

2014 Arkansas Computer and Electronic Waste Recycling Grants Program



Overview

FUND AUTHORITY

Pursuant to Act 512 of 2007, Arkansas Code Annotated (A.C.A) § 8-6-605 et al, is amended on the books of the Treasurer of State, Auditor of the State, and Chief Fiscal Officer of the State, a fund known as the Solid Waste Management and Recycling Fund. The Arkansas Computer and Electronic Recycling Grants Program shall be administered by the Arkansas Department of Environmental Quality's Solid Waste Management Division.

GRANTS PROGRAM IMPLEMENTATION

Arkansas Computer and Electronic Waste Recycling Grants will be awarded on the basis of written grant request proposals approved by the Arkansas Department of Environmental Quality and upon available funding.

SHORT TITLE

The grants program will be known by its short title: Arkansas Computer and Electronic Waste Recycling Grants

INTENT

The intent of this Arkansas Computer and Electronic Recycling Grants program is to provide financial assistance to improve opportunities to properly recycle electronic devices; improve collaboration between public and private collectors and recyclers; assist with collection sites and events that will continue activity past the grant period; and to protect the public health, safety, and the environment by mandating steps be taken to address the solid waste management of computers and other electronic solid waste statewide.

DEFINITIONS

For purposes of this grant program only, the following definitions apply:

APPLICANT - a District as defined in A.C.A. § 8-6-702, a local government, or a delegated authority or agent such as a District or government that makes application for a grant pursuant to Regulation 11.

BOARD - a Regional Solid Waste Management Board formed under A.C.A § 8-6-701 et seq.

COMMISSION - the Arkansas Pollution Control and Ecology Commission.

COMPUTER - a programmable electronic machine that performs high-speed mathematical or logical operations or that assembles, stores, correlates, or otherwise processes information.

DEPARTMENT - the Arkansas Department of Environmental Quality.

DEMANUFACTURING - end of life disposition of electronic devices and computers; includes recovery of hard drives and chips with resale value, the removal of commodities, such as copper, aluminum, and gold for sale to scrap consumers, the removal and hazardous waste disposal of toxins and heavy metals, and the shredding or melting of materials that can be sold and manufactured into new products.

DIRECTOR – the Director of the Arkansas Department of Environmental Quality, or designee.

DISPOSAL – the discharge, deposit, injection, spilling, leakage, placing or dumping of any computer or electronic waste into or on any land or water in whatever manner so that the waste or any constituent thereof might enter the environment or be emitted into the air or be discharged into the waters of the state, including ground waters.

ELECTRONICS – devices utilizing electrons and electric circuits including household appliances, televisions, recording and playing devices for music or video tapes, compact discs and digital technology.

E-WASTE – computer or electronic equipment that is either no longer needed for or capable of serving its intended purpose, is considered scrap and is destined for disposal.

GRANTEE – the grant applicant awarded funding for a grant proposal or application.

RECYCLE – the use of previously manufactured materials, including metals, glass, and plastics in the manufacture of new products.

RECYCLING AND DISMANTLING FACILITY - a business that processes electronic waste for reuse and recycling.

SOLID WASTE MANAGEMENT PLAN – a plan which is developed according to the provisions of the Arkansas Solid Waste Management Acts, § 8-6-201 et seq., and guidelines of the department, and which is subject to approval by the department.

TRANSPORTER – any individual, corporation, company, firm, partnership, association, trust, local solid waste authority, institution, county, city, town, or municipal authority or trust, venture or other legal entity transporting electronics.

FUNDING CYCLE FOR GRANT AWARDS

Grants shall be awarded on an annual basis, following the end of each fiscal year, available January 1. Award funds will be appropriated by the General Assembly and all landfill disposal fees collected under § 8-6-612 to be used exclusively for computer and electronic equipment recycling activities as authorized in § 8-6-613.

APPLICANT ELIGIBILITY

Pursuant to the provisions of A.C.A. § 8-6-609, the following entities are considered eligible to apply for and to receive grants:

Cities and Counties: Duly incorporated cities and towns and County governments of the State of Arkansas.

Solid Waste Authorities: Authorities incorporated under A.C.A. § 14-233-101 et seq.

Regional Solid Waste Management Boards: Boards formed pursuant to A.C.A. § 8-6-701 et seq., which have entered into agreements pursuant to A.C.A. § 8-6-701 et seq., and are empowered to administer a grant award pursuant to the requirements of A.C.A. § 8-6-601 et seq.

Subordinate Service Districts: Subordinate Service Districts which are formed pursuant to A.C.A. § 14-14-708 et seq., and are empowered to administer a grant award pursuant to the requirements of A.C.A. § 8-6-601 et seq.

Multi-County or Multi-Regional Projects, provided that concurrent resolutions regarding the joint application have been adopted by participating Regional Solid Waste Management District Boards and that a joint application is signed by the Board Chairman for each Regional Solid Waste Management District.

Partnerships between Public Entities and Private Recycling Interests: Public entities identified herein partnered with private recycling interests to provide recycling services, provided that the public entity maintains ownership of facilities and equipment purchased with grant funds and that the public entity assumes responsibility for meeting the requirements of this regulation.

RESPONSIBILITIES OF DISTRICT BOARD

Regional Plan

Unless otherwise excused by the Director, each District shall have a solid waste management plan. The plan must meet the solid waste planning requirements of A.C.A. § 8-6-201 et seq., and of Regulation 22: The Arkansas Solid Waste Management Regulation, and must have been reviewed and approved by the Department prior to the opening of the grant round. All projects approved by Regional Solid Waste Management Boards for funding in that District must be compatible with the approved District plan on file with the Department or must document to demonstrate why a deviation is necessary.

Application Prioritization

Each Board is responsible for the grant application process and acceptance of grant applications from within its District. Each District shall prioritize and select grant projects from within District boundaries for submission to the Department, such selection being at the sole discretion of the District. To ensure that every grant approved by the Boards meets the intent and requirements of A.C.A. § 8-6-609, Boards shall submit a list and brief description of planned projects to the Department forty-five (45) days prior to each grant round for written pre-approval by the Department.

Distribution within District

Boards shall make distribution of grant funds to approved grant projects within their District as scheduled in the grant application and subject to the grantee's compliance with all grant conditions. Funds shall not be disbursed by the Boards prior to the start of the project.

Adequate Revenues

Boards shall ensure that the grantee show that adequate revenues are being collected to support the long-term operation and maintenance of a grant-funded project prior to the disbursement of any grant funds.

Permits and Licenses

Boards shall ensure that grantee has obtained all applicable Federal, State, and local permits and licenses prior to disbursement of funds.

Equipment and Facility Purchasing

Boards shall conform to, and ensure that all applicants conform to all State laws that are applicable to the purchase, use or sale of equipment and facilities secured with State funding including, but not limited to, State laws on commodity purchases and bids for construction by

local governments. Facilities or equipment purchased with grant funds shall not be sold, traded, or transferred except for the purpose of upgrading electronic recycling facilities or improving electronic recycling programs within the State, with the Department's written consent. Arkansas Code § 8-8-609 (c) (2) prohibits the funding of equipment or facilities that adequately serve the relevant area. The regional solid waste management board's rationale for the determination that this is an indispensable component and would more efficiently serve the relevant area may be necessary.

Equipment Usage

Boards shall ensure that equipment purchased with grant funds disbursed by the Boards be used no less than fifty percent (50%) of the time on recycling activities or other grant funded projects for the general purposes specified in the grant application, Arkansas Code § 8-6-609 (c) (1) (D)

GRANT-ELIGIBLE ACTIVITIES, PROJECTS

The following activities, projects or programs in addition to other activities that support the objectives of increasing and improving recycling as a waste-management strategy, consistent with the intent of A.C.A. § 8-6-601, et seq., are eligible for grant funding:

E-Waste Collection Site

Funds can be used for permanent structures or mobile units for the purpose of collecting, sorting, processing or storing electronic waste. Funds may be used for expansion of an existing recycling facility for additional management of electronic waste for recycling or reuse. Facilities must meet the objectives of the solid waste management plan for recycling e-waste. Costs to manage temporary collection events are also eligible.

E-Waste Recycling Equipment

Equipment necessary for adequate and efficient management of electronic waste for the purpose of recycling or reuse is eligible. This would include equipment needed to collect, transport, and process or store electronic waste.

E-Waste Education and Public Awareness Programs

Education and public awareness activities and materials are eligible if, in accordance with the legislative intent of A.C.A. § 8-6-601 et seq., they are part of a plan for introducing or promoting e-waste recycling or reuse for the purpose of diverting e-waste materials from Arkansas landfills.

E-Waste Transportation Costs

Costs incurred in the process of transporting electronic waste by private or public transporter.

E-Waste Recycling Supplies

Costs incurred to purchase materials associated directly with the management of electronic waste collection, processing or movement.

E-Waste Operational Labor

Wages, not including fringe, for physical labor needed to collect, process and move electronic waste. Wages for managers, supervisors and administrators are not eligible.

E-Waste Contractual Services

Cost incurred for services contracted outside of the district facility for management of electronic waste collection, processing and transportation.

EXISTING EQUIPMENT OR FACILITIES

Districts must provide information that reasonably demonstrates that existing facilities are not serving or could not serve the relevant area, Arkansas Code § 8-6-609 (b) (2) (D) (i)

NOT ELIGIBLE FOR FUNDING**Administrative Costs:**

Funding assistance shall not be used for costs that do not directly relate to a specific project and have not received written approval from the Department as specifically attributable to an approved project. The following are considered ineligible administrative expenditures: **administrative salaries; planning;** reimbursement of funds; land acquisition unless part of building acquisition and food.

Retroactive Costs:

Funding assistance shall not be provided to reimburse for costs incurred by a grantee prior to the date that a project is approved for funding by the Department.

Disbursement of Funds:

The Department shall disburse grant funds to Districts following written approval of grant applications in a given grant round if all requirements from the previous round are complete.

REPORTING AND OVERSIGHT REQUIREMENTS**Record Keeping**

Boards shall require grantees to maintain an orderly accounting system to document that grant expenditures are made in accordance with the project budget.

Reporting

- (1) Until all grant funds have been expended on a project, regional solid waste management boards shall provide the Department with an annual report summarizing, forms provided by Department:
 - (a) Progress in the project; and
 - (b) Expenditures from the grant award.
- (2) For a period of five (5) years after a grant recipient's receipt of grant funds, regional solid waste management boards shall provide the Department with an annual report summarizing:
 - (a) Tonnage of materials collected by the grant recipient; and
 - (b) Revenues produced by the sale of materials collected.
- (3) The reports shall be filed annually on or before February 1.
- (4) Failure by a board to file the required reports shall provide grounds for the department to withhold disbursement of grant funds for subsequent grant rounds.

Submittal Required

Arkansas Code § 8-6-609 (d) (2) (A) (b) (2) (ii) (i) Boards must submit an annual expense itemization for each grant, including date of purchase, item purchased, vendor, purchase price, and invoice or purchase order number and name of vendor. Copies of invoices, purchase orders, checks, or other supporting documents for expenditures shall be kept on file at the regional solid waste district and shall be produced upon request for on-site inspection by the department when equipment is purchased. Boards shall submit serial numbers, vehicle identification numbers or other identifier to the department with progress reports, along with physical location of the equipment. Funds for the next grant round will not be disbursed until these requirements for the previous round, and the requirements in this regulation are complete.

Right of Entry and Access

Department personnel shall have the right of entry during normal business hours, unless otherwise deemed necessary by the Department, to the premises of a grant-funded facility and the right of access to all records pertaining to a grant-funded project or activity.

Modifications

After the Department has approved a grant, modifications may be made to the grant project if the grantee submits adequate documentation of the proposed changes and receives written approval by the Board and the Department. Modifications that alter the grant category or materially change the project must be public-noticed under the provisions of this regulation.

Notice of Irregularities

It shall be the responsibility of the Boards to immediately notify the Department in the event that the grantee has not met conditions of the Department approved grant application. A grant may be terminated by the Board or the Department, if either the Board or the Department determines that the grantee is unable or unwilling to complete or meet the conditions of the grant as set forth in the grant application. If a grant is terminated, grant funds shall be reimbursed in accordance with A.C.A. ' 8-6-610(C). Funds returned may be used to fund the next prioritized project with written approval from the Department. Funds not reallocated within one hundred twenty (120) days shall be returned to the Department for allocation in the next grant round.

Forms

The Department shall provide forms to be used by the Districts in the reporting process.

Audit Requirements

Each Regional Solid Waste Management Board shall procure an annual financial audit.

- (1) Such audits shall be conducted following each Districts fiscal year end.
 - (2) Such audits shall, at the minimum define recycling grant funds received separate from other District revenues, delineating interest and/or other receipts received as a result of the funds and documenting their expenditure. Such audits shall also identify project or contractual costs separate from administrative costs.
 - (3) Such audits shall be conducted by accountants in good standing with the Arkansas State Board of Public Accountancy and in accordance with the Governmental Auditing and Reporting Standards issued by the Comptroller General of the United States.
 - (4) Copies of each Regional Solid Waste Management District's annual audit report shall be filed with the Department, the Division of Legislative Audit and shall be available for public inspection with the books and records of the District.
 - (5) Failure to provide the Department and the Division of Legislative Audit with a full and complete annual audit report within nine (9) months of the Districts fiscal year ending date shall be cause to suspend or terminate any and all Solid Waste Management and Recycling Grant Funds.
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CONDITIONS OF GRANT

Funds Forfeited

Funds for any grant project not started prior to the date that pre-applications for the next grant round are submitted to the Department will be forfeited and become a part of the total funds available for all Districts in the next grant round unless the project delay receives written approval by the Board and the Department. District administrative grants are excluded from this requirement.

If, within a three-year period beginning on the date that the Department awards a grant, the grantee does not meet the conditions of the grant prescribed under A.C.A. ' 8-6-610(b) and this regulation, the Department may order the grantee to reimburse the grant award in accordance with A.C.A. ' 8-6-610(c), plus interest monies earned from the holding of grant funds by grant recipient. Grantees will be ineligible for further grant awards until reimbursement is made. Reimbursed monies will become a part of the total fund available for all Districts in the next grant round.

Earned Interest on Grant Awards

Interest monies earned from the holding of grant funds by grant recipients or Districts shall be used exclusively for recycling programs consistent with the District's Solid Waste Management Plan. It shall be the responsibility of grantees to monitor the collection of earned interest and direct interest monies to the projects supported by the grant award or to other recycling program(s) consistent with the applicable District's Solid Waste Management Plan.

Project Deadlines

All grantees shall develop recycling programs, as outlined in the grant application, and expend all grant funds within three (3) years following the date of disbursement of funds by the Department unless a written extension is granted by the Department.

Markets Sought

All grantees shall seek to market or reuse the materials diverted under the recycling program from deposition in landfill or incinerators in the period of three (3) years following the grant award.

Notice Published

Thirty (30) days prior to submission of a grant application, the applicant shall be required to insert in a newspaper of general circulation in the area affected a notice describing the applicant's grant request and soliciting written comments from the public for a twenty-day period. Proof of publication of the notice and copies of the comments shall accompany the grant application.

APPEALS OF GRANT DECISIONS

(A) Appeals

The following persons shall have the right to appeal any grant decisions as defined herein made by the Department:

- (1) A grant applicant;
- (2) A grantee;
- (3) Provided the matter to be appealed is subject to a public comment period, any person who submitted written comments on the contested matter within the comment period;
- (4) A Regional Solid Waste Management District Board; or
- (5) Any other person entitled by law to contest the Directors decision.

(B) Review

Any such person may appeal a grant decision by requesting an adjudicatory hearing and Commission review in accordance with Regulation 8 : Administrative Procedures provided however that the definition of “ grant decisions” contained herein will apply instead of the definition of “grant decisions” contained in Regulation 8. Such request shall be in the form and manner required by Regulation 8.