia
- 29. Don Bushen                      "
- 30. \_\_\_\_\_
- 31. \_\_\_\_\_
- 32. \_\_\_\_\_
- 33. \_\_\_\_\_
- 34. \_\_\_\_\_
- 35. \_\_\_\_\_
- 36. \_\_\_\_\_
- 37. \_\_\_\_\_
- 38. \_\_\_\_\_
- 39. \_\_\_\_\_
- 40. \_\_\_\_\_
- 41. \_\_\_\_\_
- 42. \_\_\_\_\_
- 43. Phyllis Farley - coordinator for workshops, DNR
- 44. Ollie Harvey - facilitator for DNR

J. Robert Cain

Diane M. Dorsey

Larry Johnson

Mickie Waters

Herb Snyder

DOUG KNOTTS

Phil Hertz

Mallie J. Combs

\* J. Robert Cain

Alip Kerns

Bill Clark

Jay Jones

Barbara Haney

Charles Town

Waste Management of Shen. Valley

Kamber Engineering

Berk Co. Solid Waste Authority

Jefferson Co SWA / Jeff Co Comm.

JEFFERSON CO. SWA

CITY of MARTINSBURG

Hardy County Rural Dev. Authority

Charles Town

Morgan Co Solid Waste Auth

Morgan County Administrator

Region 8 SWA

DNR

267-9758

Mitsbg.

725-6174

725-3043

267-2131

538-6398

725-2311

258-5216

258-2797

257-1221

263-4857



**NOTE:** Application Must Be Accompanied By A Certified Resolution Authorizing The Submission Of Application.

Application is being made in the absence of a municipal and/or county recycling program.  
YES \_\_\_\_\_ NO \_\_\_\_\_

\*\*\*\*\*

Proposal Narrative: (Must be a complete description of proposed project, what is to be accomplished and how, with list of materials to be collected and source separated. Limit to two pages. Attach additional pages as necessary.)

(FORM No. RG-2)

WEST VIRGINIA DIVISION OF NATURAL RESOURCES  
WV RECYCLING ACT GRANTS PROGRAM

ESTIMATED BUDGET

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

Applicants Address: \_\_\_\_\_

Project Manager's Name: \_\_\_\_\_

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

LINE ITEM

ESTIMATED BUDGET

Personnel Services:

Travel:

Supplies:

Equipment:

Other:

TOTAL ESTIMATED BUDGET \$ \_\_\_\_\_

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

\_\_\_\_\_  
Date

(Explanation of costs allowable under the above line items may be found in section 5 of these regulations.)

WEST VIRGINIA DIVISION OF NATURAL RESOURCES  
WV RECYCLING ACT GRANT PROGRAM

PROGRESS REPORT

Quarter Ending: \_\_\_\_\_

\_\_\_\_\_  
Name of Organization

\_\_\_\_\_  
Street or Box No.

\_\_\_\_\_  
City

\_\_\_\_\_  
County

\_\_\_\_\_  
Zip Code

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

Give brief narrative of accomplishments during the past 3 months: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Give brief description of projections for the next 3 months: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Provide number of pounds of recyclable material collected during the past three months:

Aluminum Cans: \_\_\_\_\_

Steel/Bi-Metal Cans: \_\_\_\_\_

Paper: \_\_\_\_\_

Glass: \_\_\_\_\_

Plastic: \_\_\_\_\_

Other: (explain) \_\_\_\_\_  
\_\_\_\_\_

**EXPENDITURES FOR THE QUARTER**

<u>Line Item</u>	<u>Grantee Share of Expenditures</u>	<u>Grant Funds Expended</u>
Personnel services	\$	\$
Travel	\$	\$
Supplies	\$	\$
Equipment	\$	\$
Other	\$ _____	\$ _____
Total	\$	\$

I certify that the above expenditures were made in carrying out the purposes and objectives of the WV Recycling Act and that such expenditures are true costs of the approved grant project.

\_\_\_\_\_  
Authorized Person

\_\_\_\_\_  
Date

TOTAL BTU SAVED BY RECYCLING

When figuring quarterly report BTU savings for materials collected during the above three month period use the following factors per pound of material.

	<u>Pounds</u>	<u>Factor</u>	<u>Totals</u>
Aluminum	_____	X 22,183	= _____
Glass	_____	X 250	= _____
Paper	_____	X 2,500	= _____
Plastic	_____	X 12,000	= _____
Steel/Bi-Metal	_____	X 6,000	= _____
Total BTU's			= _____

(FORM No. RG-4)

WEST VIRGINIA DIVISION OF NATURAL RESOURCES  
WV RECYCLING ACT GRANTS PROGRAM

FINAL REPORT

This form must be completed with the final report attached and postmarked no later than 30 days following the end of the grant period. MAIL TO: WV Recycling Program, WV Division of Natural Resources, Building 3, Room 732, Charleston, WV 25305.

Name of Applicant Organization \_\_\_\_\_

Name of Project Manager \_\_\_\_\_

Street or Box No. \_\_\_\_\_ City \_\_\_\_\_ County \_\_\_\_\_ Zip Code \_\_\_\_\_

Office Telephone \_\_\_\_\_ Home Telephone \_\_\_\_\_ Federal Identification No. (FEIN) \_\_\_\_\_

Title of Recycling Project \_\_\_\_\_

Starting Date \_\_\_\_\_ Ending Date \_\_\_\_\_ Total Months of Project \_\_\_\_\_

Signature of Grant Applicant \_\_\_\_\_ Signature of Project Manager \_\_\_\_\_

Name (typed): \_\_\_\_\_ Name (typed): \_\_\_\_\_

Position/Title: \_\_\_\_\_ Position/Title: \_\_\_\_\_

Address & Telephone No.: \_\_\_\_\_ Address & Telephone No.: \_\_\_\_\_

Social Security Number: \_\_\_\_\_ Social Security Number: \_\_\_\_\_

Date Final Report Mailed: \_\_\_\_\_

Attach to this form the following:

- 1) Accounting of grant funds received and expended.
- 2) Detailed narrative summary of the implementation of the recycling project, written to provide others insights for starting similar projects. Provide an evaluation of successes and failures encountered in implementing the original proposal's work tasks. Include a composite of individual volumes of recycled materials collected.
- 3) Include a detailed technical evaluation of major equipment used in project, including discussions on operating costs, performance characteristics, and strong and weak points.
- 4) Give an analysis of economic development achievements, such as job development.

(FORM No. RG-5)

WEST VIRGINIA DIVISION OF NATURAL RESOURCES  
WV RECYCLING ACT GRANTS PROGRAM

RECYCLING FEASIBILITY STUDY/PLANNING  
GRANT APPLICATION

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

Address: \_\_\_\_\_

Check appropriate category:

Municipality over 10,000	_____
County Commission	_____
County Solid Waste Authority	_____
Regional Solid Waste Authority	_____
Regional Planning Council	_____

Requests a Feasibility Study/Planning Grant in the amount of \$ \_\_\_\_\_ to be used for the purpose of developing direction for a recycling program which will include a system for source separation, collection and marketing of recyclable materials. We understand the funds will be available by July 1, 1992, and that a copy of the feasibility study will be made available to the West Virginia Division of Natural Resources upon completion of the study.

It is further understood that in order for a Feasibility Study/Planning applicant to apply for an implementation grant with January 1993 funding, a complete application that includes forms RG-1 Grant Application; RG-2 Estimated Budget; Resolution approval by governing body; and Drug-Free Workplace Requirement must be provided to the Division of Natural Resources by August 1, 1992 and must have prior approval from the West Virginia Solid Waste Management Board.

\_\_\_\_\_  
Signature of Applicant Official

\_\_\_\_\_  
Position/Title

**WEST VIRGINIA  
SECRETARY OF STATE  
KEN HECHLER  
ADMINISTRATIVE LAW DIVISION**

Form #7

Do Not Mark In This Box, Filing Date

Effective Date

**NOTICE OF AN EMERGENCY RULE**

AGENCY: DCL&ER, Division of Natural Resources TITLE NUMBER: 47

CITE AUTHORITY: § 20-11-5a(h)(1)

EMERGENCY AMENDMENT TO AN EXISTING RULE: YES  NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: \_\_\_\_\_

TITLE OF RULE BEING AMENDED: \_\_\_\_\_

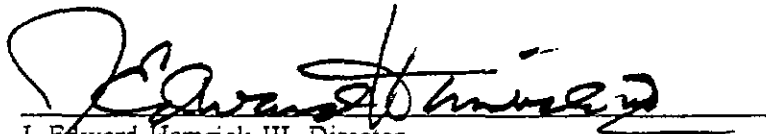
IF NO, SERIES NUMBER OF RULE BEING FILED AS AN EMERGENCY: 43

TITLE OF RULE BEING FILED AS AN EMERGENCY: Recycling Assistance Fund Grant Program

THE ABOVE RULE IS BEING FILED AS AN EMERGENCY RULE TO BECOME EFFECTIVE AFTER APPROVAL BY THE SECRETARY OF STATE OR THE 35TH DAY AFTER FILING, WHICHEVER OCCURS FIRST.

THE FACTS AND CIRCUMSTANCES CONSTITUTING THE EMERGENCY ARE AS FOLLOWS (Use Additional

Sheets If Necessary) : W. Va. Code § 20-11-5a(h)(1) requires director of Division of Natural Resources to promulgate rules containing grant application procedures, etc. so grants may be provided to assist municipalities, counties and others in planning and implementing recycling programs. W. Va. Code § 20-11-5(a) requires municipalities with populations over ten thousand to file with the Solid Waste Management Board by October 18, 1991 a proposal for establishing and implementing mandatory recycling. Therefor to provide grant assistance so that Legislative time frames are complied with it is necessary to file this rule as an Emergency Rule.

  
\_\_\_\_\_  
J. Edward Hamrick III, Director  
Division of Natural Resources

**WEST VIRGINIA  
SECRETARY OF STATE  
KEN HECHLER  
ADMINISTRATIVE LAW DIVISION**

Form #2

Do Not Mark In This Box

**NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE**

AGENCY: DCL&ER, Division of Natural Resources TITLE NUMBER: 47

RULE TYPE: Legislative; CITE AUTHORITY § 20-11-5a(h)(1)

AMENDMENT TO AN EXISTING RULE: YES  NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: \_\_\_\_\_

TITLE OF RULE BEING AMENDED: \_\_\_\_\_

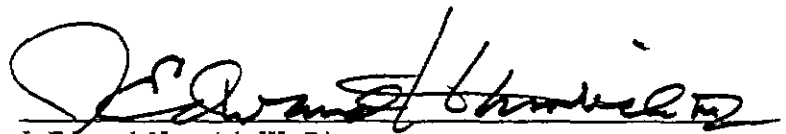
IF NO, SERIES NUMBER OF RULE BEING PROPOSED: 43

TITLE OF RULE BEING PROPOSED: Recycling Assistance Fund Grant Program

IN LIEU OF A PUBLIC HEARING, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH ANY INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES. THIS COMMENT PERIOD WILL END ON August 31, 1992 AT 5:00 pm

ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS Maxine Scarbro, Division of Natural Resources, Conservation Education/Litter Control, Capitol Complex, Bldg. 3, Room 732, Charleston, West Virginia 25305

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

  
J. Edward Hamrick III, Director  
Division of Natural Resources

ATTACH A BRIEF SUMMARY OF YOUR PROPOSAL



DEPARTMENT OF COMMERCE, LABOR & ENVIRONMENTAL RESOURCES

OFFICE OF THE SECRETARY

State Capitol, Room R-151

Charleston, West Virginia 25305-0310

Telephone: (304) 558-3255

Fax No.: (304) 558-4983

GASTON CAPERTON  
Governor

JOHN M. RANSON  
Cabinet Secretary

July 22, 1992

RECEIVED  
1992 SEP 17 PM 3:06  
OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

J. Edward Hamrick III, Director  
Division of Natural Resources  
Building 3, Room 669  
Charleston, West Virginia 25305

RE: Proposed Rule - Title 47, Series 43 (Recycling assistance  
fund grant program)

Dear Ed:

Pursuant to West Virginia Code §5F-2-2(a)(12), I hereby  
consent to the proposal of the rule specified above.

You may attach a copy of this letter to your filing with the  
Secretary of State as evidence of my consent.

Sincerely yours,

*John M. Ranson*  
John M. Ranson  
Cabinet Secretary

JMR:cjb

B:RULE-DNR.RUL

FISCAL NOTE FOR PROPOSED RULE

RECEIVED

1992 SEP 17 PM 3:06

Rule Title: Recycling Assistance Fund Grant Program 47 C.S.R. 40

OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

Type of Rule:  Legislative  Interpretive  Procedural

Agency: Division of Natural Resources

Address: Building 3, State Capitol Complex, Charleston, West Virginia

1. Effect of Proposed Rule	ANNUAL		FISCAL YEAR		
	Increase	Decrease	Current	Next	Thereafter
Estimated Total Cost	\$2,100,000	\$	\$2,100,000	\$2,100,000	\$2,100,000
Personal Services	\$ 125,000		\$ 125,000	\$ 125,000	\$ 125,000
Current Expenses	\$ 55,000		\$ 55,000	\$ 55,000	\$ 66,000
Repairs & Alterations	\$ 8,000		\$ 8,000	\$ 8,000	\$ 4,000
Equipment	\$ 22,000		\$ 22,000	\$ 22,000	\$ 15,000
Other	\$1,890,000		\$1,890,000	\$1,890,000	\$1,890,000

2. Explanation of above estimates: The above estimates are based on 50% of the special revenue deposited in the Recycling Assistance Fund as provided for in W. Va. Code § 20-11-5a. In general it is expected that about 10% of these funds will be used to cover program administrative costs and the balance provided in assistance grants.

3. Objectives of this rule: Set out procedures and guidelines for providing assistance grants to municipalities, counties and others planning and implementing recycling programs.

4. Explanation of Overall Economic Impact of Proposed Rule.

A. Economic Impact on State Government. Funds for program administration and assistance grants are derived from special revenue funds provided for in the W, Va, Recycling Act. General revenue funds are not involved.

B. Economic Impact on Political Subdivisions; Specific Industries; Specific groups of citizens. While this rule can provide assistance grants to those planning and implementing recycling programs; there is the potential, at least for the first few years, of recycling program costs exceeding assistance grants for those entities required by law to implement a recycling program.

C. Economic Impact on Citizens/ Public at Large. Funds to generate the special revenue are derived from fees placed on the disposal of solid waste, which are passed on to those that generate the solid waste.

Date:

Signature of Agency Head or Authorized Representative

  
Director, Division of Natural Resources

PREAMBLE TO A PROPOSED RULE  
CONCERNING  
RECYCLING ASSISTANCE FUND GRANT PROGRAM

AGENCY: Department of Commerce, Labor, and Environmental Resources; Division of Natural Resources.

REGULATION: Title 47, Series 43, "Recycling Assistance Fund Grant Program."

ACTION: Filing of a Proposed Rule, Notice of a Thirty Day Public Comment Period, and filing of an Emergency Rule.

SUMMARY: The proposed, rule sets out the procedures and guidelines for providing Recycling Assistance Fund Grants to those who are required by law or who wish to plan and implement a recycling program.

Written comments received prior to 5:00 pm August 31, 1992 will be accepted. Written comments should be sent to:

Maxine Scarbro  
Division of Natural Resources  
Conservation Education/Litter Control  
Capitol Complex, Bldg. 3, Room 732  
Charleston, WV 25305

TITLE 47  
DIVISION OF NATURAL RESOURCES  
DEPARTMENT OF COMMERCE, LABOR AND  
ENVIRONMENTAL RESOURCES

RECEIVED

1992 SEP 17 PM 3:06

OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

SERIES 43  
RECYCLING ASSISTANCE FUND GRANT PROGRAM

§ 47-43-1. General.

1.1. Scope and Purpose. - This regulation provides guidelines for awarding grants to assist municipalities, counties and other interested parties in the planning and implementation of recycling programs, related public education programs, and recycling market procurement efforts.

1.2. Authority. - § 20-11-5a(h)(1).

1.3. Filing Date.

1.4. Effective Date.

§ 47-43-2. Definitions.

2.1. "Co-mingled" means those source separated recyclable materials that are aggregated into a container(s) to facilitate collection and transportation to a facility for further processing.

2.2. "Director" means the director of the West Virginia Division of Natural Resources or his authorized representative.

2.3. "Instrumentality" means an agency authorized by state law, but for the purposes of this regulation, does not include political subdivisions of the state.

2.4. "Materials Recovery Facility" means a facility for processing of source separated materials, and may include co-mingled source separated materials.

2.5. "Municipality" means an incorporated community

2.6. "Recycling Market Procurement" means developing markets for the materials generated by programs funded from the Recycling Assistance Fund Grant Program.

2.7. "Recyclable Materials" includes, but is not limited to, steel and bi-metallic cans, aluminum, glass, paper, and plastic.

2.8. "Source separated" means the removal of recyclable materials at the point of solid waste generation from that waste which is to be landfilled.

2.9. The terms as defined in the Solid Waste Management Regulations, 47 C.S.R. 38, are adopted for use, where applicable, in this regulation.

**§ 47-43-3. Grants Available From Recycling Assistance Fund Grant Program.**

3.1. The Recycling Assistance Fund Grant program provides grants to assist municipalities, counties and other interested parties in:

- 3.1.1. Planning and implementation of recycling programs;
- 3.1.2. Public education programs related to recycling; and
- 3.1.3. Recycling market procurement efforts.

3.2. Recycling Assistance Fund grant proposals that are in compliance with the criteria of section 3.1 of these regulations will be evaluated on a competitive basis considering each proposal's objectives towards maximizing the following factors; conservation of limited natural resources, reduction of litter, recycling of valuable materials, extending the useful life of solid waste landfills, and reducing the need for new landfills throughout the state.

3.3 The following types of grants are available:

3.3.1. Local Government Recycling Feasibility Study and Planning Grants - This grant is to be used to investigate the feasibility of, and to prepare detailed, comprehensive planning for, community/county recycling programs. A professional service may be utilized to plan and implement a comprehensive recycling program.

3.3.2. Recycling Promotion and Collection Drive Grants - This type grant is available to state agencies, other instrumentalities of the state and private colleges in the absence of a municipal, or county recycling program, as provided for in §20-11-6 of the state code. Such grants are for the purpose of implementing recycling programs consisting of at a minimum source separation, collection and transportation activities. This grant may also include such activities as a school project, drop-off bins, special events which will help to increase public awareness of recycling and its benefits.

3.3.3... Local Government Recycling Operation Grants - This grant is for the implementation of municipal, county and regional recycling programs. These grants must emphasize the integration of recycling into local, comprehensive, Solid Waste Management Board approved, solid waste management plans developed by the local or regional solid waste authorities.

3.3.4. Office Paper Recovery Programs - In the absence of a municipal and/or county-wide recycling program, any state agency or instrumentality of the state may apply for assistance to plan and implement on a county or greater level an office wastepaper recovery program in government, school, and local offices. Funds are available for such activities as paper collection equipment acquisition, transportation to a processing center, program publicity and promotional activities.

3.3.5. Other Interested Party Recycling Program Grants and Nonprofit Recycling Center Operation Grants - reserved.

3.3.6. Recycling Market Development Grants - This Grant is available to State, regional, county or local governments to assist in developing markets for materials produced or expected to be produced in recycling programs.

**§ 47-43-4. Grant Program Priority and Other Criteria.**

4.1. All West Virginia municipalities, county commissions, and county and regional solid waste authorities are eligible to apply for recycling assistance funding as provided for in subsections 3.3.1, 3.3.3 and 3.3.6 of this regulation. However, priority for funding will be given to those communities, counties, state agencies, state instrumentalities and private colleges required to implement recycling programs as a result of a county referendum or pursuant to the provisions of §§ 20-11-5 and 20-11-6 of the state code. In those instances where a county by referendum has adopted a recycling program that is consistent with the provisions of § 20-11-5(c) of the state code, and the county contains one or more municipalities each with a population greater than 10,000, then such municipality's recycling program must at a minimum be consistent and coordinated with the counties recycling program. Such program funding proposals must meet the following appropriate criteria:

4.1.1. For municipalities with populations over 10,000:

4.1.1.a. Proposals for funding under subsection 3.3.1 of this regulation must have work elements that are at a minimum consistent with the provisions of subsections (a) and (b) of § 20-11-5 of the state code; and

4.1.1.b. Proposals for funding under subsection 3.3.3 of this regulation must contain as part of the application documentation that the plan to be implemented has been approved by the solid waste management board.

4.1.2. A county government required pursuant to § 20-11-5(e) of the state code to develop and implement a comprehensive recycling program for solid waste shall at a minimum develop and implement a program that is in compliance with the provisions of § 20-11-5(c) of the state code.

4.1.3. — Municipalities with populations under 10,000 may plan and implement the collection and transportation of recyclable materials featuring curbside or drop-off collection systems; public education about recycling; and/or integration of other materials into the recycling program, such as cardboard, household composting, used oil, and yard waste.

4.1.4. Special funding proposals for five or more communities or two or more counties combining their efforts to provide a county-wide or multi-county recycling program must have a comprehensive recycling plan(s) which has been approved by the West Virginia Solid Waste Management Board.

4.2. In the absence of either a municipal or a comprehensive county recycling program, all agencies and instrumentalities of the state, primary and secondary schools, and private colleges and universities shall be eligible to receive grants under subsections 3.3.2, 3.3.4 and 3.3.6 of this regulation. Grant proposals shall include, but not be limited to the following:

4.2.1. Source separation of at least two recyclable materials; and

4.2.2. Collection and transportation of source separated materials.

4.3. Other interested parties, including non-profits which may at a minimum apply for grants under subsection 3.3.5 of this regulation, may be eligible to receive recycling assistance fund grants,

provided grant proposals are consistent with one or more of the objectives listed under section 3.1 of this regulation, and includes, but is not limited to the recycling activities listed under subsection 4.2 of this regulation.

**§ 47-43-5. Use of Grant Funds.**

Recycling assistance grants may be used to:

5.1. Enhance the self-sufficiency of recycling in counties or communities through initiation of new, or support of, on-going recycling activities.

5.2. Supplement wages of personnel directly involved with administration or operation of recycling activities; rent or purchase of recycling equipment, including but not limited to such items as curbside containers, or drop-off boxes; collection and transportation of recyclables; development and implementation of recycling program plans and related enforcement programs; recycling promotion and public education; and recycling market procurement efforts.

5.2.1. Allowable costs for Recycling Assistance Fund grants are:

5.2.1.a. Personnel - Limited to the salary costs associated with a recycling manager or coordinator and laborers. No more than \$20,000 of Recycling Assistance Fund grant monies may be used for the wages/benefits of a recycling manager/coordinator.

5.2.1.b. Travel - 1) Recycling workshop expenses are limited to expenses outside of the program boundaries and are allowable for items such as airfare or mileage, meals, lodging, parking and registration fees for attending recycling meetings, workshops and conferences. These costs are limited to a maximum of \$1,000 per year per grant from the Recycling Assistance Fund grant monies, and 2) recycling vehicle expenses which are limited to the lease/purchase, maintenance, fuel, mileage and insurance for truck or van used in approved recycling activities. Shipping materials to market using the program's vehicles and labor is an approved recycling activity.

5.2.1.c. Supplies - General office supplies; and other supplies such as collection bags or household bins used for the collection/storage of recyclables.

5.2.1.d. Equipment - Limited to processing equipment, material handling equipment, material storage equipment, scales, and safety equipment used in recycling activities.

5.2.1.e. Other - 1) Printing/production which is limited to costs associated with the production of educational materials on recycling such as pamphlets, booklets, posters, flyers, etc; 2) Advertising which is limited to costs associated with the production and/or placement of recycling advertising in newspaper, radio, business cards, and other advertising related to development and implementation of a recycling program; 3) Promotion items which are limited to costs associated with promotional items such as awards, decals, patches, buttons, magnets, and costs associated with the rental of fair booth and exhibit space for recycling awareness; 4) Professional services to assist in planning and implementation of recycling projects including feasibility studies; and 5) Development work directed towards recycling market procurement.

5.2.2. Costs not allowed under a recycling assistance fund grant are:

5.2.2.a. Purchase or long term lease of dumpsters or other containers or their servicing when not part of an approved recycling activity.

5.2.2.b. Land acquisition.

5.2.2.c. Costs for office equipment including such items as desks, chairs, telephone, typewriters, files, and photocopying equipment.

5.2.2.d. Street sweepers or their equivalents.

5.2.2.e. Entertainment costs (banquets, parties, etc.).

5.2.2.f. Alcoholic beverages, in-state lunches, and all gratuities.

5.2.2.g. Beautification projects (plantings, mowing, weeding, etc).

5.2.2.h. Computer hardware/software, Provided that, the director may waive or modify this constraint where appropriately justified by the applicant.

#### § 47-43-6. General Conditions Applicable to Grants.

6.1. The following general conditions apply to municipalities, counties, state agencies, and instrumentalities of the state applying for funding under the Recycling Assistance Fund Grant Program:

6.1.1. The applicant must be an eligible local, and/or county government, state agency or state instrumentality with an expressed commitment to recycling as a long-term solid waste management strategy. This commitment must be in the form of a formal resolution/ordinance from the local governing body or a formal policy/regulation from a state agency or state instrumentality.

6.1.2. The proposed recycling project must be a logical extension of the applicant's current solid waste management services and/or authority to manage solid waste through recycling.

6.1.3. The proposed project must be designed to affect a significant and measurable reduction in the municipal solid waste stream. All grant proposals must include an analysis and projection of materials that will be diverted from the solid waste currently being landfilled and the costs and/or savings that will directly result from the proposed project.

6.1.4. All municipal or county proposals must plan to involve all or a substantial percentage of the community's residents in the project area and should include a plan to provide public education about the recycling program.

6.1.5. Projects proposed for funding must be designed to collect and recycle at least three items with respect to municipal and county programs and two items with respect to state agency and state instrumentality programs. These items shall be those that are typically discarded with household solid waste (i.e., newspaper, aluminum, steel and bi-metal cans, glass bottles and jars, and number 1 and 2 plastic containers).

6.1.6. Project proposals must include a plan to identify markets able to handle the projected volumes of materials to be collected.

6.1.7. The proposal must clearly demonstrate that the municipality, county, state agency or state instrumentality will be directly involved in the planning, administration, implementation, monitoring and evaluation of the project. The overall operation and coordination of the project must be conducted directly by an agency of local or state government, or one of its instrumentalities.

6.1.8. Grant funds may be utilized by local and state governments or state instrumentalities for recycling projects in which a private "for profit" business or a not-for-profit organization is contracted to provide a service or services only so long as the bid for such services is in accordance with the appropriate local or state government competitive bidding process.

6.1.9. Grant funds may not be used to replace existing personnel, equipment or funding which is currently being provided by the local government.

6.1.10. The proposed project must be limited to the collection, processing and market development of recyclable materials and NOT for the manufacture of products from recyclable materials.

6.2. The following general conditions apply to non-profit organizations and other interested parties applying for funding under the Recycling Assistance Fund Grant Program: Reserved.

§ 47-43-7. Schedule of Grants Available.

7.1. Schedule for one applicant:

<u>Type of Grant</u>	<u>Maximum Grant</u>
Municipality over 10,000 population.	\$100,000
Community/Municipality under 10,000.	\$ 50,000
County	\$100,000
State agency/state instrumentality/school.	\$ 50,000
Office Paper Recovery.	\$ 50,000
Recycling Feasibility Study/Planning.	\$ 20,000
Recycling Market Development	\$ 20,000
Non-profit organization and Other Interested Party Recycling	Reserved

7.2. Schedule for cooperatives - For a cooperative recycling effort of five or more communities, or two or more counties the maximum grant available will be the maximum for the type of political subdivision times the number of subdivisions involved.

**§ 47-43-8. Criteria for Developing a Grant Proposal**

8.1. The grant proposal should demonstrate the relationship to and support of the hierarchy established under West Virginia Code § 20-9-1, i.e., source reduction; recycling, reuse and resource recovery; landfilling.

8.2. All proposals shall be coordinated with the county or regional solid waste authority in which the proposed project is located to avoid duplication, ensure coordination of solid waste programs, and maximize the market for recyclables.

8.3. Implementation of proposals must contain a policy statement, regulation or ordinance as required by the provisions of this regulation that outlines the materials to be source separated and recycled. The list of recyclable material may be adjusted according to whether the generator is residential, commercial or other type of establishment.

8.4. All proposals must include a public information and education component to ensure receiving good clean quality materials.

8.5. The proposal must provide, where appropriate, for a collection system.

8.6. Where required by the West Virginia Recycling Act the proposal must contain provisions to ensure compliance with the ordinance, including incentives and penalties.

8.7. All proposals must demonstrate cost effectiveness and self-sufficiency of the proposed project.

8.8. To the degree possible all proposals should demonstrate the type of in-kind services to be provided by grantee.

8.9. The proposal should discuss the economic development aspects of the project, i.e.: job creation.

8.10. All proposals must set forth any other type of grant assistance received, including the dollar amount, type of project, etc., for recycling and/or solid waste management.

**§ 47-43-9. Recycling Assistance Fund Grant Review Committee.**

9.1. All grant proposals will be reviewed by a recycling assistance fund grant review committee, composed of the following; a member of a county or regional solid waste authority, to be appointed by the director; the Executive Director of the Solid Waste Management Board; the Director of the Economic Development Office; the Director of the Division of Environmental Protection; the Director of the Division of Natural Resources; and a representative of business or industry, to be appointed by the director. For the purpose of conducting business, four (4) members of the Recycling Assistance Fund Grant Review Committee shall be required for a quorum. The Director may vote to break tie votes of the committee. Approved grants meeting the programs criteria will be submitted to the Director of the Division of Natural Resources for final approval and awarding.

9.2. The Division of Natural Resources through the recycling assistance fund grant review

committee reserves the right to reject any and all proposals. Applicants not selected for grants will be notified as soon as possible after award decisions have been made. Unsuccessful applicants will be given the opportunity to discuss their proposals with appropriate staff.

**§ 47-43-10. Submittal of Grant Applications; Awarding of Grants; Financial Management; Unexpended Funds and Termination of Grant.**

10.1. All recycling assistance fund grants are for a one year period beginning the first of January each year.

10.2. Complete recycling assistance fund grant applications must be submitted to the West Virginia Division of Natural Resources prior to the first day of August each year. However, municipalities with populations greater than 10,000 should make application as soon as possible, but no later than the first day of August, so that they may meet the time frames provided for in the West Virginia Recycling Act.

10.3. Notification to grant applicants relative to funding of their proposal will be made during the first full week in November each year with grant award letters issued by no later than the first of January the following year.

10.4. Unless a grant applicant specifically requests and can demonstrate a need for a larger portion of the awarded grant to initiate the project, all grant funds will be disbursed on the following schedule; 30% at the time of grant award with subsequent payments of 30% to be made every four months upon receipt of a quarterly report. The final payment shall be 10% and shall be withheld until receipt of the final report, as provided for in section eleven (11) of this regulation..

10.5. The grantee must retain and make available upon request by the West Virginia Division of Natural Resources for a period of three years, or until audited, whichever occurs sooner, all financial records, supporting documents, statistical records, and all other records as they relate to the application, acceptance and use of the grant funds. The provisions of § 12-4-14 of the West Virginia State Code apply to all Recycling Assistance Fund Grants. A copy of the grantee's independently audited financial records that cover the entire grant period shall be provided to the West Virginia Division of Natural Resources.

10.6. All unexpended grant funds remaining at the end of 90 days following submission of the final report required in section 11 of this regulation shall be returned to the recycling assistance fund grant program.

10.7. If, through any cause, the grantee fails to fulfill in a timely and proper manner its obligation as proposed in the grant application, and as accepted and approved by the West Virginia Division of Natural Resources, payment of remaining grant funds will be terminated.

**§ 47-43-11. Site Visits and Reports Required.**

11.1. A final report must be submitted on or before January 30, or within 30 days of completion of the project, whichever comes first. The report must provide a detailed summary of the implementation of the project and the degree to which objectives were achieved. The final report must include the following:

- 11.1.1. An evaluation of successes and failures encountered in implementing the original proposal's work tasks;
- 11.1.2. An evaluation of the operating costs and community support for the project;
- 11.1.3. An analysis of the economic development achievements, such as job creation;
- 11.1.4. An analysis of the project including; total volume (tons) of waste diverted from the solid waste stream, the estimated cost per ton to recycle that volume, the estimated revenue per ton of recycled material, and the estimated savings from recycling in lieu of landfilling.

11.2. A progress status report and expenditure statement must be submitted by all recycling grantees to the DNR every quarter containing a brief narrative of accomplishments (including individual volumes of material recycled), projections for the next report period and detailed grant expenditures for the past three months.

11.3. The Division of Natural Resources will periodically conduct site visits with grant recipients. These visits will be conducted to provide assistance, to review progress, and to discuss any problems encountered in project implementation. Site visits present important opportunities for direct, on-site communication between the Division and grant recipients, and may include inspections from the Division of Environmental Protection and site visits from the West Virginia Solid Waste Management Board.

**§ 47-43-12. Equal Employment Opportunity.**

12.1. In implementing the recycling assistance fund grant, grantee agrees:

12.1.1. That it will not discriminate against any employee or applicant for employment because of race, color, age, religion, sex, or national origin.

12.1.2. All solicitations or advertisements for employees placed by or on behalf of grantee shall state that all qualified applicants will receive consideration for employment without regard to race, color, age, religion, sex, or national origin.

**§ 47-43-13. Certification Regarding Drug-Free Workplace Requirements.**

Certification is required by the Drug-Free Workplace Act of 1988 and is implemented through additions to the Debarment and Suspension regulations, published in the Federal Register on January 31, 1989. The certification form must be completed and accompany the grant application.

**§ 47-43-14. Submission of Application.**

14.1. All applications for a recycling assistance fund grant must contain in addition to a description of the proposed project, an estimated budget, Certification Regarding Drug-Free Workplace, and where required a resolution authorizing the submission of application.

14.2. Applications should be mailed to: West Virginia Recycling Assistance Fund Grant Program, West Virginia Division of Natural Resources, 1900 Kanawha Boulevard, East, Building 3, Room 732, Charleston, West Virginia 25305-0665.

14.3. Questions about the West Virginia Recycling Assistance Fund Grant Program or the grant application process, should be directed to the Conservation Education and Litter Control Section of the West Virginia Division of Natural Resources, at (304) 348-3370.

§ 47-43-15. Severability.

If any provisions of this regulation or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the regulation, and to this end the provisions of the regulation are declared severable.