FY 2027 Regional Solid Waste Grants Program

II-B
Request for Applications

Waste Permits Division
Texas Commission on Environmental Quality

The West Central Texas Council of Governments in Cooperation with the TCEQ

Announces Availability of Municipal Solid Waste Grant Funding for Fiscal Year 2027

Request for Applications

Purpose

The purpose of this program is to provide funding for eligible local and regional municipal solid waste management projects in support of the goals and objectives of the adopted Regional Solid Waste Management Plan (RSWMP) for the West Central Texas Council of Governments (WCTCOG) region. Funding for this program is provided through a grant from the TCEQ, under the authority of §361.014, Texas Health and Safety Code.

How to Apply

A grant application form is available from the WCTCOG at the address below. A separate application form must be submitted for each individual project proposed. In completing your application, read the instructions carefully, you will need to be concise, and provide a sufficient level of detail to facilitate informed consideration of your proposed project.

The solid waste coordinator at the WCTCOG is available to assist interested parties during the application process and may be contacted at the following telephone number:

Telephone Number: (325) 672-8544

- *Environmental Services Department Staff: PJ Sumner*
- *Office Hours: Monday – Friday 8:30 a.m. to 12:00 p.m. and 1:00 p.m. to 5:00 p.m.*
  Return your completed application form(s) to the following email address:

Psumner@westcentraltexas.org

OR

Postal Delivery: West Central Texas Council of Governments
3702 Loop 322, Abilene Texas 79602
Attn: Environmental Services Department/PJ Sumner

OR

Hand Delivery: West Central Texas Council of Governments
3702 Loop 322, Abilene Texas 79602
Attn: Environmental Services Department/PJ Sumner

Application Deadline: To be considered for funding, submit application by 5:00 p.m. on **Wednesday, December 23, 2026**

Eligible Recipients

Only those local and regional political subdivisions located within the State of Texas are eligible to receive funding from the WCTCOG as a pass-through grant. Eligible entities are outlined below.

- Cities
- Counties
- Public schools and school districts (excluding universities and other post-secondary educational institutions)
- General and special law districts created in accordance with state law, and with the authority and responsibility for water quality protection or municipal solid waste management, to include river authorities
- Regional Councils of Governments

Private and non-profit companies and organizations are not eligible to receive grant funding. However, recipients of a grant may contract with private and non-profit entities to provide specific grant-funded services.

Entities that are subject to the payment of state solid waste disposal fees and whose payments are delinquent are not eligible to receive a grant. In addition, entities that are barred from participating in state contracts by the Texas Comptroller of Public Accounts, under the provisions of §2155.077, Government Code, are not eligible to receive a grant.

Applicable Statutes and Regulations

The conduct of projects funded under this program shall be in accordance with all applicable state and local statutes, rules, regulations, and guidelines. The main governing standards, include, but are not be limited to, the following:

1. Section 361.014(b), Texas Health and Safety Code;

2. Title 30 Texas Administrative Code Chapter 330, Subchapter O, TCEQ MSW Regulations (30 TAC Chapter 330, Subchapter O);

3. Chapter 14 of the TCEQ Regulations (30 TAC Chapter 14);

4. The Grant Contract between the Council of Governments and the TCEQ; and

5. The Uniform Grant and Contract Management Act, Texas Government Code, §§783.001 et. seq., and the Uniform Grant Management Standards, 1 TAC §§5.141 et. seq. (collectively, "UGMS").

Compliance Tools for Applicable Statutes and Regulations

With each funded project, it is the responsibility of the funded entity to identify the TCEQ rules and regulations which may apply to the activity funded. All funded entities must comply with all applicable rules and regulations, even if the local government is exempt from notifying the

TCEQ of the funded activity, e.g., local government recycling initiatives. The below links will be of assistance in ensuring compliance with the TCEQ rules and regulations.

For information on Regulations, Resources, and Guidance on Recycling Electronic Equipment, go to:

http://www.tceq.texas.gov/assistance/industry/e-recycling/e-recycling-regs.html.

For information on E-Recycling/Recycling Compliance Resources, go to:

http://www.tceq.texas.gov/assistance/industry/e-recycling/recycling-compliance.

To view our Compliance Overview Tools, go to: http://www.tceq.texas.gov/assistance/industry/e-recycling/recycling-compliance#tools. This is where you can find the E-recycling/Recycling Facility Compliance Checklist. Use the E-recycling/Recycling Facility Compliance Checklist to evaluate whether the recycling facility you intend to send recyclables to is an authorized facility. This will be a helpful tool to screen solid waste/recycling service providers that you may contract with, and prior to placing them on your lists of solid waste/recycling service providers, and/or placing links on your website to their website and information.

To see what authorizations a facility may have please check central registry at: http://www.tceq.texas.gov/permitting/central_registry.

If a COG or local government is unsure what regulations apply or have questions about authorizations listed in TCEQ's Central Registry, please call the TCEQ's Small Business and Local Government Assistance Section toll free at 1-800-447-2827. More information on this program is available at: http://www.tceq.texas.gov/assistance.

The table presented on the next page, *MSW Facility Funding Eligibility Table*, is a useful tool to help identify those rules which may be applicable for certain funded activities. Please note this table does not supersede the contract, nor does it take the place of the TCEQ rules and regulations, and all rule references should be verified personally.

Municipal Solid Waste Facility Funding Eligibility Table

Est. July 1, 2011

- This table is provided for guidance only and does not replace nor supersede State Rules and Regulations. It is incumbent on each individual referencing this document to verify all information provided. TCEQ Form 10400, Core Data Form, must be submitted to accompany each identified form. Financial Assurance (30 TAC 37) is required for Recycling Centers, Used Oil Recycling, Scrap Tire Facilities, and facilities storing combustible materials.

- Asterisk (*) indicates funding may be considered on a case by case basis, but the TCEQ must approve the application prior to submittal.

Activity	Notification Required	Registration Required	Permit Required*

Activity	Notification Required	Registration Required	Permit Required*
Municipal Solid Waste (MSW) Transfer Station Send in: **TCEQ Form No. 20370, Notice of Intent to Operate a Low Volume Transfer Station**	30 TAC 330.11(g) **Transfer Station (TS):** MSW Type V Facility: A facility used for transferring solid waste from collection vehicles to long-haul vehicles (one transportation unit to another transportation unit). It is not a storage facility such as one where individual residents can dispose of their wastes in bulk storage containers that are serviced by collection vehicles. TS must Notify if it provides service for: • Operator owns/controls facility • Meet all applicable county ordinances • Operator must perform public notice • Transfer waste off-site at least weekly • Located within unincorporated area • Located outside an Extra-territorial Jurisdiction area • Stores ≤ 40 cubic yards	30 TAC 330.9(b)(1), (2), (3), and/or (f): • A TS may get a Registration if: • Municipality w/ population < 50,000 • County w/ population < 85,000 • TS transfers ≤ 125 tons/day • Located w/in permitted landfill facility • Recovers ≥ 10% of waste stream for beneficial reuse * * **curb-side source separated recycling programs within the collection area may be counted towards the 10% recovered**	30 TAC 330.7(a) **Transfer Station:** • TS is Permitted when none of the registration exemptions applies, i.e. the service is for: • Municipality w/ population greater than 50,000 • County w/ population more than 85,000 • TS transfers > 125 tons/day • TS recovers < 10% of waste stream for beneficial reuse
Citizens' Collection Station Send in: **TCEQ Form 10400 Core Data Form w/ letter of notice & Form 20429**	30 TAC 330.11(e)(1): **Citizens' Collection Station (CCS):** MSW Type V Facility: A facility established for the convenience and exclusive use of residents (not commercial or industrial users or collection vehicles), except that in small communities where regular collections are not available, small quantities of commercial waste may be deposited by the generator of the waste. The facility may consist of one or more storage containers, bins, or trailers.	Any activity above and beyond those approved for CCSs will need to be reviewed against the appropriate Texas Administrative Code (TAC) and the facility owner/operator may be required to submit appropriate application information for a MSW Registration or MSW Permit based upon the activity.	As applicable…

Activity	Notification Required	Registration Required	Permit Required*
Recycling Facility (RF) Send in: **TCEQ Form No. 20049, Notice of Intent to Operate a Recycling Facility**	30 TAC 330.11(e)(2): **Recycling Facility:** A collection and processing point for only **nonputrescible** (waste which will not decompose and create odors or gases, or attract disease carrying vectors. Includes garbage, wastewater sludge, and grease trap waste) source-separated recyclable material, provided that the facility is in compliance with 328.3 – 328.5. • 328.3 – General Requirements • 328.4 – Limitations on Storage • 328.5 – Reporting & Record Keeping Requirements **Local governments, agencies of the State or Federal government are exempt from the notification requirement.**	• In accordance with 30 TAC 328.(4)(c) A RF that fails to comply with the requirements of 30 TAC Chapter 328 shall be required, if the executive director so requests in writing, to obtain a Registration as a MSW Facility under the provisions of the MSW Rules (30 TAC Chapter 330) or Composting Rules (30 TAC Chapter 332). • A RF which takes on the activities of a TS must satisfy the notification, registration, or permitting requirements noted previously for Transfer Stations.	• In accordance with 30 TAC 328.(4)(c) A recycling facility that fails to comply with the requirements of 30 TAC Chapter 328 shall be required, if the executive director so requests in writing, to obtain a permit as a MSW Facility under the provisions of the MSW Rules (30 TAC Chapter 330) or Composting Rules (30 TAC Chapter 332).

Activity	Notification Required	Registration Required	Permit Required*
Composting Facility Send in: **TCEQ Form No. 0651, Notice of Intent to Operate a Compost Facility**	30 TAC 332: Composting Facility (CF): A facility for processing the stabilized product of decomposition which is used or sold for use as a soil amendment, artificial top soil, growing medium amendment, or other similar uses. Operations Requiring a Notification (30 TAC 332.21 – 332.23): • Feed stock that includes any source-separated meat, fish, dead animal carcasses, oils, greases, or dairy materials; and, • Operations which incorporate the above with source-separated yard trimmings, clean wood material, vegetative material, paper, or manure.	A CF which takes on putrescible waste streams will be required to submit for appropriate Registration if: (30 TAC 332.31 – 330.38) • Feed stock includes municipal sewage sludge; • Feed stock includes positively-sorted organic materials from the MSW stream; • Feed stock includes source-separated organic materials not exempted by 30 TAC 332.3(d); • Feed stock includes disposable diapers or paper products soiled by human excreta; • Feed stock includes paper production sludge byproduct at TCEQ ED discretion; • Feed stock includes any of the above with source-separated yard trimmings, clean wood material, vegetative material, paper, manure, meat, fish, dairy, oil, grease materials, or dead animal carcasses.	A CF which takes on putrescible waste streams will be required to submit for an appropriate MSW Permit if: (30 TAC 332.41 – 332.47) • Composting mixed MSW; • Use of mixed MSW as compost feedstock; • Commercially composting grease trap waste; or, • Composting any amount of grease trap waste.

Activity	Notification Required	Registration Required	Permit Required*
Liquid Waste Transfer Facility Send in: **TCEQ Form No. 10426, Notice of Intent to Operate a Liquid Waste Transfer Station**	30 TAC 330.11(e)(4): (only 6 grandfathered facilities exist in Texas) MSW Type V Facility: A liquid waste transfer station designed and operated in accordance with 30 TAC 330 MSW Rules, Subchapter E (330.201 – 330.249), which was in existence prior to March 27, 2006. **Liquid Waste (LW):** Any waste material that is determined to contain "free liquids" as defined by US EPA Method 9095 (paint filter test), as described in Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods" (EPA Publication No. SW-846). • < 32,000 gallons/day at a fixed site • < 30 days onsite	30 TAC 330.9(g) and (o): **Liquid Waste Transfer Station:** A new MSW Type V Facility which processes only grease trap waste, grit trap waste, or septage or a combination of these three liquids. • Facility must attain a 10% recovery of material for beneficial use from the incoming waste stream. • < 32,000 gallons/day at a fixed site (After March 26, 2006) • < 30 days onsite (After March 26, 2006)	30 TAC 330.7(a): **Liquid Waste Transfer Station:** MSW Type V Facility which fails to realize 10% recovery of material for beneficial use from the incoming waste stream, and/or which receives > 32,000 gallons per day.
Liquid Waste Temporary Storage Facility Send in: **TCEQ Form 10400 Core Data Form w/ letter of notice**	30 TAC 330.11(e)(5): **MSW Type V Facility:** A temporary storage facility regulated under **30 TAC 312.147** (relating to temporary storage) used for temporarily storing/accumulating liquid waste prior to transport for processing by service vehicles. • < 8,000 gallons for ≤ 4 days stored in mobile containers.	N/A	N/A

Activity	Notification Required	Registration Required	Permit Required*
Used Oil Collection Call in: **TCEQ IHW/MSW Registration & Reporting Section 512-239-6413**	30 TAC 324.7(1) or (3) & 40 CFR Part 279:64 Any of the aforementioned facilities which provide used oil collection services must notify the TCEQ by calling the Registration & Reporting Section at 512-239-6413. Please refer to the State of Texas Used Oil Standards (30 TAC 324) and/or *The Used Oil Recycling Handbook: Guidance for Used Oil Handlers*, Rev 11/05 (TCEQ Regulatory Guidance 325) for more information.	As applicable. *Do-it-yourselfer used oil collection center* means any site or facility that accepts/aggregates and stores used oil collected only from household do-it-yourselfers. *Used oil collection center* means any site or facility that is registered/licensed/permitted/recognized by a state/county/municipal government to manage used oil and accepts/aggregates and stores used oil collected from used oil generators regulated under subpart C of this part who bring used oil to the collection center in shipments of no more than 55 gallons under the provisions of §279.24. Used oil collection centers may also accept used oil from household do-it-yourselfers.	As applicable.

For additional information concerning activity classification of proposed applications and/or funding eligibility, please contact the Regional Solid Waste Grants Program at: TCEQ, RSWGP (MC-126), P.O. Box 13087, Austin, Texas, 78711-3087, or call (512) 239-2335. If a contact is uncertain of the type of facility they actually are, then please direct them to the Municipal Solid Waste Permits Section at: TCEQ, MSW Permits (MC-124), P.O. Box 13087, Austin, Texas, 78711-3087, call (512) 239-2334, or E-mail the MSW Permits Section at MSWPER@tceq.state.tx.us. For more information on the TCEQ's MSW Permits Program and/or to download electronic copy of the forms referenced in this table, please visit http://www.tceq.state.tx.us/permitting/waste_permits/msw_permits/msw.html. Contacts may also visit one of TCEQ's 16 Regional Offices in their area of the State. A list of TCEQ Field Office locations, points of contact, and addresses is located at: http://www.tceq.state.tx.us/comm_exec/forms_pubs/pubs/gi/gi-002.html

Authorized Project Categories

The following project categories are eligible for funding. Under each category heading is a brief description of the purpose of that category, as well as special requirements pertaining to that project category.

1. Local Enforcement

Funds may be used for projects that contribute to the prevention of illegal dumping of municipal solid waste, including liquid wastes. Funding recipients may investigate illegal dumping problems; enforce laws and regulations pertaining to the illegal dumping of municipal solid waste, including liquid waste; establish a program to monitor the collection and transport of municipal liquid wastes through administration of a manifesting system; and educate the public on illegal dumping laws and regulations.

2. Litter and Illegal Dumping Cleanup and Community Collection Events

Funds may be used for ongoing and periodic activities to clean up litter and illegal dumping of municipal solid waste. Funded activities may include: waste removal; disposal or recycling of removed materials; fencing and barriers; and signage. Placement of trash collection receptacles in public areas with chronic littering problems may also be funded. Reuse or recycling options should be considered for managing the materials cleaned up under this program, to the extent feasible. Funds may also be used for periodic community collection events, held not more frequently than four times per year, to provide for collection of residential waste materials for which there is not a readily-available collection alternative, such as large and bulky items that are not picked up under the regular collection system.

3. Source Reduction and Recycling

Funds may be used for projects that provide a direct and measurable effect on reducing the amount of municipal solid waste going into landfills, by diverting various materials from the municipal solid waste stream for reuse or recycling, or by reducing waste generation at the source. Funded activities may include: diversion from the waste stream and/or collection, processing for transport, and transportation of materials for reuse and/or recycling; implementation of efficiency improvements in order to increase source reduction and recycling, to include full-cost accounting systems and cost-based rate structures, establishment of a solid waste services enterprise fund, and mechanisms to track and assess the level of recycling activity in the community on a regular basis; and educational and promotional activities to increase source reduction and recycling.

4. Local Solid Waste Management Plans

Funds may be used for projects to develop local solid waste management plans in accordance with Texas Health & Safety Code, Chapter 363, as implemented by state rule in Title 30 Texas Administrative Code (30 TAC), Chapter 330. It is recommended that at least one year be allowed for the completion and adoption of a local plan. Local Solid Waste Management Plans must meet the goals and objectives of the RSWMP.

5. Citizens' Collection Stations and "Small" Registered Transfer Stations

Funds may be used for projects to construct and equip citizens' collection stations, as these facilities are defined under 30 TAC §330.3, TCEQ Regulations. Projects funded for these types of facilities shall include consideration of an integrated approach to solid waste management, to include providing recycling services at the site, if appropriate to the management system in place. The following MSW facilities may qualify on a case by case basis for funding:

- Notification tier municipal solid waste transfer stations that qualify under 30 TAC 330.11(g).
- Registered municipal solid waste transfer stations that qualify under 30 TAC 330.9(b)(1) through (3), or (f).
- Notification tier citizens' collection stations that qualify under 30 TAC 330.11(e)(1).
- Exempt local government recycling facilities as provided for under 30 TAC 328(a)(1).
- Notification tier recycling facilities that qualify under 30 TAC 330.11(e)(2).
- Notification tier composting facilities which qualify under 30 TAC 332.21 – 332.23.
- Notification tier liquid waste temporary storage facilities which qualify under 30 TAC 330.11(e)(5).
- Liquid waste transfer stations which qualify for registration in 30 TAC 330.9(g) and (o).
- Notification tier used oil collection facilities which qualify under 30 TAC 324.71(1) or (3).

6. Household Hazardous Waste Management

Funds may be used for projects that provide a means for the collection, recycling or reuse, and/or proper disposal of household hazardous waste, including household chemicals, electronic wastes, and other materials. Funded activities may include: collection events; consolidation and transportation costs associated with collection activities; recycling or reuse of materials; proper disposal of materials; permanent collection facilities, education and public awareness programs.

7. Technical Studies

Funds may be used for projects which include the collection of pertinent data, analysis of issues and needs, evaluation of alternative solutions, public input, and recommended actions, to assist in making solid waste management decisions at the local level. Projects may also include research and investigations to determine the location, boundaries, and contents of closed municipal solid waste landfills and sites, and to assess possible risks to human health or the environment associated with those landfills and sites.

8. Educational and Training Projects

Educational components are encouraged under the other categories in order to better ensure public participation in projects; those educational components should be funded as part of those projects and not separately under this category. Funds may also be used for "stand-alone" educational projects dealing with a variety of solid waste management topics. Projects may include funding for information-exchange activities, subject to the other limitations on travel expenses.

Eligible Expenses

The following categories of expenses may be eligible for funding under this program. All expenses must directly relate to the conduct of the proposed project.

Personnel. Appropriate salaries and fringe benefits for employees working directly on the funded project may be authorized under most of the grant categories. All timesheets that have been signed by the employee and approved by the supervisory official having firsthand knowledge of the work performed by the employee should be maintained.

Travel. Travel expenses directly related to the conduct of the funded program may be authorized. Only the employees of the pass-through grant recipient assigned to the project should receive reimbursement for travel expenses. In accordance with the UGMS, in those instances where grantees do not have an established organization-wide written travel policy approved by the governing board of the local jurisdiction, all employee-related travel expenses must be claimed at no higher than the same rates allowed by the State of Texas for its employees. For authorized reimbursement through the Regional Solid Waste Grants Contract, all travel authorized for pass-through recipients must comply with Chapter 660 of the Government Code, and Article IX of the General Appropriations Act, 85th Legislative Session.

Any travel outside of the State of Texas directly related to the conduct of the funded program to be reimbursed by grant funds must be authorized, in writing, by the WCTCOG prior to the travel expenses being incurred. Travel documentation should be maintained onsite, at a minimum, that is consistent with UGMS and identifies the purpose of the travel, supported with actual receipts for hotel accommodations, public transportation, airfare, and other travel expenses. Such travel documentation should be submitted to the WCTCOG upon request.

Supplies. Expenses for supplies necessary for the conduct of the funded project may be authorized. Expenses included under the Supplies expense category of a project budget should be for non-construction related costs for goods and materials having a unit acquisition cost (excluding shipping, handling, freight, tax, and similar costs) of less than $5,000. Such expenditures must generally relate to the routine purchase of office supplies (paper, pencils, and staplers) or other goods which are consumed in a relatively short period of time, in the regular performance of the general activities of the proposed project.

Equipment. Equipment necessary and appropriate for the proposed project may be authorized. The WCTCOG must carefully evaluate all requests for equipment to determine appropriateness of the equipment for the project. No equipment is to be purchased by a pass-through grant recipient unless approved in advance by the WCTCOG. Expenses included under the Equipment expense category should be for non-construction related, tangible, personal property having a unit acquisition cost of $5,000 or more (including shipping, handling, freight, tax, and set up costs) with an estimated useful life of over one year. Any equipment that will be used for other projects or activities, in addition to the funded project, may only be funded at an amount reflecting the appropriate percentage of time that the equipment will be directly used for the funded project. The special conditions and requirements set forth in the grant Contract (relating to Title to and Management of

Equipment and Constructed Facilities), also apply to equipment purchased with pass-through grant funding.

Construction. Appropriate construction costs may be authorized. Expenses budgeted under this category should be for costs related to the enhancement or building of permanent facilities. No construction costs may be incurred by a pass-through grant recipient unless the construction details are approved in advance by the WCTCOG. Appropriate costs that may be included are:

a. The cost of planning the project;
b. The cost of materials and labor connected to the construction project;
c. The cost of equipment attached to the permanent structure; and
d. Any subcontracts, including contracts for services, performed as part of the construction.

Contractual Expenses. Professional services or appropriate tasks provided by a firm or individual who is not employed by the pass-through grant recipient for conducting the funded project may be authorized for subcontracting by the funds recipient. No contractual costs should be incurred by a pass-through grant recipient unless the subcontract is approved in advance by the WCTCOG, in writing and included on the list of authorized expenses.

Evidence that the contract price is reasonable, necessary, and allocable should be maintained. The evidence of reasonability may take the form of bid tab sheets or other form of evaluation of competitive price offers or competitive proposals, and /or a cost analysis or price analysis under the UGMS, which must be in compliance with applicable state law and regulations for the activity or service for that which is contracted. Expenditure documentation to be maintained includes receipts, purchase orders (if issued) or invoices marked paid, and canceled checks.

Any amendment to a contract authorized for reimbursement, which will result in or require substantive changes to any of the tasks required to be performed, must be approved in writing by the WCTCOG prior to incurring the costs.

Applicable laws and regulations concerning bidding and contracting for services must be followed. Any amendment to a subcontract which will result in or require substantive changes to any of the tasks required to be performed must be approved in writing by the WCTCOG.

Implementation Projects.

Expenses should be for approved in advance for solid waste management grant projects by WCTCOG prior to incurring the costs. Documentation of expenses should be maintained.

Other Expenses. Other expenses, not falling under the main expense categories, may be included, if connected with the tasks and activities of the proposed project. The restrictions set forth in the UGMS and the main grant Contract apply. The WCTCOG must ensure that expenses budgeted under this "Other" category are itemized by the grant recipient and are fully considered and evaluated by the WCTCOG. Some expenses that **may** be appropriate include:

a. Postage/delivery
b. Telephone/FAX
c. Utilities
d. Printing/reproduction
e. Advertising/public notices
f. Signs
g. Training
h. Office space
i. Basic office furnishings
j. Computer Hardware (under $5,000 and not listed under the Equipment category)
k. Computer Software
l. Shipping, handling, freight, taxes or setup costs

Indirect. Indirect costs may be funded, if applicable to the project. In accordance with the UGMS, indirect charges may be authorized if the applicant has a negotiated indirect cost rate Contract signed within the past 24 months by a federal cognizant agency or state single audit coordinating agency. Alternatively, the applicant may be authorized to recover up to 10% of direct salary and wage costs (excluding overtime, shift premiums, and fringe benefits) as indirect costs, subject to adequate documentation. If the Applicant has an approved cost allocation plan, enclose documentation of the approved indirect rate with the project application.

Additional Expense Records.

Additional expense records and documentation materials, appropriate for the expense, may be requested by the WCTCOG. The WCTCOG will provide reasonable time to comply with a request for additional records. The WCTCOG will allow reasonable time to respond to findings of noncompliance or other problems identified by the records review.

Types of Expenses That May Be Appropriate

Under Each Project Category

Following are *examples of some of the types* of expenses that may be appropriate under each of the project categories.

1. **Local Enforcement**

- Equipment, such as vehicles, communications equipment, and surveillance equipment (NOTE: this does not include local code enforcement officer firearms nor ammunition)
- Program administration expenses, such as salaries/fringe benefits, office supplies and equipment, travel, training, and vehicle maintenance
- Protective gear and supplies
  (NOTE: this does not include self-contained breathing apparatus equipment)
- Education and outreach materials

Litter and Illegal Dumping Cleanup and Community Collection Events

- Equipment, such as trailers and trucks
- Program administration expenses, such as, salaries/fringe benefits, office supplies and equipment, travel, training, and vehicle maintenance
- Subcontract expenses
- Protective gear and supplies
- Fencing, barriers, and signage
- Education and outreach materials

Source Reduction and Recycling

- Facility design and construction
- Equipment, such as chippers, balers, crushers, recycling and composting containers, trailers, forklifts, and trucks
- Program administration expenses, such as salaries/fringe benefits, office supplies and equipment, travel, training, and equipment maintenance
- Education and outreach materials
- Printing and advertisement expenses

Local Solid Waste Management Plans

- Consultant services
- Printing and advertising expenses
- Program administration expenses, such as salaries/fringe benefits, office supplies, and travel

Citizens' Collection Stations, Recycling Facilities and "Small" Registered Transfer Stations

- Facility design and construction
- Equipment, such as dumpsters or roll-off containers, trailers, balers, crushers (non-trash), recycling scales, and recycling containers
- Protective gear
- Education and outreach materials
- Printing and advertisement expenses

Household Hazardous Waste Management

- Design and construction of permanent collection facilities
- Equipment for permanent collection facilities, such as recycling containers, trailers, forklifts, and crushers
- Protective gear
- Contractual services for special collection events
- Education and outreach materials
- Printing and advertising expenses

Technical Studies

- Consultant services
- Printing and advertising expenses
- Program administration expenses, such as salaries/fringe benefits, office supplies, and travel

Educational and Training Projects

- Education and outreach materials
- Printing and advertising expenses
- Contractual services
- Program administrative expenses, such as salaries/fringe benefits, office supplies, and travel

Funding Standards

In addition to the standards set forth in applicable law and regulations, the standards outlined below apply to all uses of solid waste grant funds.

General Standards

1. The provisions of the Uniform Grant Management Standards (UGMS) issued by the Office of the Governor apply to the use of these funds, as well as the supplement financial administration provided in the program Administrative Procedures.

2. Recipients of funds under this Contract, including the WCTCOG, pass-through grant recipients, and subcontractors shall comply with all applicable state and local laws and regulations pertaining to the use of state funds, including laws concerning the procurement of goods and services and competitive purchasing requirements.

3. Funds may not be provided through a pass-through grant or subcontract to any public or private entity that is barred from participating in state contracts by the Texas Facilities Commission.

4. Public and private entities subject to payment of state solid waste disposal fees and whose payments are in arrears may not receive funds under this Contract through either a pass-through grant or subcontract.

5. In accordance with §361.014(b), Texas Health and Safety Code, and 30 TAC §330.649(d), TCEQ Regulations, a project or service funded under this Contract must promote cooperation between public and private entities and may not be otherwise readily available or create a competitive advantage over a private industry that provides recycling or solid waste services. Under this definition, the term private industry included non-profit and not-for-profit non-governmental entities.

6. All equipment and facilities purchased or constructed with funds provided under this Contract shall be used for the purposes intended in the funding Contract.

7. A project or service funded under this Contract must be consistent with the WCTCOG's RSWMP, and must be intended to implement the goals, objectives, and priorities established in the regional plan.

8. Funds may not be used to acquire land or an interest in land.

9. Funds may not be used to supplant existing funds. In particular, staff positions where the assigned functions will remain the same and that were active at the time of the funding application or proposal and were funded from a source other that a previous solid waste grant, may not be funded.

10. Funds may not be used for food or entertainment expenses, including refreshments at meetings and other functions. This provision does not apply to authorized employee per diem expenses for food costs incurred while on travel status.

11. Funds may not be used for payment of salaries to any employee who uses alcoholic beverages on active duty. Funds may not be used for the purchase of alcoholic beverages, including travel expenses reimbursed with these funds.

12. Funds may not be used for employment, contracts for services of a lobbyist, or for dues to an organization, which employs or otherwise contracts for the services of a lobbyist.

13. Funds may only be used for projects or programs for managing municipal solid waste.

14. Except as may be specifically authorized, funds may not be used for projects or facilities that require a permit from the TCEQ and/or that are located within the boundaries of a permitted facility, including landfills, wastewater treatment plants, or other facilities. This restriction may be waived by the TCEQ, at its discretion, for recycling and other eligible activities that will take place within the boundaries of a permitted facility. The applicant and/or the WCTCOG must request a preliminary determination from the TCEQ as to the eligibility of the project prior to the project being considered for funding by the WCTCOG.

15. Projects or facilities requiring a registration from the TCEQ, and which are otherwise eligible for funding, must have received the registration before the project funding is awarded.

16. Except as may be specifically authorized, funds may not be used for activities related to the collection or disposal of municipal solid waste. This restriction includes: solid waste collection and transportation to a disposal facility; waste combustion (incineration or waste-to-energy); processing for reducing the volume of solid waste which is to be disposed of; landfills and landfill-related facilities, equipment, or activities, including closure and post-closure care of a permitted landfill unit; or other activities and facilities associated with the disposal of municipal solid waste.

17. Funds may not be used to assist an entity or individual to comply with an existing or pending federal, state, or local judgment or enforcement action. This restriction includes assistance to an entity to comply with an order to clean up and/or remediate problems at an illegal dumpsite. However, the TCEQ may waive this restriction, at its discretion and on a limited case-by-case basis, to address immediate threats to human health or the environment, and where it is demonstrated that the responsible party does not have the resources to comply with the order.

18. Funds may not be used to pay penalties imposed on an entity for violation of federal, state, or local laws and regulations. This restriction includes expenses for conducting a supplemental environmental project (SEP) under a federal or state order or penalty. Funds may be used in conjunction with SEP funds to support the same project.

Local Enforcement

Funds may not be provided to any law enforcement agency regulated by Texas Occupational Code, Title 10, Chapter 1701, unless: (a) the law enforcement agency is in compliance with all rules on Law Enforcement Standards and Education; or (b) the Commission on Law Enforcement Officer Standards and Education certifies that the requesting agency is in the process of achieving compliance with such rules.

When funding is to be provided for salaries of local enforcement officers, the funds recipient must certify that at least one of the officers has attended or will attend within the term of the funding the TCEQ's Criminal Environmental Law Enforcement Training or equivalent training.

Local enforcement vehicles and related enforcement equipment purchased entirely with funds provided under this Contract may only be used for activities to enforce laws and regulations pertaining to littering and illegal dumping, and may not be used for other code enforcement or law enforcement activities. Vehicles and equipment that are only partially funded must be dedicated for use in local enforcement activities for a percentage of time equal to the proportion of the purchase expense funded.

Entities receiving funds for a local enforcement officer, enforcement vehicles, and/or related equipment for use by an enforcement officer, must investigate major illegal dumping problems, on both public and private property, in addition to investigating general litter problems on public property.

Entities receiving funds to conduct a local enforcement program must cooperate with the TCEQ's regional investigative staff in identifying and investigating illegal dumping problems. Lack of cooperation with the TCEQ staff may constitute a reason to withhold future funding to that entity for local enforcement activities.

Funds may not be used for investigation and enforcement activities related to the illegal dumping of industrial and/or hazardous waste. Instances where industrial or hazardous waste is discovered at a site do not preclude the investigation of that site, so long as the intent and focus of the investigation and enforcement activities are on the illegal dumping of municipal solid waste.

Funds may not be used for purchase of weapons, ammunition, and/or HazMat gear.

Litter and Illegal Dumping Cleanup and Community Collection Events

Projects funded to clean up litter or illegal dumping on private property must be conducted through a local government sponsor or the WCTCOG. Funds may not be provided directly to a private landowner or other private responsible party for cleanup expenses. The local government sponsor or the WCTCOG must either contract for and oversee the cleanup work, or conduct the work with its own employees and equipment.

The costs for cleanup of hazardous waste that may be found at a municipal solid waste site must be funded from other sources, unless a waiver from this restriction is granted by the TCEQ to deal with immediate threats to human health or the environment.

The costs for cleanup of Class 1 nonhazardous industrial waste that may be found at a municipal solid waste site must be funded from other sources, unless a waiver from this restriction is granted by the TCEQ to deal with immediate threats to human health or the environment. The cleanup of Class 2 and 3 nonhazardous industrial waste that may be found at a municipal solid waste site may be funded in conjunction with the cleanup of the municipal solid waste found at a site.

All notification, assessment, and cleanup requirements pertaining to the release of wastes or other chemicals of concern, as required under federal, state, and local laws and regulations,

including 30 TAC Chapter 330, TCEQ's MSW Regulations, and 30 TAC Chapter 350, TCEQ's Risk Reduction Regulations, must be complied with as part of any activities funded under this Contract.

All materials cleaned up using grant funds must be properly disposed of or otherwise properly managed in accordance with all applicable laws and regulations. To the extent feasible, it is recommended that materials removed from a site be reused or recycled. For projects to clean up large amounts of materials, the WCTCOG will consider withholding at least ten (10) percent of the reimbursements under a pass-through grant or subcontract, until documentation is provided that the cleanup work has been completed and the materials properly managed.

Periodic community collection events, to provide for collection and proper disposal of non-recyclable residential waste materials for which there is not a readily-available collection alternative, may be funded. This type of project may not include regular solid waste collection activities, such as weekly waste collection. Funded collection events may be held no more frequently than four times per year, and must only be intended to provide residents an opportunity to dispose of hard-to-collect materials, such as large and bulky items that are not picked up under the regular collection system, and might otherwise be illegally dumped by residents. To the extent practicable, community collection events should make every effort to divert wastes collected from area landfills, e.g., contain a recycling component.

Source Reduction and Recycling

Any program or project funded with the intent of demonstrating the use of products made from recycled and/or reused materials shall have as its primary purpose the education and training of residents, governmental officials, private entities, and others to encourage a market for using these materials.

Local Solid Waste Management Plans

All local solid waste management plans funded under this Contract must be consistent with the WCTCOG's RSWMP, and prepared in accordance with 30 TAC Subchapter O, Chapter 330, TCEQ Regulations, and the Content and Format Guidelines provided by the TCEQ.

In selecting a local solid waste management plan project for funding, the WCTCOG shall ensure that at least one year is available for the completion and adoption of the local plan.

Citizens' Collection Stations and "Small" Registered Transfer Stations

The design and construction of citizens' collection stations, as those facilities are defined under 30 TAC Chapter 330, TCEQ Regulations, may be funded. The costs associated with operating a citizens' collection station once it is completed may not be funded.

The design and construction of small municipal solid waste and liquid waste transfer stations that qualify for registration under 30 TAC 330, MSW Rules, may be funded. Other permitted or registered transfer stations may not be funded. A municipal solid waste transfer facility may be eligible for a registration if it serves a municipality with a population of less than 50,000, or a county with a population of less than 85,000, or is used in the transfer of 125 tons or less of municipal solid waste per day. A liquid waste transfer station may qualify for a registration if it will receive less than 32,000 gallons or less per day. The

costs associated with operating a transfer station once it is completed may not be funded. The following MSW facilities may be funded:

- Notification tier municipal solid waste transfer stations that qualify under 30 TAC 330.11(g).
- Registered municipal solid waste transfer stations that qualify under 30 TAC 330.9(b)(1) through (3), or (f).
- Notification tier citizens' collection stations that qualify under 30 TAC330.11(e)(1).
- Exempt local government recycling facilities as provided for under 30 TAC328(a)(1).
- Notification tier recycling facilities that qualify under 30 TAC 330.11(e)(2).
- Notification tier composting facilities which qualify under 30 TAC 332.21 – 332.23.
- Notification tier liquid waste temporary storage facilities which qualify under 30 TAC 330.11(e)(5).
- Liquid waste transfer stations which qualify for registration in 30 TAC 330.9(g) and (o).
- Notification tier used oil collection facilities which qualify under 30 TAC 324.71(1) or (3).

Household Hazardous Waste Management

All household hazardous waste collection, recycling, and/or disposal activities must be coordinated with the TCEQ's HHW program staff, and all applicable laws, regulations, guidelines, and reporting requirements must be followed.

Technical Studies

All technical studies funded must be consistent with the WCTCOG's regional solid waste management plan, and prepared in accordance with Administrative Procedures provided by the TCEQ.

Educational and Training Projects

Educational and training programs and projects funded under this Contract must be primarily related to the management of municipal solid waste, and funds applied to a broader education program may only be used for those portions of the program pertaining to municipal solid waste.

Notification of Private Industry Required

According to state law *(Section 361.014 (b) TX Health & Safety Code)*, a project or service funded under this program must promote cooperation between public and private entities, and the grant-funded project or service may not be otherwise readily available or create a competitive advantage over a private industry that provides recycling or solid waste services. In accordance with grant requirements established by the TCEQ, an applicant for funding under one of the listed project categories below must adhere to the notification requirements listed below.

Applicable Categories

1. Source Reduction and Recycling

2. Citizens' Collection Stations and/or "Small" Registered Transfer Stations

3. A demonstration project under the Educational and Training Projects category

Applicant Notification Requirements

1. Contact in person or in writing the known private service providers of similar services which, at the time of the application development, are providing services within the geographic service area that the project intends to serve, prior to making the application. A list of private service providers within the region is available from the WCTCOG.

2. Inform the private service providers of the basic details of the proposed project and consider any input and concerns from the private service providers about the project when completing the project proposal.

3. Consider, where appropriate, meeting directly with private service providers that may have a concern about the proposed project to attempt to resolve any concerns before an application is submitted.

4. Complete applicable information on the grant application forms to provide documentation that private service providers were notified of the project prior to submission of the application and submit written comments provided by any private service provider.

HOW PROPOSALS WILL BE CONSIDERED

Proposals will be reviewed by the Solid Waste Advisory Committee of the WCTCOG, using screening and selection criteria developed in cooperation with the TCEQ. The committee consists of representatives of various interests involved in solid waste management in the region, according to the TCEQ guidelines.

Screening Criteria. In order for any proposed project to be considered, the following screening criteria must be met. If these screening criteria are not met, the proposed project will receive no further consideration for grant funding.

1. The application must be complete and all application requirements and procedures followed, including requirements to notify private service providers of the proposed project, when applicable.

2. The proposed project must conform to eligible standards, eligible recipient standards, and allowable expense and funding standards, as established by the TCEQ and the WCTCOG and under all applicable laws and regulations.

3. The applicant must agree to document the results of the project as required by the WCTCOG.

4. The proposed project must be technically feasible, and there must be a reasonable expectation that the project can be satisfactorily completed within the required time frames.

5. The proposed project activities and expenses must be reasonable and necessary to accomplish the goals and objectives of the project. One factor in determining reasonableness of expenses shall be whether comparable costs are proposed for comparable goods and services.

6. The proposed project must be consistent with the approved regional solid waste management plan, and must directly support implementation of the regional plan.

A. PROJECT DESCRIPTION **(55 Points)**

- Is there an adequate explanation as to why the proposed project is needed?
- Is the overall goal or objective of the proposed project clearly stated?
- Is there an estimate of the number of people who would be served or benefited by the proposed project?
- Is the geographic area affected by the proposed project clearly described?
- Is the specific waste stream targeted by the proposed project identified?
- Does the project include adequate levels of customer incentives or public education, or public input, as applicable?

- Are all aspects of the proposed project described in sufficient detail to ensure its overall feasibility or workability?
- If the proposed project includes equipment/supplies, has the applicant shown that the specified equipment/supplies are appropriate for the work performed?
- Are the expected benefits of the proposed project adequately described?
- Is the applicant providing matching funds?
- Is the applicant providing In-Kind Services/Funding?

B. WORK PROGRAM **(20 Points)**

- Are all of the major steps or tasks involved in the proposed project clearly presented and adequately described?
- Are responsible entities for accomplishing each step or task identified?
- Is each step or task described in terms of its effect on the total project budget?
- Is a specific timeframe for completing each step or task provided?

C. PROJECT COST EVALUATION **(20 Points)**

- Are the total related costs of the proposed project (not just grant expenditures) adequately considered?
- Are the costs of the proposed project presented in unit terms, such as cost per ton, cost per customer, or cost per capita, as applicable?
- Are the costs of the proposed project compared to any established averages, or to normal costs for similar projects?
- Will the proposed project result in a measurable cost savings, or are the costs of the proposed project otherwise reasonably justified?

D. EFFICACY – MERITS OF PROJECT **(30 Points)**

- Is the project cost-effective?
- Is there a pressing need for this project?
- Will this project have a measurable impact on the waste stream?
- Is there a viable mechanism proposed to measure any impacts?
- Will this project continue on after the grant period?
- Is the project a regionally coordinated (more than one city or county) effort?

E. LEVEL OF COMMITMENT OF THE APPLICANT **(5 Points)**

- To what extent is the applicant requesting funds for salaries or operational expenses?
- To what extent do the appropriate governing bodies support the proposed project?

F. LEVEL OF COMMITMENT –PRE-SCORED **(5 Points)**

- Was a formal signed resolution of support from the governing body attached?

G. NRC REPRESENTATIVE ACTIVE – PRE-SCORED **(30 Points)**

- Has your NRC Representative met the attendance requirements?

H. KEEP TEXAS BEAUTIFUL AFFLIATION- PRE-SCORED (10 Points)
- Is there a formal signed Resolution of support from a Provisional Keep Texas Beautiful (KTB) Affiliate in good standing with Keep Texas Beautiful attached?
- Is there a formal signed Resolution of support from a Certified Keep Texas Beautiful (KTB) Affiliate in good standing with Keep Texas Beautiful attached?

I. PAST PERFORMANCE- PRE-SCORED (10 Points)
- Has not received a WCTCOG Solid Waste Implementation Grant in past three years.
- Applicant met most recent grant's goals.
- Applicant did not meet most recent grant's goals.

POSSIBLE 185 POINTS

Grant Contracts

Grant recipients will be required to enter into standard legal Contracts with the WCTCOG, to ensure that the approved work program of the project is followed. Among other provisions, the legal Contracts will include the following:

- Grant funding will be provided on a reimbursement basis only, and all requests for reimbursement must be handled through the WCTCOG.
- Grant recipients must agree to provide data related to the results of the project to the WCTCOG and/or the TCEQ. As appropriate to the project, the grant recipient will also be asked to commit to monitoring the results of the project beyond the grant term, and periodically provide the WCTCOG and/or the TCEQ additional reports on the status of the project.
- Grant recipients must agree to allow staff of the WCTCOG and/or the TCEQ to perform on- site visits to monitor the progress of projects.

Appeals Process

Each applicant will be allowed to utilize the following appeal procedures when actions of the NRC are questioned. Any applicant appealing the NRC actions must cite, in writing, to the Chair of the NRC and to the Executive Director of the West Central Texas Council of Governments, the specific procedural violation regarding the NRC actions. Appeals must be based on a specific, identified error of the NRC and not on factors that allow discretion by the NRC members (e.g., Local Effort and Merits of the Project scoring factors.)

All appeals will be handled in accordance with the Texas Commission on Environmental Quality (TCEQ) and West Central Texas Council of Governments (WCTCOG) procedural guidelines:

1. Written notification to the NRC and TCEQ – An applicant must notify the NRC Chairman and TCEQ in writing of the alleged specific violation of the NRC procedures within five working days following the scoring.

2. WCTCOG Notification to Applicants of Appeal(s) – Within ten (10) working days following the receipt of an appeal; the WCTCOG will notify all applicants in the region that the NRC will reconvene to hear the appeal. When appropriate, the WCTCOG will give specific notice to applicants that their scores may be affected by the outcome of the appeal.

3. NRC Reconvenes to Hear the Appeal(s) – In an open meeting, the NRC shall consult with the appellant jurisdiction and consider the appeal. With a simple majority quorum present, the NRC will vote to either deny the appeal or to sustain the appeal and change the score(s).

4. WCTCOG Notifies Applicants and TCEQ of Results of Appeal(s) – The WCTCOG will send a written description of the results of the appeals meeting to all applicants in the region as well as to TCEQ. If the appeal is resolved, WCTCOG staff provides final funding recommendations to the TCEQ. (Note: Applicants negatively affected by an original appeal have the same procedural rights to counter-appeal.) If the appeal is unresolved, WCTCOG staff prepares an appeal file for the TCEQ.

5. TCEQ Makes Final Recommendations – The TCEQ will make one of the following final recommendations to the WCTCOG Executive Director: sustain the appeal and suggest corrective actions; or reject the appeal and sustain the original NRC score(s).

If one believes that a proposed implementation project will create a competitive advantage over a local private entity, he or she is encouraged to put those concerns in writing and/or attend the NRC meeting and WCTCOG Executive Committee meeting. Applicants and those who have opposing concerns will each have 10 minutes for presentations at the NRC meeting. If one feels that his or her concerns have not been carefully weighed in WCTCOG's determination of funding, he or she can make a final appeal to TCEQ.

Any private service provider submitting comments opposing a project may appeal in writing to the Authorized Representative of the TCEQ a decision of the governing body approving the selection of a project for funding within (10) working days on the grounds that the project does not promote cooperation between public and private entities, or is readily available in the proposed project service area, or creates a competitive advantage over that private service provider in the provision of recycling or solid waste services.