

Administrative Procedures Act Rules

Title 11: Mississippi Department of Environmental Quality

Part 4: Nonhazardous Solid Waste Management Regulations

Part 4, Chapter 10: Mississippi Commission on Environmental Quality Recycling Cooperative Grant Regulations

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Rule 10.1 Eligibility and Allocation of Funds.

- A. In accordance with Mississippi Code Annotated Section 17-17-63, ten percent (10%) of the amount of funds available in the Mississippi Nonhazardous Corrective Action Trust Fund shall be set aside in the Recycling Cooperative Grant Fund on July 1 of each State Fiscal Year. The funds will be used by the Mississippi Commission on Environmental Quality (Commission) to provide grants to regional recycling cooperative organizations formed by counties, municipalities, regional solid waste management authorities, or other multi-county/city entities for the purpose of jointly participating in the collection, processing and marketing of recyclables. Such grants for purposes of these regulations shall be herein referred to as “recycling cooperative grants.”
- B. Any funds remaining in the Recycling Cooperative Grant Fund at the end of the State Fiscal Year that have not been awarded shall be deposited back into the Recycling Cooperative Grant Fund for award in the next fiscal year, unless the Recycling Cooperative Grant Fund has expired as described in Miss. Code Ann. Section 17-17-63.
- C. Recycling cooperative grant awards shall only be made to cooperative organizations formed by local government entities to conduct recycling efforts in conjunction with achieving the state waste reduction goal of 25%. Recycling cooperative grants shall not be awarded for activities or appurtenances associated with the management of materials

or wastes where that activity is not considered recycling as defined in Mississippi Code Annotated Section 49-31-9 (i).

- D. No recycling cooperative grant shall be awarded for a program or activity that is inconsistent with the approved solid waste management plan of the local government jurisdiction(s).
- E. Recycling cooperative grants may be used to defray the following recycling program costs:
 - (1) Designing and developing a local or regional community recycling system;
 - (2) Construction of structures or appurtenances associated with an approved local community recycling system;
 - (3) Transportation activities or equipment associated with the collection and/or transport of recyclable materials to processors or markets;
 - (4) Processing activities or equipment associated with an approved local community recycling system;
 - (5) Integral personnel costs for the implementation of a local community recycling system;
 - (6) Grant Administrative costs (not to exceed 3% of the total budget);
 - (7) Public information and outreach costs; and
 - (8) Other miscellaneous costs deemed integral and appropriate for the success of the recycling program as approved by the Mississippi Department of Environmental Quality (MDEQ).

Source: Miss. Code Ann. §§ 17-17-1, *et seq.*, 17-17-63, 17-17-201, *et seq.*, 49-2-1, *et seq.* 49-17-1, *et seq.* and 49-31-1, *et seq.*

Rule 10.2 Application Content and Procedures. In order to receive consideration for a grant award from the Commission, recycling cooperative organizations or a lead local government of an organization or cooperative effort shall submit an application as per the following procedures:

- A. MDEQ will provide notice annually of the availability of the recycling cooperative grants including the anticipated amount of funds available and a deadline by which grant proposals must be submitted. All applications received by the advertised deadline date will be evaluated for consistency with these regulations, subject to the availability of funds.

- B. Grant applications shall be submitted on an application form provided by the MDEQ and shall include a detailed narrative description of the scope of work and a detailed itemized budget for the cooperative recycling project. The itemized budget shall indicate the overall total costs of conducting the project and the amount of grant funds proposed to be applied towards the total cost of the recycling system.
- C. Grant applicants that propose to utilize contractual assistance in the design or construction of the recycling system or any unit or component of the system, shall include the name, the contact information, and the primary person(s) of contact for the contractor selected by the applicant and the reasons for the selection of the contractor. If a contractor has not been selected at the time of filing the application, the applicant shall describe the process to be used to select the contractor.
- D. Grant applications that propose construction of new facilities or structures shall provide documentation of completion of the intergovernmental review process as described in the Appendix to this rule. This documentation shall include copies of comments received during the intergovernmental review process. If the process is not complete at the time of filing the application, the applicant shall provide information on the status of the intergovernmental review process and shall describe the applicant's proposed actions to complete the review process.
- E. Unless specifically approved by the Commission, an award to an applicant shall be limited to the total amount of available grant funds advertised by the MDEQ.
- F. Applications shall be evaluated and ranked with preference for approval based on the following factors:
 - (1) The proposed recycling cooperative project will result in multiple new local recycling programs being created or in substantial enhancements to existing local recycling programs for the jurisdictional area of the applicant organization. (20 points).
 - (2) The level of need of the local recycling cooperative project is deemed to be greater than for other proposed projects. (20 points).
 - (3) The recycling cooperative project proposal has demonstrated that the proposed recycling programs will be self-sustainable and/or will offer a long term commitment of resources by the member local governments to the project. (20 points).
 - (4) The proposed recycling cooperative project will be supported or matched by additional funding of member governments of the cooperative organization or by other grant awards to the cooperative organization or to its member local governments. (15 points).

- (5) The proposed recycling cooperative project will be supported or matched by the contribution of physical properties, structures or equipment from the cooperative organization or its member governments. (15 points).
- (6) The applicant has not been previously funded under this grant category. (10 points).

When funds requested exceed funds available, the ranking factors above may be used to determine which projects are awarded grant funding. However, the Commission, in its discretion, may also apportion available funding to applicants in a fair and equitable manner when the factors above do not yield clear award preferences.

Source: Miss. Code Ann. §§ 17-17-1, *et seq.*, 17-17-63, 17-17-201, *et seq.*, 49-2-1, *et seq.* 49-17-1, *et seq.* and 49-31-1, *et seq.*

Rule 10.3 Disapproval of Grant Applications.

- A. The MDEQ may refuse to approve a grant application for any of the following reasons:
 - (1) The MDEQ determines that the recycling cooperative project is not consistent with these regulations or with State laws or regulations governing the establishment and management of recycling programs;
 - (2) The MDEQ determines that the applicant has failed to provide a complete grant application as per Section B of these regulations;
 - (3) The applicant is in violation of or delinquent on any condition of a previously awarded grant by the MDEQ or other state agency;
 - (4) The applicant has deliberately falsified information submitted as part of the grant application;
 - (5) The MDEQ determines that the applicant has proposed expenditures for grant project activities or components that are unnecessary or that exceed the usual and customary costs for such activities or components;
 - (6) There are insufficient grant funds in the Recycling Cooperative Grant Fund;
 - (7) The grant application is ranked lower by the MDEQ than other proposals based on the factors described in Rule 10.2(F); and
 - (8) Other appropriate factors as determined by the Commission on Environmental Quality.

- B. Should the MDEQ refuse to approve a grant application, the applicant may request a hearing before the Commission in accordance with Mississippi Code Annotated Section 49-17-35.

Source: Miss. Code Ann. §§ 17-17-1, et seq., 17-17-63, 17-17-201, et seq., 49-2-1, et seq. 49-17-1, et seq. and 49-31-1, et seq.

Rule 10.4 Conditions of Grant Award.

- A. The grantee shall comply with all applicable procurement and purchasing regulations established pursuant to state law.
- B. Grant awards shall be limited to eligible program costs as described in Rule 10.1(E) above. No grant funds shall be utilized for costs not identified in the approved grant application, unless otherwise approved by the MDEQ.
- C. The grant funds shall be distributed by reimbursement to the grantee for eligible program costs, upon provision of a complete request-for-payment form to MDEQ with the appropriate supporting documentation. If a grant award includes the contribution of matching funds to the program by the grantee, these grant funds should be expended proportionally to the expenditure of the matching funds provided by the grantee.
- D. A summary report shall be prepared and submitted to the MDEQ with each reimbursement request, detailing how the costs were incurred in the project and a summary of the activity conducted during the payment period.
- E. At the discretion of the Commission, monies which are unspent after the grant expiration date shall be forfeited back to the Recycling Cooperative Grant Fund, until such time that the Recycling Cooperative grants program has expired. Upon expiration of the Recycling Cooperative Grant Fund, any uncommitted, unspent monies will be forfeited back to the Nonhazardous Corrective Action Trust Fund.
- F. The Commission may include program specific conditions, as part of the grant award, that are determined necessary to ensure that any other applicable provisions of state law and regulations are followed.

Source: Miss. Code Ann. §§ 17-17-1, et seq., 17-17-63, 17-17-201, et seq., 49-2-1, et seq. 49-17-1, et seq. and 49-31-1, et seq.

APPENDIX

Intergovernmental Review Process

1. If the applicant proposes new facilities for construction and/or use, the following agencies shall be consulted prior to the formal submittal of a grant application concerning the proposed site location and the existence of any known or possible

archaeological/cultural sites, endangered wildlife, wetlands, shellfish/coastal program impacts:

- a) Mississippi Department of Archives & History (For archaeological/cultural review);
 - b) Mississippi Natural Heritage Program (For endangered wildlife review);
 - c) U.S. Army Corps of Engineers (For wetlands review);
 - d) Mississippi Department of Marine Resources (For shellfish/coastal review - Jackson, Harrison, and Hancock County projects only).
 - e) Mississippi Department of Environmental Quality – Environmental Permits Division (For environmental permits review).
 - f) Other agencies deemed appropriate due to the nature of the project.
2. Where applicable, a written description of the project plan shall be submitted to the agencies listed in this section with a request for written comments and a determination on any required surveys, permits, or other actions.
 3. Documentation of the applicant's request for comments and any comments received in response to such request shall be attached with the grant application, as required in Section B.4 of these regulations.

Source: Miss. Code Ann. §§ 17-17-1, *et seq.*, 17-17-63, 17-17-201, *et seq.*, 49-2-1, *et seq.* 49-17-1, *et seq.* and 49-31-1, *et seq.*