



**WEST VIRGINIA
SECRETARY OF STATE**

MAC WARNER

ADMINISTRATIVE LAW DIVISION

eFILED

6/23/2017 3:41:01 PM

OFFICE OF
WEST VIRGINIA SECRETARY OF STATE

**FORM 1 -- NOTICE OF A PUBLIC HEARING OR COMMENT PERIOD ON A PROPOSED RULE
(Page 1)**

AGENCY Natural Resources

RULE TYPE Legislative **AMENDMENT TO EXISTING RULE** Yes **TITLE-SERIES** 58-05

RULE NAME Recycling Assistance Grant Program

CITE AUTHORITY §20-11-5a(h)(1)

COMMENTS LIMITED TO
Written

DATE OF PUBLIC HEARING

LOCATION OF PUBLIC HEARING

DATE WRITTEN COMMENT PERIOD ENDS
Monday, July 24, 2017 5:00 PM

WRITTEN COMMENTS MAY BE MAILED TO
Wendy L. Greene
WV Division of Natural Resources
324 4th Avenue, Room 343
South Charleston, WV 25303
You may email written comments to Wendy.L.Greene@wv.gov

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.

Yes
Patricia J White -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



Title-Series: 58-05



Rule Id: 16526



Document: 49494



**WEST VIRGINIA
SECRETARY OF STATE**

MAC WARNER

ADMINISTRATIVE LAW DIVISION

eFILED

6/23/2017 3:41:01 PM

OFFICE OF
WEST VIRGINIA SECRETARY OF STATE

**FORM 1 -- NOTICE OF A PUBLIC HEARING OR COMMENT PERIOD ON A PROPOSED RULE
(Page 2)**

AGENCY Natural Resources

RULE TYPE Legislative **AMENDMENT TO EXISTING RULE** Yes **TITLE-SERIES** 58-05

RULE NAME Recycling Assistance Grant Program

CITE AUTHORITY §20-11-5a(h)(1)

PROVIDE A BRIEF SUMMARY OF YOUR PROPOSAL

WV Code §20-11-5a(h)(1) granted Series 58-05 authority. That WV Code section was repealed therefore this rule is obsolete and is being repealed.

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.

Yes

Patricia J White -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



Title-Series: 58-05



Rule Id: 16526



Document: 49494



**WEST VIRGINIA
SECRETARY OF STATE**

MAC WARNER

ADMINISTRATIVE LAW DIVISION

eFILED

6/23/2017 3:41:01 PM

OFFICE OF
WEST VIRGINIA SECRETARY OF STATE

FORM 11 -- FISCAL NOTE FOR PROPOSED RULES (Page 1)

AGENCY Natural Resources

RULE TYPE Legislative **AMENDMENT TO EXISTING RULE** Yes **TITLE-SERIES** 58-05

RULE NAME Recycling Assistance Grant Program

CITE AUTHORITY §20-11-5a(h)(1)

PRIMARY CONTACT

Wendy L. Greene
324 4th Avenue
Room 343
South Charleston, WV 25303

Patricia J White -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



Title-Series: 58-05



Rule Id: 16526



Document: 49494



**WEST VIRGINIA
SECRETARY OF STATE**

MAC WARNER

ADMINISTRATIVE LAW DIVISION

eFILED

6/23/2017 3:41:01 PM

OFFICE OF
WEST VIRGINIA SECRETARY OF STATE

FORM 11 -- FISCAL NOTE FOR PROPOSED RULES (Page 1)

AGENCY Natural Resources

RULE TYPE Legislative **AMENDMENT TO EXISTING RULE** Yes **TITLE-SERIES** 58-05

RULE NAME Recycling Assistance Grant Program

CITE AUTHORITY §20-11-5a(h)(1)

SUMMARIZE IN A CLEAR AND CONCISE MANNER WHAT IMPACT THIS MEASURE WILL HAVE ON COSTS AND REVENUES OF STATE GOVERNMENT.

There is no change anticipated to expenditures or revenue as a result of this rule repeal.

Patricia J White -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



Title-Series: 58-05



Rule Id: 16526



Document: 49494



**WEST VIRGINIA
SECRETARY OF STATE**

MAC WARNER

ADMINISTRATIVE LAW DIVISION

eFILED

6/23/2017 3:41:01 PM

OFFICE OF
WEST VIRGINIA SECRETARY OF STATE

FORM 11 -- FISCAL NOTE FOR PROPOSED RULES (Page 2)

AGENCY Natural Resources

RULE TYPE Legislative **AMENDMENT TO EXISTING RULE** Yes **TITLE-SERIES** 58-05

RULE NAME Recycling Assistance Grant Program

CITE AUTHORITY §20-11-5a(h)(1)

FISCAL NOTE DETAIL -- SHOW OVER-ALL EFFECT IN ITEM 1 AND 2 AND, IN ITEM 3, GIVE AN EXPLANATION OF BREAKDOWN BY FISCAL YEAR, INCLUDING LONG-RANGE EFFECT.

Effect Of Proposal	Current Increase/Decrease (use ' - ')	Next Increase/Decrease (use ' - ')	Fiscal Year (Upon Full Implementation)
ESTIMATED TOTAL COST	0.00	0.00	0.00
PERSONAL SERVICES	0.00	0.00	0.00
CURRENT EXPENSES	0.00	0.00	0.00
REPAIRS AND ALTERATIONS	0.00	0.00	0.00
ASSETS	0.00	0.00	0.00
OTHER	0.00	0.00	0.00
ESTIMATED TOTAL REVENUES	0.00	0.00	0.00

Patricia J White -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



Title-Series: 58-05



Rule Id: 16526



Document: 49494



**WEST VIRGINIA
SECRETARY OF STATE**

MAC WARNER

ADMINISTRATIVE LAW DIVISION

eFILED

6/23/2017 3:41:01 PM

OFFICE OF
WEST VIRGINIA SECRETARY OF STATE

FORM 11 -- FISCAL NOTE FOR PROPOSED RULES (Page 3)

AGENCY Natural Resources

RULE TYPE Legislative **AMENDMENT TO EXISTING RULE** Yes **TITLE-SERIES** 58-05

RULE NAME Recycling Assistance Grant Program

CITE AUTHORITY §20-11-5a(h)(1)

3. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT). PLEASE INCLUDE ANY INCREASE OR DECREASE IN FEES IN YOUR ESTIMATED TOTAL REVENUES.

There is no change anticipated to expenditures or revenue as a result of this rule repeal.

Patricia J White -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



Title-Series: 58-05



Rule Id: 16526



Document: 49494



**WEST VIRGINIA
SECRETARY OF STATE**

MAC WARNER

ADMINISTRATIVE LAW DIVISION

eFILED

6/23/2017 3:41:01 PM

OFFICE OF
WEST VIRGINIA SECRETARY OF STATE

FORM 11 -- FISCAL NOTE FOR PROPOSED RULES (Page 4)

AGENCY **Natural Resources**

RULE TYPE **Legislative** AMENDMENT TO EXISTING RULE **Yes** TITLE-SERIES **58-05**

RULE NAME **Recycling Assistance Grant Program**

CITE AUTHORITY **§20-11-5a(h)(1)**

PLEASE IDENTIFY ANY AREAS OF VAGUENESS, TECHNICAL DEFECTS, REASONS THE PROPOSED RULE WOULD NOT HAVE A FISCAL IMPACT, AND OR ANY SPECIAL ISSUES NOT CAPTURED ELSEWHERE ON THIS FORM.

There is no change anticipated to expenditures or revenue as a result of this rule repeal.

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.

Patricia J White -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



Title-Series: 58-05



Rule Id: 16526



Document: 49494



**WEST VIRGINIA
SECRETARY OF STATE**

MAC WARNER

ADMINISTRATIVE LAW DIVISION

cFILED

6/23/2017 3:41:01 PM

OFFICE OF
WEST VIRGINIA SECRETARY OF STATE

FORM 12 -- BRIEF SUMMARY AND STATEMENT OF CIRCUMSTANCES (Page 1)

AGENCY **Natural Resources**

RULE TYPE **Legislative** **AMENDMENT TO EXISTING RULE** **Yes** **TITLE-SERIES** **58-05**

RULE NAME **Recycling Assistance Grant Program**

CITE AUTHORITY **§20-11-5a(h)(1)**

**SUMMARIZE IN A CLEAR AND CONCISE MANNER CONTENTS OF CHANGES IN RULE AND
STATEMENT OF CIRCUMSTANCES REQUIRING THE RULE.**

The purpose of this rule was set out guidelines and procedures for providing assistance grants to counties, municipalities, and others planning and implementing recycling programs, related to public education programs, and recycling market procurement efforts. WV Code §20-11-5a(h)(1), which granted Series 58-05 authority, has been repealed and therefore the rule should be repealed.

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.

Yes

**Patricia J White -- By my signature, I certify that I am the person authorized to file legislative rules, in
accordance with West Virginia Code §29A-3-11 and §39A-3-2.**



Title-Series: 58-05



Rule Id: 16526



Document: 49494

TITLE 58
~~LEGISLATIVE RULE~~
BUREAU OF COMMERCE
DIVISION OF NATURAL RESOURCES

SERIES 5
~~RECYCLING ASSISTANCE GRANT PROGRAM~~

~~§58-5-1. General.~~

~~1.1. Scope and Purpose. This rule sets out guidelines and procedures for providing assistance grants to counties, municipalities, and others planning and implementing recycling programs, related public education programs, and recycling market procurement efforts.~~

~~1.2. Authority. W. Va. Code §20-11-5a(h)(1).~~

~~1.3. Filing Date. April 14, 2000.~~

~~1.4. Effective Date. May 1, 2000.~~

~~§58-5-2. Definitions.~~

~~2.1. A Director@ means the director of the Division of Natural Resources, or his or her, authorized representative.~~

~~2.2. An Instrumentality@ means an agency authorized by state law.~~

~~2.3. A Municipality@ means an incorporated community.~~

~~2.4. A Other Interested Party@ means private enterprise and nonprofit organizations.~~

~~2.5. A Recycling Market Procurement@ means developing markets for the materials generated by recycling programs.~~

~~2.6. A Recyclable Materials@ includes, but is not limited to steel and bimetal cans, aluminum, glass, paper, plastic, tires, white goods and yard waste.~~

~~2.7. A Source Separated@ means materials separated from general solid waste at the point of origin for the purpose of reuse and recycling but does not include sewage sludge.~~

~~2.8. A White Goods@ means bulky appliances such as stoves, hot water heaters, sinks, washers, dryers, refrigerators, and dishwashers.~~

~~2.9. A Division@ means the West Virginia Division of Natural Resources.~~

~~2.10. The terms as defined in the Solid Waste Management Rule, 47 C.S.R. 38, are adopted for use, where applicable, in this rule.~~

~~§58-5-3. Grants Available From Recycling Assistance Grant Program.~~

~~3.1. The recycling assistance grant program provides grants to assist municipalities, counties and others in:~~

~~3.1.1. implementation of recycling programs;~~

~~3.1.2. public education programs which promote recycling; and~~

~~3.1.3. recycling market procurement efforts.~~

~~3.2. The Recycling Assistance Fund Grant Review Committee shall evaluate the Recycling Assistance grant proposals that are in compliance with the criteria of section 3.1 of this rule on a competitive basis considering each proposal's objectives towards maximizing the following factors:~~

~~3.2.1. conservation of limited natural resources;~~

~~3.2.2. public education regarding litter control;~~

~~3.2.3. recycling of valuable materials;~~

~~3.2.4. extending the useful life of solid waste landfills; and~~

~~3.2.5. reducing the need for new landfills.~~

~~3.3. The following types of grants are available:~~

~~3.3.1. Local Government Recycling Feasibility Study and Planning Grant—~~

~~This grant is for researching the feasibility of community, county, and regional recycling programs including market development and requires submittal of a detailed comprehensive plan. A local government may use a professional service to assist in planning and/or implementing a comprehensive recycling program.~~

~~3.3.2. Recycling Promotion, Collection Drive, and Office Paper Recovery Grant— This grant is available to instrumentalities and state and private colleges in the absence of a county, municipal; or state recycling program, as provided for in W. Va. Code '20-11-6. The grant is for the purpose of implementing recycling programs consisting of source separation, collection and transportation activities; and may include school projects, drop-off collection bins, paper collection equipment and special events which increase public awareness of recycling and its benefits.~~

~~3.3.3. Local Government Recycling Grant— This grant is for the implementation or expansion of county, municipal and regional recycling programs, and emphasizes the integration of source reduction and recycling. The local or regional solid waste authority shall have a comprehensive solid waste management and siting plan developed and approved by the West Virginia Solid Waste Management Board to qualify for the grant.~~

~~3.3.4. Recycling Market Development Grant— This grant is available to state, regional, county or local governments to assist in developing markets for materials collected and/or processed.~~

~~§58-5-4. Grant Program Priority and Other Criteria.~~

~~4.1. All West Virginia municipalities, county commissions, county and regional solid waste authorities, instrumentalities, proprietorships, partnerships, corporations and private schools, are eligible to apply for recycling assistance grants as provided for in subdivisions 3.3.1. through 3.3.4. of this rule, through notification of the county or regional solid waste authority in which the applicant is located. The recycling assistance fund grant review committee shall give priority to those municipalities, counties, state instrumentalities, private schools, proprietorships, partnerships, corporations, and cooperatives, required to implement recycling programs as a result of a county referendum or pursuant to the provisions of W. Va. Code '20-11-5 and 20-11-6. If a county has adopted a recycling ordinance by referendum vote, the ordinance shall be consistent with the provisions of W. Va. Code '20-11-5c for the applicant to receive priority for a grant. If the county has one or more municipalities each with a population greater than 10,000, the municipality's program shall, at a minimum, be consistent and coordinated with the county's recycling program. Grant proposals shall meet the following criteria:~~

~~4.1.1. Municipalities with populations over 10,000; county governments; cooperatives; and other interested parties:~~

~~4.1.1.a. Proposals for grants under subdivision 3.3.1. of this rule shall have work elements that are at a minimum consistent with the provisions of subsections (a) and (b) of W. Va. Code '20-11-5; and~~

~~4.1.1.b. Proposals for grants under subdivision 3.3.3. of this rule shall document that the plan to be implemented has been approved by the solid waste management board. Grant proposals shall include, but not be limited to the following:~~

~~4.1.1.b.A. source separation of at least three recyclable materials;~~

~~4.1.1.b.B. collection and transportation of materials to a processing center; and~~

~~4.1.1.b.C. public education programs which promote recycling.~~

~~4.1.2. A county government required pursuant to W. Va. Code '20-11-5(e) to implement a comprehensive recycling solid waste program shall at a minimum develop a program that is in compliance with the provisions of W. Va. Code '20-11-5(c).~~

~~4.1.3. Special funding proposals for five or more communities or two or more counties combining their efforts to provide a cooperative countywide or multi county recycling program shall have a comprehensive recycling plan which has been approved by the solid waste management board.~~

~~4.2. Municipalities with a population under 10,000; absence of a municipal program; other interested parties:~~

~~4.2.1. Municipalities with a population under 10,000 may implement a curbside or drop-off recycling program that includes public education, providing transportation of recyclable materials to a processing center, and integration of other recyclable materials into the program;~~

~~4.2.2. In the absence of either a municipal or a countywide recycling program, all instrumentalities, primary and secondary schools, private colleges and universities are eligible to receive grants under~~

~~subdivisions 3.3.2. and 3.3.4. of this rule. Grant proposals shall include, but not be limited to the following:~~

~~4.2.2.a. source separation of at least two recyclable materials;~~

~~4.2.2.b. collection and transportation of materials to a processing center; and~~

~~4.2.2.c. public education programs which promote recycling.~~

~~4.2.3. Other interested parties may apply for grants provided that grant proposals are consistent with one or more of the objectives listed under subsection 3.1 of this rule, and include, but are not limited to the recycling activities listed under subdivision 4.2.2. of this rule; and~~

~~4.2.4. Persons responsible for collecting, hauling or disposing of solid waste who do not participate in the collection and payment of the solid waste assessment fee imposed by W. Va. Code '20-11-5a in addition to all other fees and taxes levied by law for solid waste generated in this state which is destined for disposal, are not eligible to receive grants.~~

~~§58-5-5. Use of a Grant.~~

~~5.1. A Recycling assistance grant shall be used for:~~

~~5.1.1. Personnel — A grant is limited to the salary costs associated with a recycling manager, coordinator, or laborers. No more than a total of \$20,000 may be used from grant funds for the combined wages and/or benefits of a recycling manager, coordinator, and/or laborers;~~

~~5.1.2. Travel — Educational recycling conference expenses are limited to: airfare or mileage, meals, lodging, parking and registration fees. No more than a total of \$1,500 may be used from grant funds for travel;~~

~~5.1.3. Supplies — A grant is allowed for general office supplies, and other supplies, such as collection bags or household bins used for the collection/storage of recyclables;~~

~~5.1.4. Equipment — A grant is limited to processing equipment, material handling or storage equipment, scales, and safety equipment used in recycling activities. The equipment is to remain in the grantee=s name and may be leased, but not transferred to a third party. The Division of Natural Resources shall by grant agreement acquire a lien interest in property and equipment purchased with grant monies. This lien shall state the terms of release and the period of years in which the lien attaches, in accordance with subdivision 6.1.11. of this rule. All equipment becomes property of the Division of Natural Resources if the recycling program dissolves. At the discretion of the Director, equipment which has not been productively used for 180 days shall become property of the Division of Natural Resources;~~

~~5.1.5. Recycling Vehicle Expense — A grant is limited to the lease/purchase, maintenance, fuel, mileage and insurance for a truck or van used in approved recycling activities. Transporting materials to market using the program=s vehicle and labor is an approved recycling activity;~~

~~5.1.6. Printing — A grant is limited to costs associated with educational materials on recycling such as pamphlets, posters, flyers, etc;~~

~~5.1.7. Advertising — A grant 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;~~

~~5.1.8. Promotional Items—A grant is limited to costs associated with promotional items such as awards, decals, patches, buttons, magnets, and costs associated with the rental of a fair booth and/or exhibit space for creating public awareness;~~

~~5.1.9. Professional Services—A grant is to assist in planning and implementation of recycling projects including feasibility studies; and~~

~~5.1.10. Development Work—A grant is directed towards recycling market procurement.~~

~~5.2. A recycling assistance grant may not be used for:~~

~~5.2.1. The purchase or long term lease of dumpsters or other containers, or their servicing, when they are not part of an approved recycling activity;~~

~~5.2.2. Land acquisition;~~

~~5.2.3. The cost for office equipment including such items as desks, chairs, telephones, typewriters, files, and photocopying equipment;~~

~~5.2.4. Street sweepers or their equivalents;~~

~~5.2.5. Entertainment costs (banquets, parties, etc.);~~

~~5.2.6. Alcoholic beverages, in state lunches, and all gratuities;~~

~~5.2.7. Beautification projects (plantings, mowing, weeding, etc.);~~

~~5.2.8. Computer hardware/software, provided that, the director may waive or modify this constraint where appropriately justified by the applicant; or~~

~~5.2.9. Any type of lobbying expense.~~

~~§58-5-6. General Conditions Applicable to Grants.~~

~~6.1. The following general conditions apply to counties, municipalities, and instrumentalities applying for funding under the recycling assistance grant program:~~

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

~~6.1.2. The proposed recycling project shall 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 shall be designed to affect a significant and measurable reduction in the municipal solid waste stream. All grant proposals shall include 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 county or municipal proposals shall plan to involve all or a substantial percentage of the community's residents located in the project area and should include a plan to provide public education regarding the recycling program;~~

~~6.1.5. Projects proposed for funding shall 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 shall include a plan to identify markets able to handle the projected volumes of materials to be collected;~~

~~6.1.7. The proposal shall clearly demonstrate that the county, municipality, 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 shall be conducted directly by an agency of local or state government, or one of its instrumentalities;~~

~~6.1.8. A grant may be utilized by local and state governments or state instrumentalities for recycling projects in which a private Afor profit@ business or a not for profit organization is contracted to provide a service, or services, only so long as the bid for the services is in accordance with the appropriate local or state government competitive bidding process;~~

~~6.1.8.a. The applicant shall solicit sealed bids for all construction related contracts or purchases which have an estimated value of over five thousand dollars (\$5,000). Any attempts by the applicant to segregate the project into sections having an estimated value of less than \$5,000 may be cause for termination of grant;~~

~~6.1.8.b. The bids shall be obtained by public notice as a Class II legal advertisement in compliance with the provision of W. Va. Code, '59-3-2. This notice shall be published by the applicant in the newspaper with the largest circulation serving the general area twice within fourteen days preceding the final date of submitting bids. The applicant shall have available upon request for review by the Division of Natural Resources or its designated representative, bid documentation and other evidence of compliance with these procedures; and~~

~~6.1.8.c. The applicant shall comply with the requirements of W. Va. Code, '56-1-1 et seq., in regard to obtaining architectural or engineering services, if those services are needed;~~

~~6.1.9. A grant may not be used to replace existing personnel, equipment or funding which is currently being provided by the local government;~~

~~6.1.10. All grant recipients shall hold the title to equipment listing the West Virginia Division of Natural Resources as first lienholder for the lien term. The lien shall apply to equipment purchased with~~

~~West Virginia Division of Natural Resources grant in whole or part. A copy of the title shall be submitted to the division at the address shown in subsection 14.2 of this rule. The grant recipient shall assume the risk of loss;~~

~~6.1.11. The division shall determine the lien period for each individual piece of equipment purchased with grant funds using the class life depreciation schedules published by the Internal Revenue Service. If a piece of equipment is in question as to which class the equipment is to be placed in, the division may make that determination; and~~

~~6.1.12. Public and private sector grants involving equipment shall have subsequent on site inspections for the term specified.~~

~~6.2. The following general conditions apply to non-profit organizations and private enterprises applying for funding under the recycling assistance grant program:~~

~~6.2.1. The proposed project shall be designed to affect a significant and measurable reduction in the municipal solid waste stream;~~

~~6.2.2. The project may provide recycling market procurement efforts; and~~

~~6.2.3. The project shall be consistent with one or more of the objectives listed under subsection 3.1. of this rule, and include, but is not limited to the recycling activities listed under subdivision 4.2.2. of this rule.~~

~~6.3. Private Sector Grant Guidelines:~~

~~6.3.1. An applicant shall demonstrate through a narrative its past performance in recycling;~~

~~6.3.2. All equipment specifications shall be a part of the grant application and include the equipment seller's name and the price of the equipment;~~

~~6.3.3. All equipment purchases shall be done by public bid;~~

~~6.3.4. The maximum amount of a grant is \$50,000;~~

~~6.3.5. The grantee shall submit quarterly reports showing totals of all recyclables whether or not they relate directly to the grant; and~~

~~6.3.6. All private sector grants are subject to the general grant guidelines in this rule. Where there is a contradiction, subsection 6.3. applies.~~

~~§58-5-7. 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 or Regional Solid Waste Authority.	\$100,000
State agency/state instrumentality or school.	\$ 50,000
Recycling Promotion, Collection Drive and Office Paper Recovery.	\$ 50,000
Recycling Feasibility Study/Planning.	\$ 20,000
Recycling Market Development.	\$ 20,000
Non Profit /Other Interested Party.	\$50,000

~~7.2. Schedule for cooperatives For a cooperative recycling between counties, municipalities, or private sector entities, the maximum amount of funding for a cooperative grant shall not exceed \$200,000, or the cumulative of the maximum amount allowable for each individual applicant as stated in subsection 7.1 of this section, whichever is smaller.~~

~~§58-5-8. Criteria for Developing a Grant Proposal.~~

~~8.1. The grant proposal should demonstrate the relationship to, and support of, the hierarchy established under W. Va. Code '22C 4, i.e., source reduction; recycling, reuse and resource recovery; and landfilling.~~

~~8.2. All applicants shall submit to the county or regional solid waste authority in which the proposed project is located, a copy of their application to be reviewed by the members of the solid waste authority to avoid duplication, ensure coordination of solid waste programs, and maximize the market for recyclables.~~

~~8.3. The proposal shall contain the following:~~

~~8.3.a. A policy statement and/or resolution or ordinance as required by the provisions of this rule;~~

~~8.3.b. An outline of 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 another type of establishment;~~

~~8.3.c. A public information program to ensure receipt of good clean quality materials;~~

~~8.3.d. A description of a collection system;~~

~~8.3.e. Provisions where required to ensure compliance with W. Va. Code '20-11-1, including incentives and penalties;~~

~~8.3.f. A projection of the cost effectiveness and self sufficiency of the proposed project;~~

~~8.3.g. Documentation of the type of in-kind services to be provided by the grantee;~~

~~8.3.h. Documentation of any other type of grant assistance received, including the dollar amount, type of project, etc., for recycling and/or solid waste management; and~~

~~8.3.i. Economic development aspects of the project, i.e.: job creation.~~

~~§58-5-9. Recycling Assistance Fund Grant Review Committee.~~

~~9.1. All grant proposals will be reviewed by a recycling assistance grant review committee, composed of the following: a member of a county or regional solid waste authority, a representative of business or industry, and a representative from the solid waste industry, to be appointed by the Director; the Executive Director of the Solid Waste Management Board; the Director of the West Virginia Development Office; the Director of the Division of Environmental Protection; and the Director of the Division of Natural Resources or any other person to whom the agency Director has delegated his or her authority or duties. For the purpose of conducting business, four (4) members of the recycling assistance grant review committee are required for a quorum. The Director may only vote to break tie votes of the committee. The committee shall submit approved grants meeting the program's criteria to the Director of the Division of Natural Resources for final approval and awarding.~~

~~9.2. The division through the recycling assistance grant review committee reserves the right to reject any and all proposals. Applicants not selected for grants will be notified by the division within a reasonable time after award decisions have been made. Unsuccessful applicants may discuss their proposals with the appropriate staff.~~

~~§58-5-10. Submittal of Grant Applications; Awarding of Grants; Financial Management; and Unexpended Grant and Termination of Grant.~~

~~10.1. All recycling assistance grants are for a one year period beginning the first of January with a final report due for approval on or before March 31 of the following year.~~

~~10.2. A grant applicant shall submit its complete recycling assistance fund grant application to the division prior to the first day of August each year. The division shall notify all grant applicants in relation to funding of their proposal.~~

~~10.3. Unless a grant applicant specifically requests and can demonstrate a need for a larger portion of the awarded grant to initiate the project, the division shall disburse all grants on the following schedule: 30% at the time of grant award with subsequent payments of 30% to be made upon receipt of a quarterly report. The final payment shall be 10% and shall be withheld until receipt of the third quarterly report.~~

~~10.4. The grantee shall retain and make available upon request by the Division of Natural Resources for a period of three years, all financial records, supporting documents, statistical records, and all other records~~

~~as they relate to the application, acceptance and use of the grant. The provisions of W. Va. Code '12-4-14 apply to all recycling assistance grants. The grantee shall provide the division with a copy of the grantee's independently audited financial records that cover the entire grant period.~~

~~10.5. The grantee shall return any unexpended grant funds remaining as of March 1 of the following year to the Recycling Assistance Fund. If the grantee expends any grant funds on or after March 1 this shall be considered an unauthorized expenditure.~~

~~10.6. 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 division, the division shall terminate payment of the remaining grant funds. The grantee shall return any amount of the grant used for unauthorized expenditures. Authorized expenditures are those outlined in the original budget that was approved by the grant review committee.~~

~~10.7. The grantee shall comply with all applicable federal, state and local laws, codes, ordinances, rules and regulations. The division may withdraw all funds from grantees who fail to comply with grant guidelines, and may not give future consideration of grants.~~

~~10.8. The grantee shall deposit the grant immediately upon receipt in a separate checking account.~~

~~10.9. Grantees with a current grant are not eligible for the next cycle of grants. The Grant Review Committee may recommend exceptions for final approval by the Director of the division. A grantee who files a delinquent final report is ineligible for future grants.~~

~~10.10. The division shall grant a request for a change in budget only if the change does not materially alter the original grant proposal approved by the grant review committee and the adjustment is a result of conservative spending allowing any excess to be rebudgeted. (Example: Budgeted \$20,000 for the purchase of a baler. The baler costs \$18,000. The extra \$2,000 may be rebudgeted upon approval.) All requests shall be made in writing.~~

~~§58-5-11. Site Visits and Reports Required.~~

~~11.1. Grantees shall submit a final report for approval on or before March 31 of the year following the grant award. The report shall 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 land filling; and~~

~~11.1.5. A complete accounting of the grant expended for the entire year.~~

~~11.2. A progress status report and expenditure statement shall be submitted by all grantees to the division 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.~~

~~11.2.1. The grantee shall attach evidence of all grant expenditures to the quarterly reports, including copies of invoices, checks, titles, bids, and bank statements.~~

~~11.2.2. The division shall return an incomplete quarterly report to the grantee for completion. The division shall withhold grant payments until it receives a complete report as required in section ten (10) of this rule.~~

~~11.3. The division shall 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 communications 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.~~

~~§58-5-12. Equal Employment Opportunity.~~

~~12.1. To implement the recycling assistance grant, grantee shall agree:~~

~~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; and~~

~~12.1.2. That 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.~~

~~§58-5-13. Certification Regarding Drug-Free Workplace Requirements.~~

~~13.1. The Drug Free Workplace Act of 1988, Title V D Public Law 100-690, Federal Register, Volume 54, No. 19, and W. Va. Code '60A-2-201 requires that all state governments, federal contractors, and federal and state grant recipients maintain a drug free workplace. The Act is implemented through additions to the Debarment and Suspension regulations, published in the Federal Register on January 31, 1989. The certification form shall be completed and accompany the grant application.~~

~~§58-5-14. Submission of an Application.~~

~~14.1. The application for a recycling assistance grant shall contain in addition to a description of the proposed project, an applicant profile, an estimated budget with justification, certification regarding a drug-free workplace, an application checklist, a time line graph, attested financial documents, a letter of receipt of application from county solid waste authority, and equipment specifications. The division shall not consider incomplete applications and shall mark them AIncomplete@ and return them to the applicant. The applicant may complete the returned application and resubmit it before the grant submission deadline date.~~

~~14.2. The original and one copy of the application must be received by the division on or before 5:00 p.m. of the last business day in July. Applications shall be hand delivered or mailed to: West Virginia Division~~

~~of Natural Resources, 1900 Kanawha Boulevard, East, Building 3, Room 732, Charleston, West Virginia
25305-0665.~~