

Regulation 61-107.1

Solid Waste Management:

Solid Waste Management Grants, Recycling Education Grants, and Waste Tire Grants

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Statutory Authority:

S.C. Code Sections 44-96-10 et seq., 44-96-110(C), 44-96-120, and 44-96-130

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61-107. Solid Waste Management.

General. The Solid Waste Management regulations are promulgated pursuant to the provisions of the Solid Waste Policy and Management Act of 1991, which became effective on May 27, 1991, as Act No. 63 of 1991. These regulations are promulgated to achieve the purposes set forth in the Act, as codified in Section 44-96-10 et seq.

A. Applicability.

The intent of this regulation is to establish procedures for disbursement of solid waste management grants, recycling education grants and waste tire grants to local governments or regions for solid waste management and recycling education in accordance with the intent of the legislature; to assist local governments, regions and public school districts in meeting the requirements of the Solid Waste Policy and Management Act of 1991 (Act 63).

B. Definitions.

1. "Advance funds" means monies approved for known costs to the applicant before the quarterly report is due.

2. "Eligibility" means the standard or criteria by which a county or region or applicant qualifies for grant funds, as determined by the Office and the appropriate Council or Committee. These standards shall include, but are not limited to, completeness of the grant application, proof of existing accumulated waste tire sites, proposed methods of remediation and plans for disposal."

3. "Grant agreement" means the binding contract between the Office and the applicant.

4. "Grant application" means the initial request form for a grant through the Office.

5. "Grants, base portions" means that part of the grant equalling at least twenty-five percent (25%) of the total available in any given grant period.

6. "Grants, incentive portions" means that part of the solid waste reduction grant and recycling education grant equalling at least seventy-five percent (75%) of the total available in any given grant period.

7. "Grant period" means twelve months from the time the grant agreement is properly executed by all parties.

8. "Local government" means any municipality, county, district or authority or any agency thereof which has jurisdiction over the collection, recycling, disposal or treatment of solid waste.

9. "Matching Funds" means funds committed for purposes set forth in this rule in an amount equalling the total solid waste reduction incentive portion of solid waste grants or recycling education grants incentive portion awarded to a local government or region. Matching funds include budgeted funds, funds in escrow, and funds expended on solid waste reduction or recycling education related program activities, but do not include in-kind contributions.

10. "Municipal solid waste" includes any solid waste resulting from the operation of residential, commercial, governmental, or institutional establishments that would normally be collected, processed and disposed through a public or private solid waste management service. The term includes yard trash and industrial solid waste.

11. "Office" means the Office of Solid Waste Reduction and Recycling.
12. "Population" means the 1990 census determination.
13. "Program" means the grant program established and administered by the Office of Solid Waste Reduction and Recycling.
14. "Region" means two (2) or more counties in South Carolina which have prepared, approved and submitted a regional concept application to the Office of Solid Waste Reduction and Recycling for grant funds.
15. "Solid Waste Management Grant Program" means the grant program established and administered by the Office of Solid Waste Reduction and Recycling.
16. "Temporary operating subsidy" means the use of grant funds for operational expenses of a solid waste reduction program or a recycling education program, including personnel costs, training costs, rental of facilities, and other similar expenses approved by the Office.

C. General Grant Application Requirements.

1. Requests for funding shall be submitted to the Office on application forms provided by the Office.
2. Applications received from local governments, regions or public school districts which have not expended or accounted for any unused grant funds from a previous grant shall be denied by the Office. The grant period shall run for twelve months from the date of the executed grant agreement. Applications from local governments, regions or public school districts which have not met their obligations under the terms of any previous grant agreements for funds under this rule shall also be denied by the Office.

D. Disbursement of Funds.

1. Upon receipt and approval of the application, the Office shall determine the exact amount of the grant award and prepare a grant agreement.
2. The grant agreement will be forwarded to the applicant to be signed by a local government official, region official or public school district official for execution.
3. The applicant may request advance funds through the application process; however, known needs must be documented before advance funds can be approved. Within at least thirty (30) days of the properly executed grant agreement by all parties the advance funds will be forwarded to the applicant.
4. Any local government, region or public school district receiving grant funds will report on the status of the grant. Each quarterly report shall include information for reimbursement of actual costs and be submitted fifteen (15) days from the end of the previous quarter. Quarters shall run January 1st through March 31st, April 1st through June 30th, July 1st through September 30th and October 1st through December 31st of each calendar year.
5. The Office has the right to terminate a grant award and demand refund of grant funds for non-compliance with the terms of the award or these rules. The Office shall declare the local government, region or public school district ineligible for further participation in the program until the local government, region or public school district complies with the terms of the grant award or these rules.

E. Grant Recordkeeping.

1. Each recipient of grant funds shall maintain accurate records of all expenditures of grant funds, and shall assure that these records are available for inspection and/or audit upon request by the Office. Records shall be kept until July 31, 1996.

2. Recordkeeping information as required by the Office shall be included on each quarterly report.

F. Specific Solid Waste Management and Recycling Education Grant Requirements.

1. The Office will make available grant application forms to all local governments, and to all public school districts within the State.

2. Upon receipt and approval of the grant application the Office shall determine the amount of the grant award and prepare the grant agreement. Payment of grant awards will be contingent upon receipt and approval of the grant agreement.

3. All local governments applying jointly shall enter into a regional agreement that designates a lead applicant and describes how the funds will be disbursed and used. Any agency or authority created by regional agreement for solid waste management or recycling education purposes is eligible to apply for grants. The applicant shall submit all required documents in place of the local governments which are party to the agreement. Such applications and submittals shall be equivalent to those required if each local government were applying individually.

4. Applicant shall provide to the Office information on any previous state or federal grant received for the purpose of solid waste management or recycling. This information shall include the grant amount and the grant period.

G. Eligibility Requirements.

1. All applications shall include the following information for the area to be serviced under the terms of the grant:

a. A description of the solid waste management project or public education recycling project for which grant funds are requested, including any business and accounting plans for such projects;

b. An estimate of the quantity, source and type of materials to be collected and recycled under the proposed program, including an explanation of the methods used to estimate this quantity. The quantity shall include the volume of out-of-state waste coming into the service area, but records of out-of-state waste volume shall be shown as a separate item on each quarterly report;

c. A description of all existing or proposed recycling facilities, collection centers or other related service centers located within the county, including ownership, capacity, type of facility and approximate service area of such facilities;

d. Evidence that the grant is needed to achieve the goals set forth in the Solid Waste Policy and Management Act of 1991. This information will require an explanation of how the existing private and public sector recycling programs and efforts will be incorporated into the recycling and education program;

e. A summary of all costs incurred, or to be incurred, in planning or implementing the recycling and solid waste management and recycling education projects;

f. A copy of any regional agreement into which local governments have entered to accomplish the purposes of this rule;

g. Any written contracts, written bids or written agreements which were entered to develop and implement the solid waste management and recycling program;

h. The measurable objectives of the recycling education program, and an explanation of how the education program will directly promote the use of existing or planned local recycling projects; and,

i. A description of the methods to be used in evaluating the success of the solid waste management and recycling education programs. Progress reports and methods used to measure the progress shall be included in the quarterly reports.

2. The grant application shall include a recycling plan for the entire population of the service area (incorporated and unincorporated) containing at least the following information:

a. An explanation of the manner in which the recycling program will be implemented;

b. A timetable for the continued development and implementation of the recycling program;

c. The estimated percentage of the population participating in various types of recycling activities;

d. The estimated percent reduction each year in municipal solid waste disposed at solid waste disposal facilities as a result of public and private recycling programs, including the estimated success rates, perceived reasons for the estimated success or failure, and the public and private sector recycling activities which are ongoing and most successful;

e. An identification and description of the facilities where solid waste is being disposed or processed, the remaining available permitted capacity of such facilities, any planned increases in the capacity of such facilities, and the anticipated effect of recycling programs on the type and size of such facilities;

f. A description and evaluation of solid waste that is being recycled including, but not limited to, glass, aluminum, steel, bimetallic materials, office paper, yard trash, newsprint, corrugated paper, plastics, white goods, waste tires and yard trash;

g. The anticipated and available markets or uses for materials collected through recycling programs;

h. The estimated costs of and revenue from operating and maintaining existing and proposed recycling programs. This does not include specific costs and revenues from privately operated recycling programs, but a summary of such costs and revenues is required if the applicant intends to provide funding for such programs;

i. A description of any recycling activities implemented or existing prior to the effective date of the grant regulations;

j. For those local governments whose comprehensive plans required under the Solid Waste Policy and Management Act of 1991 have been submitted at the time of application, an explanation of how the

recycling programs relate to the future land use elements; sanitary sewer, solid waste, drainage, potable water, and natural groundwater aquifer properties; and capital improvements; and,

k. A description of how all special wastes will be managed.

H. Special Requirements.

1. The Office shall not approve any solid waste management project or recycling education project unless the project directly promotes the success of that project for which the grant was intended.

2. Effective May 27, 1993, no local government or region shall receive a solid waste management grant unless the operator of each solid waste management facility owned or operated by the local government or region has completed an operator training course approved by the Office, as required under the State Solid Waste Policy and Management Act of 1991.

3. Grants shall not be provided to any local government, region or public school district that does not demonstrate a good faith effort to meet the requirements of the Solid Waste Policy and Management Act of 1991.

I. Use of Solid Waste Management and Recycling Education Grant Funds.

1. Solid waste management grants and recycling education grants shall be used to provide funding for solid waste management program capital costs or recycling program capital costs, which include equipment purchases, solid waste scales, facility construction and other such costs approved by the Office, as part of the grant agreement.

2. Solid waste management and recycling education grants may also be used for operating subsidies, provided that the applicant demonstrates that such a use is necessary for the success of the program, and shall show how the subsidy will benefit the program. Within one (1) year of the award the applicant shall provide reasonable assurances that the program will be able to operate without a subsidy from this grant program.

3. Solid waste management grants and recycling education grants shall also be used for projects to assist local governments, regions or public school districts in recycling paper, glass, plastic, construction and demolition debris, white goods, and metals and in composting and recycling the organic material component of municipal solid waste.

4. Solid waste management grants and recycling education grants shall be used to promote recycling, volume reduction, proper disposal of solid wastes, and market development for recyclable materials. Effective May 27, 1997, twenty-five percent (25%) of any grant monies available shall go to local governments, regions or public school districts which have met the solid waste reduction and recycling goals set forth in their solid waste management plans. Bonus grants must be used to fund activities which are related to solid waste management or recycling education.

5. All existing public and private recycling infrastructure shall be fully used to the extent possible when planning and implementing the local government, region or public school district solid waste management or recycling education programs. Funds shall not be used for duplicating existing private and public recycling programs unless the applicant demonstrates that such existing programs cannot be integrated into the planned solid waste management programs or recycling education programs.

6. Solid waste management grants shall be used to ensure that all solid waste management facilities in this State are sited, designed, constructed, operated and closed in a manner which protects human health and safety and the environment.

J. Allocation of Solid Waste Management Grant Funds and Recycling Education Grant Funds.

1. Effective November 1, 1991, monies used to fund the activities of the Office, grants to local governments, regions, research by state-supported educational institutions and public education programs shall include:

- a. a two dollar fee (\$2.00) on each battery sold in this state;
- b. fifty cents (50) from a two dollar fee on each new tire sold in this State;
- c. a two dollar fee (\$2.00) on each white good sold in this State;
- d. eight cents (8) on each gallon of oil sold in this State;
- e. out-of-state solid waste disposal fees;
- f. contributions and grants from public and private sources;
- g. oil overcharge monies; and,
- h. monies appropriated by the General Assembly.

2. Local governments or regions may contract with private entities with pre-approval from the Office to assist in carrying out their responsibilities.

3. Each eligible local government, region or public school district shall receive a pro-rata share, based on total serviced population, of the funds in the Solid Waste Trust Fund.

4. Region applications shall be given priority status.

K. Waste Tire Grant Funds Application Requirements and Allocation.

1. The Office will make available waste tire grant application forms to each local government.

2. No later than January 1, 1993, the Office shall determine the first year grant funds available for waste tire grants from the waste tire account of the Solid Waste Management Trust Fund. Each year thereafter, the Office shall determine the amount of funds available.

3. Each county or applicant making application for waste tire grant funds shall meet eligibility requirements as determined by the Office and the State Waste Tire Advisory Committee prior to approval of the application. Counties should also consider the advantages of a regional program prior to receiving grant approval.

4. Upon request, the Office shall provide technical assistance to a local government or region desiring assistance in applying for waste tire grants or choosing a method of waste tire management which would be an eligible use of the grant funds.

L. Use of Waste Tire Grant Funds.

1. Funds in the Waste Tire Grant Trust Fund must be used exclusively through May 27, 1994, to fund grants to a county or region to pay for the cost of disposal of the accumulated waste tires.

2. A waste tire grant must be awarded on the basis of an approved written grant application and properly executed grant agreement. The application must be submitted through the Office for the Waste Tire Grant Committee or appropriate committee to consider. The Committee shall review waste tire grant applications and make recommendations on grant awards to the State Solid Waste Advisory Council. Waste Tire grants must be awarded by the State Solid Waste Advisory Council. Upon the cessation of the State Solid Waste Advisory Council the Waste Tire Grant Committee shall make recommendations to the Office.

3. The Committee may approve waste tire grants to local governments or regions to assist only in the following:

a. constructing or operating a Tire Derived Fuel (TDF) burning facility for processing or building heat, electricity or other energy recovery;

b. constructing or operating, or contracting for the construction or operation of a waste tire treatment facility and equipment for disposal;

c. contracting for waste tire treatment facility services;

d. removing or contracting for the removal of waste tires; or,

e. performing or contracting for the performance of research designed to facilitate waste tire recycling or disposal.

4. Priority will be given to tire-derived-fuel (TDF) facilities that utilize existing combustion equipment and provide large volume uses.

M. Petroleum Grant Fund Allocation and Requirements.

1. Two-fifths ($\frac{2}{5}$) of the funds shall be used to establish incentive programs to encourage:

a. individuals who change their own oil to return their used oil to used oil collection centers;

b. the establishment and continued operation of collection centers which accept used oil; and,

c. the establishment and continued operation of recycling facilities which prepare used oil for reuses or which utilize used oil in a manner that substitutes for a petroleum product made from new oil.

2. Two-fifths ($\frac{2}{5}$) of the petroleum fund shall be used to provide grants for local government or regional projects that the Office determines will encourage the collection, reuse and proper disposal of used oil and similar lubricants. Local government or regional activities may include one or more of the following programs:

a. curbside pickup of used oil containers by a local government or its designee;

b. retrofitting of solid waste equipment to promote curbside pickup or disposal of used oil at used oil collection centers designated by the local government;

c. establishment of publicly operated used oil collection centers at landfills or other public places;
or,

d. providing containers and other materials and supplies that the public can utilize in an environmentally sound manner to store used oil for collection and return to the used oil collection center.

3. One-fifth ($\frac{1}{5}$) of the funds shall be used for public education and research including, but not limited to, reuses, disposal and development of markets for used oil and similar lubricants.

4. The petroleum oil fee shall be imposed until the unobligated principal balance of the Petroleum Fund equals or exceeds three million dollars (\$3,000,000.00). The Tax Commission shall be required to adjust the rate of the fee to reflect a full year's collection to produce the amount of revenue required in the fund. The increase or decrease in the fee made by the Tax Commission shall take effect for sales beginning on or after the first day of the third month following determination by the Commission.

N. Aggrieved Party Procedures.

1. Any party aggrieved by a grant decision of the Office may apply in writing within thirty (30) days of the decision to the State Solid Waste Advisory Council for a review of that decision.

2. Within forty-five (45) days of the original grant decision the Office shall inform the aggrieved party of the hearing date, place and time established to review the decision of the Office.

3. The State Solid Waste Advisory Council shall review the Office decision within sixty (60) days of the original grant decision date.

4. Upon the cessation of the State Solid Waste Advisory Council, grant decision reviews shall be heard by the appropriate review committee. The grant decision reviews shall be heard within the same time frame established for the State Solid Waste Advisory Council.