

SUBCHAPTER S: ASSISTANCE GRANTS AND CONTRACTS
§§330.890 - 330.897
Effective March 27, 2006

§330.890. General Program Information.

(a) **Objective.** The objectives of the financial assistance programs described in this subchapter are to promote good municipal solid waste management practices within the State of Texas. Through the procedures contained in this subchapter, the commission intends that funding be provided for applied research, demonstration and pilot projects, feasibility studies, technical assistance, public education and awareness, information exchange, and local government programs designed to enhance solid waste management and litter abatement enforcement.

(b) **Scope.** The sections contained in this subchapter identify various kinds of solid waste management assistance grants available, in addition to those described in Subchapter O of this chapter (relating to Regional and Local Solid Waste Management Planning and Financial Assistance General Provisions); describe procedures utilized by the commission in advertising and awarding such grants; and contain pertinent application instructions for prospective recipients.

(c) **Definitions of terms and abbreviations.** The following words, terms, and abbreviations, when used in this subchapter, have the following meanings, unless the context clearly indicates otherwise.

(1) **Local government**--A county, incorporated city or town, or any political subdivision of the state that has jurisdiction over two or more counties or parts of two or more counties and has been granted the power by the legislature to regulate solid waste handling or disposal practices or activities within its jurisdiction.

(2) **Public agency**--A city, county, or a district or authority created and operating under the Texas Constitution, Article III, §52(b)(1) or (2), or Article XVI, §59, or a combination of two or more of these governmental entities acting under an interlocal agreement and having authority under state law to own and operate a solid waste management system.

(3) **Research**--Studious inquiry or examination and usually critical and exhaustive investigation or experimentation having for its aim the discovery of new facts and their correct interpretation; the revision of accepted conclusions, theories, or laws in the light of newly discovered facts; or the practical application of such new or revised conclusions.

(4) **State fiscal year**--A period of time that begins September 1 of a given year and ends August 31 of the following year.

(5) **UGCMS**--Uniform Grant and Contract Management Standards, consisting of a set of rules set forth in 1 TAC Part 1, Chapter 5, Subchapter A, promulgated under Texas Government Code, Chapter 783, Uniform Grant and Contract Management Act.

(d) Authority. The commission's authority to conduct and manage the activities described in this subchapter is derived from Texas Health and Safety Code, Solid Waste Disposal Act, Chapter 361; Comprehensive Municipal Solid Waste Management, Resource Recovery, and Conservation Act, Chapter 363; and Texas Litter Abatement Act, Chapter 365.

(e) Eligible recipients. Entities eligible to apply for the various assistance grants described in this subchapter, except as provided for under §330.895 of this title (relating to Information Exchange Program) and §330.897 of this title (relating to Supplemental Funding for the Enforcement of the Solid Waste Disposal Act and the Litter Abatement Act) may include:

- (1) local governments;
- (2) public agencies;
- (3) schools and universities;
- (4) research institutions;
- (5) scientists, professors, and researchers associated with accredited universities or research institutions;
- (6) environmental protection groups and/or nonprofit service organizations having a record of active involvement in municipal solid waste management or public health enhancement activities within the State of Texas; and
- (7) in certain instances, businesses and/or corporations having a record of active involvement in municipal solid waste management.

(f) Public notice. The agency's notice of funding availability for the grant programs identified in this subchapter, except as provided for under §330.895 of this title shall be in the form of published requests for proposals (RFP) in the *Texas Register*. The executive director may also advertise funding availability and specific RFPs by other means. The published RFPs will outline the work to be performed, establish appropriate deadlines, identify recipient qualifications, matching-fund requirements, and funding limitations. Submitted proposals shall be reviewed only if they satisfy the criteria as set forth in the appropriate RFP.

(g) Application forms and submittal procedures. Applications shall be submitted on forms provided by the executive director. All forms submitted for funding consideration, except as provided for under §330.895 of this title, must be in response to an RFP issued by the executive director. Unless indicated otherwise on the forms or accompanying instruction sheets, applicants shall submit five copies of the appropriate application forms and all supplementary application materials.

(h) Preapplication conferences. Except in those cases where the published RFP does not specify or recommend participation in a preapplication conference, prospective applicants shall, prior to submitting the required application forms, contact the staff of the executive director and either make arrangements to participate in a preapplication conference, or explain why it is impractical to attend

such a conference. While participation in an RFP recommended preapplication conference is not mandatory, such participation is strongly recommended. Such conferences provide a means to:

- (1) determine eligibility of potential recipient organizations;
- (2) confirm the availability of funds;
- (3) examine proposed activities to ensure conformance, where applicable, with regional and/or local solid waste management plans;
- (4) examine proposed activities to ensure conformance with current RFPs issued by the executive director;
- (5) identify topics or projects that the commission views as a priority when applicable;
- (6) determine any special procedures likely to be required with respect to a particular type of grant; and
- (7) otherwise assist and advise potential recipients.

(i) Review and selection procedures.

(1) Except as provided in paragraph (2) of this subsection, all applications for solid waste management assistance grants to be awarded under this subchapter shall be processed as follows.

(A) Within 45 days of receipt, all original, corrected, and revised applications shall be reviewed for completeness and compliance with the requirements of this subchapter, and the applicant shall be advised in writing concerning any determined deficiencies.

(B) Correspondence advising applicants of deficiencies in submitted applications may establish deadlines for the receipt of a complete and compliant application. Failure to comply with such deadlines may result in the executive director rejecting the application.

(C) Once an application is determined to be complete and in compliance with all application submittal requirements, the applicant shall be notified in writing and advised concerning the time schedule that the executive director intends to follow in reaching a final decision regarding issuance or denial of an assistance grant.

(2) Applications for funding of information exchange activities, as described in §330.895 of this title, shall be evaluated within 30 days of receipt and the applicant advised either by telephone or in writing as to the status of the request. A final decision concerning all such requests shall be transmitted to the applicant by letter.

(3) Applicants denied an award shall be notified of the denial and the reason(s) for the denial in writing.

(4) The commission shall not be liable for any expense incurred by an applicant if funding for the proposed project is denied.

(j) Selection criteria. Criteria utilized in the selection process for solid waste management assistance grants may include, but are not limited to, the:

(1) availability of state funds and, where required by the RFP, sources of matching funds;

(2) degree to which the proposal is responsive to the purpose and funding criteria identified in the appropriate RFP issued by the executive director;

(3) compliance or compatibility with approved or potential regional and local solid waste management plans;

(4) qualifications and experience of project staff members;

(5) quality of previous work submitted to the executive director by the applicant, if any;

(6) reasonableness of the proposed budget and time schedules;

(7) project organization and management, including project monitoring procedures;

(8) technical, economic, and environmental merit of the proposal; and

(9) any other information as may be required for the specific project.

(k) UGCMS requirements. Applications must comply with all requirements set forth in Texas Government Code, Chapter 783, Uniform Grant and Contract Management Act and the rules promulgated in 1 TAC Part 1, Chapter 5, Subchapter A.

(l) Contracts. Except for recipients of funds awarded under §330.895 of this title, all approved grantees will enter into a contract with the agency prior to being allocated funds. Such contracts shall:

(1) contain provisions requiring the grantee to comply with the requirements in this chapter;

(2) require, where appropriate, that work performed by the grantee be in accordance with the applicable regional or local solid waste management plan that has been adopted in accordance with Subchapter O of this chapter;

(3) require that the grantee comply with the fiscal requirements relating to the administering, accounting, auditing, and fund-recovering procedures as set forth by the Uniform Grant and Contract Management Act;

(4) require that program and fiscal deficiencies documented in monitoring or other reports be cleared in accordance with provisions contained in UGCMS, within specified time frames; and

(5) be concurrent with the state fiscal year or biennium.

(m) Solid waste disposal fees. To be eligible for any funding described in this subchapter, eligible recipients must not be delinquent in solid waste disposal fees owed the agency.

(n) Time extensions. The commission may, for good cause, grant an extension of time for the completion of work required under a contract. Recipients who have determined that an extension of time is necessary to satisfactorily complete a contracted project shall make a written request to the commission no later than 60 days before the contract expiration date. The request must indicate the amount of additional time needed and the reason such extension of time is required.

(o) Grant programs suggestions. The commission encourages the public to submit for consideration ideas and suggestions for municipal solid waste topics that warrant funding under the grant programs identified in this subchapter. In addition to the assistance grants and contracts programs identified in this subchapter, the executive director may periodically make available for limited terms additional types or forms of assistance grants. Individuals or organizations with suggestions for grant topics and/or additional assistance grants and contracts programs are encouraged to identify them in writing to the executive director.

Adopted March 1, 2006

Effective March 27, 2006

§330.891. Applied Research Grant Program.

(a) Program description. The goal of applied research grants awarded under this section is to provide financial assistance grants to encourage and stimulate research and study in the field of municipal solid waste (MSW) management. The commission intends to encourage research as it recognizes the important position it holds in the creation and evolution of improved solid waste management technology.

(b) Eligible projects. Eligible projects shall address the MSW management issues and concerns of the residents of Texas and have foreseeable practical application within the State of Texas.

Adopted March 1, 2006

Effective March 27, 2006

§330.892. Demonstration Grant Program.

(a) Program description. The intent of demonstration grants awarded under this section shall be to subsidize and support the implementation or operation of municipal solid waste demonstration projects. The purpose of supported demonstration projects shall be to illustrate, by example, the economic value and operational merit of a particular operation, system, or technology. This will in turn reduce the uncertainty inherent with investing in emerging, innovative, or alternative technologies, thereby indirectly encouraging larger scale application, participation, and/or acceptance by the public.

(b) Eligible projects. Eligible projects shall be those that address any issue of municipal solid waste management. Projects must have potential application generally throughout the State of Texas, and not be so operationally unique as to only be applicable at the location where demonstrated. Priority will be given to projects that are judged as having a significant potential for implementation and/or economic viability. Grants may be used for the purchase, installation, operation, or maintenance of an approved demonstration project.

(c) Participation frequency. Recipients shall be limited to one demonstration grant, issued under this section, during any specific contract performance period, unless specifically otherwise authorized in the published request for proposal.

Adopted March 1, 2006

Effective March 27, 2006

§330.893. Feasibility Study Grant Program.

(a) Program description. The intent of demonstration grants awarded under this section shall be to subsidize and support the implementation or operation of municipal solid waste demonstration projects. The purpose of supported demonstration projects shall be to illustrate, by example, the economic value and operational merit of a particular operation, system, or technology. This will in turn reduce the uncertainty inherent with investing in emerging, innovative, or alternative technologies, thereby indirectly encouraging larger scale application, participation, and/or acceptance by the public.

(b) Eligible projects. Potential study topics include, but are not limited to, the review of various waste management options and their practicality with regard to:

- (1) waste minimization;
- (2) recycling and reuse;
- (3) composting;
- (4) transfer stations;
- (5) landfill - gas recovery, treatment, and/or sale;
- (6) landfill - leachate recovery and treatment;
- (7) collection and handling; or
- (8) landfill operations.

(c) Participation frequency. Recipients shall be limited to one feasibility study grant, issued under this section, during any specific contract performance period, unless specifically otherwise authorized in the published request for proposal.

Adopted March 1, 2006

Effective March 27, 2006

§330.894. Technical Assistance Grant Program.

(a) Program description. Technical assistance grants awarded under this section shall provide supplementary funding to aid recipients in achieving self-identified municipal solid waste management goals that will serve to benefit public health; safeguard the environment; save or recover valuable resources; minimize solid waste generation; improve facility operating efficiency; or reduce nuisances. This assistance may include, but is not limited to, engineering, scientific, financial, or mechanical evaluations and analyses and/or the purchasing of materials and supplies that are necessary for the enhancement of a solid waste management program.

(b) Eligible projects. Eligible projects shall be those that address any issue of municipal solid waste management as related to the description mentioned in subsection (a) of this section. Usual and normal expenses associated with maintaining a compliant solid waste facility or operation are not eligible for funding under the Technical Assistance Grant Program.

(c) Participation frequency. Recipients shall be limited to one technical assistance grant, issued under this section, during any specific contract performance period.

Adopted March 1, 2006

Effective March 27, 2006

§330.895. Information Exchange Program.

(a) Program description. The Information Exchange Program (program) is intended to facilitate the exchange of current municipal solid waste management information by providing supplementary travel expense monies. Eligible organizations shall determine their solid waste management needs and associated information requirements, and shall contact the executive director for assistance regarding these information requirements. The executive director shall determine if staff or resources can provide the necessary assistance. If the assistance of another organization is determined to be appropriate, the executive director may identify a willing advisor or facility with relevant, verifiable municipal solid waste experience. The matching of information recipients to information providers shall be done in a manner designed to maximize the amount and quality of information exchanged while minimizing the expense incurred by the state and the recipient organization. In cases where information providers are located within the state, travel to or from out-of-state locations will be approved only where such is shown to be the most cost-effective. The requesting organization, or potential recipient, may then submit a program application. It is anticipated that typically the recipient will send an individual or group of individuals to the advisor so that an actual operational technology or process may be reviewed. However, the executive director recognizes that, to maximize the information exchanged, the recipient may wish to have an advisor or advisors travel to the recipient's location or some other agreed-upon location. This may be appropriate; however, the recipient will be responsible for reimbursing the information providers, in full, for the appropriate travel expenses. The recipient may, in turn, submit the appropriate reimbursed advisor(s) expenses along with their own expenses, for reimbursement by the executive director.

(b) Eligible recipients. Eligible recipients shall only be local governments, public agencies, and public and private primary and secondary schools.

(c) Eligible projects. Eligible projects must use advisors with a relevant, established, verifiable municipal solid waste management process or program experience. Advisors may represent any political subdivision, educational organization, or private organization. Potential exchange topics include, but are not limited to:

- (1) waste stream minimization;
- (2) recycling and recycling material markets;
- (3) composting;
- (4) educational programs and curriculum development;
- (5) transfer station operations;
- (6) waste-to-energy incineration;
- (7) water and sewage treatment sludge use and disposal;
- (8) landfill - leachate recovery and treatment;
- (9) landfill - gas recovery and treatment;
- (10) post-closure alternative land uses;
- (11) small and rural community municipal solid waste management; or
- (12) litter reduction and enforcement programs.

(d) Funding limitations. Eligible travel expenses shall be those incurred while traveling within the United States. Travel expenses shall be limited to vehicle mileage, air or bus fare, food, and lodging. Recipient and/or information providers' salaries or fees are not eligible expenses. The *State of Texas Travel Allowance Guide* will provide the guidelines for the determination of acceptable expenses. Expenses shall be eligible for repayment only if the travel was conducted after executive director approval and shall be limited to trips of six nights or less in duration.

- (1) Recipient organizations must provide matching expense contributions.
- (2) The maximum contribution from the executive director shall be \$500 per exchange.
- (3) The executive director will not accept contribution requests of less than \$100.

(e) Participation frequency. Recipient agencies or organizations shall be eligible for reimbursement under this program one time per state fiscal year.

(f) Final reporting procedures. Post-informational exchange reports shall be submitted to the executive director by both the recipient and the information provider. The recipient shall also complete and submit a follow-up questionnaire form provided by the executive director within approximately 12 months after the informational exchange has occurred.

Adopted March 1, 2006

Effective March 27, 2006

§330.896. Public Education and Awareness Grant Program.

(a) Program description. The Public Education and Awareness Grant Program (program) is intended to provide financial assistance for the creation, dissemination, and implementation of programs designed to increase public awareness and knowledge with regard to municipal solid waste management issues. The purpose of this program shall be to encourage various educational institutions, nonprofit service and/or environmental protection organizations, local governments, and public agencies to develop creative, innovative, multifaceted public education and awareness programs. The programs and materials developed under this program shall be made available to the public free of charge or for a nominal fee designed to offset organizational handling expenses. It is not the intent of this program to subsidize the development of profit-oriented campaigns.

(b) Eligible requests. Potential programs include, but are not limited to:

- (1) institutional educational curriculum development and implementation;
- (2) seminars, workshops, conferences, or lectures;
- (3) audiovisual presentations or programs;
- (4) mass media programs, articles, or public service announcements;
- (5) literature purchase, creation, or dissemination; or
- (6) public awareness events.

(c) Participation frequency. Recipients shall be limited to one public education and awareness grant, issued under this section, during any specific contract performance period.

Adopted March 1, 2006

Effective March 27, 2006

§330.897. Supplemental Funding for the Enforcement of the Solid Waste Disposal Act and the Litter Abatement Act.

(a) Program description. The Supplemental Funding Program (program) is intended to provide supplementary grants to local governments for the enforcement and/or policing of the Solid Waste Disposal Act and the Litter Abatement Act. This program shall be managed so as to provide financial assistance and incentive to local governments to develop, expand, and/or improve an existing municipal solid waste and/or litter abatement enforcement program within their area of jurisdiction. Multifaceted

programs that seek to combine preventive measures, public education/awareness, surveillance, and enforcement, including sentencing programs that result in environmental services being provided to the local community, are encouraged by the commission. For funded programs, the commission expects that the local authority will continue to sustain the program after supplementary funding ceases.

(b) Eligible recipients. Eligible recipients shall only be local governments of the State of Texas.

(c) Participation frequency. Recipients shall be limited to one enforcement grant, issued under this section, during any specific contract performance period.

Adopted March 1, 2006

Effective March 27, 2006