



## **WASTE PERMITS DIVISION**

# **FY 2024/2025 REGIONAL SOLID WASTE GRANTS PROGRAM ADMINISTRATIVE PROCEDURES**

## **Introduction**

This document and the attached forms provide the Administrative Procedures as referenced as Attachment - 1 to the grant contract between the TEXAS COMMISSION ON ENVIRONMENTAL QUALITY (TCEQ) and the Councils of Governments (COGs) to provide funding under the Regional Solid Waste Grants Program. These administrative procedures are intended to assist the COG in conducting the grant program activities.

Where indicated in the contract and/or these materials, some of these forms must be used by the COG to provide required reports to the TCEQ. This document also provides recommended or example forms, which the COG should modify as needed to develop region-specific materials.

These forms and information may reference or restate provisions from the grant contract. Please note that if any direction provided in these materials conflicts with the contract, the contract provisions shall prevail. Therefore, it is very important that the COG staff refer to the contract to fully understand the requirements that must be followed.

If you have any questions concerning these administrative procedures, please contact the following:

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Waste Permits Division

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# Council of Governments Grant Administration Information & Forms

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# SECTION I: COG DELIVERABLES AND RESPONSIBILITIES TO TCEQ

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- ❖ Council of Government (COG) Application (See Attachment 1 - Excel)
- ❖ Schedule of Deliverables (See Attachment 2 - Excel)
- ❖ Implementation and COG-Managed Project Instructions and Summary Forms (See Attachment 3 - Excel)
- ❖ Semi-Annual Report (See Attachment 4 - Excel)
- ❖ Equipment Guide (Equipment Log – See Attachment 5 - Excel)
- ❖ Results/Follow-Up Report (See Attachment 6 - Excel)
- ❖ Financial Administration and Financial Status Report Instructions and Forms (See Attachment 7 - Excel)
- ❖ Level of Effort Certification (See Attachment 12 - Word)
- ❖ Content & Format Guide for Technical Studies
- ❖ Regional and Local Solid Waste Management Plans
- ❖ Closed Landfill Inventory Guidelines
- ❖ Spending Plan (See Attachment 11 - Excel)

# **I-A: COG Application**

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See Attachment 1 for the COG Application and instructions (Excel).

The COG Application is the grant budget. The original application is due December 31, 2023 (See Excel Attachment – 1).

## **I-B: Schedule of Deliverables**

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See Attachment 2 for the Schedule of Deliverables (Excel).

The attachment outlines the major deliverables for the Solid Waste Grant Program.

# **I-C: Implementation and COG-Managed Project Instructions and Summary Forms**

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See Attachment 3 for the Implementation Project Summary (IPS) Form and instructions (Excel).

The COG shall utilize funds provided under this Contract to implement projects to achieve goals and objectives set forth in the regional solid waste management plans (RSWMP) for their respective regional geographic area of responsibility. In order to implement such projects, the COG agrees to conduct the activities set forth in these Administrative Procedures as follows:

## **Implementation and COG Managed Project Selection Process**

### **Selection Process**

The COG may select projects for funding which support the goals and objectives identified within the RSWMP using either a competitive or noncompetitive project selection process.

1. For any projects that begin in the first fiscal year of the biennium, the COG may initially obligate funding to those projects only up to the level of funding budgeted under the Implementation Projects budget category.
2. If a sufficient number of projects are not selected under the initial competitive project selection process for each fiscal year, or when additional funds become available to apply to projects, the COG may proceed with identifying additional projects for funding, without conducting another competitive project selection process for that fiscal year. In order to do this in a fair and equitable manner, it is recommended each COG Solid Waste Advisory Committee (SWAC) develop an action plan for this, to be maintained within the SWAC by-laws.
3. For selection of projects under broader project categories, where the specific project proposals are *not* prioritized for funding in the RSWMP, the COG shall hold at least one competitive project selection process for each FY in which projects to be funded will begin.
4. It is recommended, but not required, that the project completion dates be set several months prior to the grant termination date to allow for any problems or delays that may occur.



## **Competitive Funding Announcement and Public Notice Requirements**

For all competitive project selections, the COG shall conduct a Request For Applications (RFA) process or similar process to announce the availability of funding and to solicit applications. The COG may use the RFA forms provided by the TCEQ or modify them as necessary.

1. The COG shall include in all RFA forms the criteria to be used by the COG to evaluate and select projects for funding.
2. The COG shall provide at least thirty (30) days public notice of the opportunity for eligible applicants to apply for funds.
3. The COG shall indicate in all public notices where more detailed information, RFAs, and application forms may be obtained.
4. The COG shall make available to any interested party upon request, at no cost, at least one copy of all RFAs and application forms. The COG is also encouraged to post the funding notice and forms for electronic access on the Web.

## **Application Process**

The COG shall use standard application forms, as provided in these Administrative Procedures or similar, and a standard application process for considering both competitive and noncompetitive project selections.

1. The COG shall use a standard application form for all project proposals, including projects that may be selected under a noncompetitive process, to allow for consistent evaluation of the projects.
2. For projects to be selected under a competitive project selection process, the COG shall provide all eligible entities the opportunity to apply for available funds.
3. The COG may also propose to conduct COG-Managed projects, under the same application and review procedures as used for projects proposed by local governments.
4. The COG shall make staff available to assist local entities to complete applications for funding.
5. The COG may conduct a workshop(s) for eligible applicants, to explain in detail the procedures for submitting an application. Either as part of this workshop(s), or through a separate workshop(s), the COG is also encouraged to meet with private service providers to discuss in detail the private industry requirements and the process that will be used to consider private industry issues as part of the project selection process.

6. The COG's governing body or designee may perform a blanket approval for specific project types and in doing so, delegate approval of those individual projects to the COG staff. TCEQ will review the request from the COG for the blanket approval for the type of project in the IPS. The projects must meet the following criteria:
  - A. The COG shall get the blanket approval for the project type from their governing body or designee before approving individual project.
  - B. The SWAC shall define maximum dollar amount for blanket approval.
  - C. The projects shall be in the COG's region.
  - D. The projects shall not give unfair advantage to any specific business or entities.
  - E. The projects shall be non- hazardous in nature. Tire collection events are allowed.
  - F. The projects shall use authorized/registered/permitted vendors and facilities where applicable.
  - G. The COG may utilize this blanket approval process for leftover funds in the implementation.
  - H. Outreach and Education projects may also be eligible.
  - I. The COG shall include blanket project in the IPS. COG may include all blanket projects in one tab.

### **Screening, Review, Ranking, and Selection Process**

The COG shall accept project applications up to the application deadline date and time.

1. The COG shall conduct an initial screening of the applications, to identify those projects that do not meet the minimum screening criteria for project selection. Projects not meeting the minimum screening criteria shall not be considered for funding. When in doubt, COGs should contact their program coordinator for confirmation of fundability.
2. The COG shall make copies of all applications, whether those applications were received through a competitive or a noncompetitive process, available for public inspection during regular business hours at the COG's offices for at least ten (10) working days after the application deadline, and before the meeting of the SWAC to review and rank those proposals.
3. The COG shall use its SWAC to review and rank all applications and project proposals. Applications will be evaluated utilizing criteria including cost comparison, probable quality of goods or services, past performance, and project sustainability. Upon request, COG must provide evidence to support the selection and award.

4. The COG shall establish written project selection criteria, to be maintained in the SWAC by-laws or other documents, and to be used to rank and select the proposals, including those projects to be selected under a noncompetitive process.
5. The COG shall also establish written procedures, to be maintained in the SWAC by-laws, to preclude any conflict of interest by SWAC members.
6. The COG shall ensure the SWAC objectively reviews any proposal for a COG-Managed Project, using the same standards and procedures applied to the review and selection of proposals by other applicants.
7. The final SWAC selections shall be made in a meeting open to the public, with the agenda for the meeting at which the selections are to be made posted in appropriate locations. Those entities that have applied for funds shall be notified of the meeting date, time, and location.
8. The COG may allow for presentations by applicants as long as all applicants are provided the same opportunity.
9. The COG shall provide the recommendations of the SWAC to the governing Executive body of the COG for final action.
10. The SWAC's recommendations shall be considered by the COG's governing Executive body in a meeting open to the public. These recommendations shall be included in any notice the COG provides related to their governing Executive body in a meeting open to the public.
11. The COG's governing body shall take formal action on the recommendations of the SWAC.

### **Project List Submission and TCEQ Review**

The COG shall provide information on the projects selected for funding to the TCEQ, using the "Project Summary Form" and the "Certification Form" provided by the TCEQ.

1. Using the Certification Form, the COG shall ensure and certify to the TCEQ the following requirements have been conducted:
  - A. The project selection process was conducted in accordance with the requirements and the selected projects meet the minimum requirements.
  - B. To the best of the COG's knowledge, the projects selected will promote cooperation between public and private entities, services are not readily available, and the projects will not create a competitive advantage over a private industry that provides recycling or solid waste services.
  - C. The projects selected are consistent with and are intended to implement the goals, objectives, and priorities established in the latest approved RSWMP.

- D. The COG, in place of submitting the aforementioned information by use of the “Certification Form” provided by the TCEQ, may choose to submit this information in the form of a COG Resolution Statement signed by the Governing Body.
- E. The COG shall provide the TCEQ with copies of any written or oral comments received concerning a project. In particular, comments received from a private industry shall be provided.
- F. The COG shall also provide the TCEQ with copies of any written notice sent to a private service provider that objected to a project, notifying that private service provider that they may appeal the project selection to the TCEQ.
- G. Regardless of the review time frame, the COG may not proceed with any project until receiving written concurrence to proceed with funding from the TCEQ.
- H. The TCEQ shall assign an agency tracking number to each project to be funded by the COG that is determined to be eligible for funding and shall notify the COG of those numbers.
- I. The COG shall use those tracking numbers in all correspondence and reports to the TCEQ concerning the projects.

### **Contingency Project Selection**

The COG, in selecting projects for funding, may establish a list of additional projects from the applications submitted, to be funded if and when additional funding becomes available. The review and approval of a list of additional projects must be conducted under the same procedures and conditions as the selection of the projects to be funded immediately, and private service providers must have the opportunity to review and comment on the project applications. If additional funding becomes available, these projects may be submitted to the TCEQ without additional review and approval by the COG being required. If a private service provider has submitted comments opposing funding of a project on such a list of additional projects, the COG shall notify that private service provider of the opportunity to appeal the project selection directly to the TCEQ, prior to the COG submitting the project to the TCEQ for consideration.

### **Implementation and COG-Managed Project Scope of Work**

A scope of work for the pass-through and COG-Managed project must include a detailed scope of work for the project.

## **Required Scope of Work Components**

1. Detailed Purpose and Goal of the Project. Be sure to identify the goals, objectives, and recommendations from the regional solid waste management plan for which the project is intended to implement.
2. Specific Task Statements
3. List of Deliverables/Products/Activities under each Task
4. Schedule of deliverables

These documents should be maintained by the COG.. However, documents should be made available to TCEQ upon request.

## **Implementation and COG-Managed Project Changes**

Changes to a project that have been approved by the COG's governing body which will add funds to the project award, entail major changes to the scope of the project, or change the major proposed expenditures must be approved in the same manner as the original project. For applicable project categories, the COG shall notify private service providers of any proposed changes that would substantially alter the scope or purpose of the project and afford them the opportunity to review and comment on the changes in the same manner as required for selection of the original project.

As an alternative to having to conduct a completely new project review and approval process, the COG's governing body may include in the original approval of the project selections, approval of additional funding up to a defined grant funding amount, approval of additional project expenditures, and approval of additional work activities, if additional project funding becomes available. As identified previously, COGs are encouraged to establish means for addressing this in the SWAC By-laws. Where such procedures have been reviewed and approved by the Executive Board and recorded in the SWAC By-laws, then those procedures shall direct how the dispensation of additional funds will be disbursed.

The COG shall submit a revised project summary form and certification form to the TCEQ for review. Please be aware a new certification form is only necessary for implementation project changes when directed by the COG governing body. The COG is encouraged to submit these electronically. Revised project summary forms should clearly identify the revisions submitted and reason for each. Each revised project summary form should include an explanation of the project changes within the Project Description designated under the title "Revision #", with the appropriate revision number provided. Electronic submittal of implementation project changes must be submitted by an authorized signatory for this Agreement. The COG may not implement the changes until they receive written acceptance from TCEQ.

### **Next Biennium Project Selection**

The COG may, upon written authorization by the TCEQ, conduct an additional project selection process during current biennium to identify projects for funding under a possible new grant agreement that may be provided by the TCEQ for the next biennium. If authorized in writing to do so by the TCEQ, the COG shall utilize the same project selection processes and standards as contained in these Administrative Procedures, except as those processes and standards are amended by the TCEQ. If the COG conducts an additional project selection process, the COG shall only proceed so far as to select projects for possible funding and shall not finalize execute sub-grant contracts nor begin any projects under the authority provided by this Contract.

### **Private Industry Notification and Appeal Process**

In accordance with [§361.014\(b\)](#) of the Texas Health and Safety Code and [30 TAC §330.649 \(d\)](#), TCEQ Rules, a project or service funded under this program 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.

To ensure that private entities providing recycling and solid waste services in the region are aware of the funding process, the COG shall take action as set forth as follows:

1. Prepare and maintain an up-to-date mailing list of all known providers of recycling and solid waste services within the region.
2. Seek information from the private sector regarding current recycling and solid waste services in the region, and organize that information by city, county, school district and/or special district for presentation to the SWAC.
3. Take steps to increase awareness among private service providers in the region about the grants program, to include adding private service providers to mailing lists to receive information concerning agendas, grant application summaries, and other notices about upcoming SWAC meetings.
4. Provide and promote the mailing list of private service providers to potential grant applicants for their use in seeking partnerships and/or verifying that a project proposal does not violate the statutory requirements regarding private industry.
5. Notify and encourage private service providers in the region to attend any public meetings held to discuss the plans of the COG for conducting a sub-grant program, and include discussion of the process for dealing with private industry concerns as part of the public meetings.

6. The COG is strongly encouraged to discuss with and obtain input from the private service providers on the types of projects that may be of most concern to the private service providers located in that region.
7. The COG shall provide notice of the availability of funding to the private service providers within the region and include in those notices information to explain the process for working with local governments and the COG to discuss and resolve any private industry issues.
8. To ensure that private entities providing recycling and solid waste services in the region have an opportunity to review potential projects, work with potential applicants, and provide input on the effect of those projects, the COG shall implement the following, to include incorporating applicable requirements in the sub-grant application standards, instructions, and forms:
  - 1) Require applicants for funding to contact in person or in writing the known private 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 an application.
  - 2) Require applicants for funding to inform the private service providers of the basic details of the proposed project and to consider any input and concerns from the private service providers about the project when completing the project proposal.
  - 3) Encourage applicants for funding to meet 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) Require applicants for funding to provide with the application information regarding recycling or solid waste services within the proposed geographic service area of the project being applied for, including: the names and telephone numbers of any known private entities providing similar or related services within that service area; a certification that the private service providers were notified of the details of the application; copies and/or summaries of any input and concerns raised by the private service providers; a summary of any meetings or discussions held between the applicant and the private service providers; an explanation of any changes made to the proposed project to address private service provider concerns; and an explanation of any remaining concerns that were not addressed and why the applicant determined that the concerns were not valid under the statutory requirements.
  - 5) Notify in writing at least seven (7) days prior to the beginning of the period that applications will be available for public review, either as part of the original notice of the availability of funding or through a separate notification, the private service providers in the region of the availability of the project applications for review, the location for review, and the time period during which those applications may be reviewed. The notice letter or form shall include reference to the statutory and regulatory requirements regarding competitive advantage, and



the process by which a private service provider may notify the COG of its concerns regarding a project.

- 6) As appropriate, contact any known private service provider for supplementary information.
9. The COG shall, in the process of selecting projects for funding, make a decision as to the eligibility of the project under the provisions of [§361.014\(b\)](#), Texas Health and Safety Code, and [30 TAC §330.641](#), TCEQ Rules. The process for making such eligibility decisions shall be established by the COG before the project selection process begins. In making a decision concerning the private industry requirements, the COG shall, at a minimum, conduct the following:
  - 1) Accept written comments from private service providers regarding the project applications and include those comments with the applications for review and consideration by the SWAC and the governing body of the COG.
  - 2) To the extent time allows, and as deemed appropriate by the COG, seek to resolve issues of project eligibility, to include encouraging the applicant to work with the private service provider to resolve the issues, before the project is considered by the SWAC.
  - 3) If necessary, the COG may contact the TCEQ to discuss eligibility matters before consideration of the application by the SWAC.
  - 4) Present all private industry concerns related to an application to the SWAC before the project applications are considered.
  - 5) Allow for oral comments from a private service provider representative on a proposed project at the meeting of the SWAC where the projects will be considered. The COG may, but is not required to, restrict oral comments concerning that project to entities from which written comments had previously been received by the COG.
  - 6) The SWAC shall make a determination pertaining to the private industry concerns before issuing its recommendations for the selection of applications to be funded. In making a decision concerning the eligibility of a project, the SWAC shall address the issues that were raised by a private service provider and shall provide in the record of the proceeding its specific reasons for either accepting or rejecting the private industry concerns.
  - 7) The COG's governing body may direct that a determination by the SWAC that identifies a project which does not comply with the private industry requirements precludes further consideration of that project application. Alternatively, the governing body may reserve for itself the authority to make a final decision regarding a private industry concern. In either case, the COG shall establish clear responsibilities for making such decisions prior to beginning the project selection process. Such responsibilities should be identified in the SWAC by-laws.
  - 8) Allow for oral comments from a private service provider representative at the meeting of the governing body where the projects will be considered. The COG



may, but is not required to, restrict oral comments concerning that project to entities from which written comments had previously been received by the COG.

- 9) In making a decision concerning funding a project, the governing body shall provide in the record of the proceeding its specific reasons for either accepting or rejecting the private industry concerns.
- 10) Prior to submitting the project list for review by the TCEQ, the governing body shall inform in writing any private service provider submitting comments opposing a project, that the service provider 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 ten (10) working days following receipt of the written notice, 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.
10. The COG shall undertake any additional activities determined necessary by the SWAC and authorized by the COG's governing body to ensure that a funded project complies with [§361.014\(b\)](#), Texas Health and Safety Code, and [30 TAC §330.641](#), TCEQ Rules.
  - 1) In order to allow for the consideration of and action upon an appeal that may be submitted to the TCEQ by a private service provider, the TCEQ and the COG agree to adhere to the appeals review process as follows:
  - 2) The TCEQ will consider any written appeal received from a private service provider.
  - 3) If the TCEQ determines that there are grounds for further consideration of the appeal, the TCEQ shall notify the COG in writing and by other appropriate means.
  - 4) If so, notified of the further consideration of an appeal by the TCEQ, the COG shall cooperate with the TCEQ and the appellate private service provider to resolve any problem issues.
  - 5) The COG shall not proceed with any project which the TCEQ has notified the COG of a question or concern about that project until the TCEQ provides the COG written authorization to proceed with awarding funding to the project.
  - 6) If the private industry issues are not resolved by the COG and the private service provider to the satisfaction of the TCEQ, the TCEQ will make a final decision concerning the eligibility of the project for funding. This decision will be communicated to the COG and the private service provider in writing. The COG may not provide funding for any project found to be ineligible by the TCEQ.

## **Project 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 COG shall ensure that the proposed project shall receive no further consideration for grant funding. The COG shall clearly state these screening criteria on all RFAs and application materials, to ensure that all applicants are aware of the following criteria:

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 this Contract and under all applicable laws and regulations.
3. The applicant must agree to document the results of the project as required by the COG and this Contract.
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.

## **Implementation and COG-Managed Project Categories**

The COG shall establish defined project categories, as needed to prioritize the funding according to the goals and objectives of the RSWMP. The types of projects eligible for funding under this Contract are set forth below, according to general project categories. The COG shall adhere to the procedures identified in the RSWMP in funding implementation projects from the following general categories. The COG may propose other types of projects not specifically prohibited elsewhere in this Contract or these Administrative Procedures for consideration on a case-by-case basis.

- ❖ Local Enforcement.
- ❖ Litter and Illegal Dumping Cleanup and Community Collection Events.
- ❖ Source Reduction and Recycling.
- ❖ Local Solid Waste Management Plans.
- ❖ Municipal Solid Waste Facilities Eligible for Funding.
- ❖ Household Hazardous Waste Management.

- ❖ Technical Studies.
- ❖ Educational and Training Projects.
- ❖ Other Types of Projects.

### **Local Enforcement**

Funds can be used for projects which 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.

Funds may not be expended to any law enforcement agency regulated by Texas Occupations 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 agreement 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 Agreement may only be used for activities to enforce laws and regulations pertaining to littering and illegal dumping, and may not, to the extent practicable, 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 to purchase ammunition, firearms, or HazMat gear.

### **Litter and Illegal Dumping Cleanup and Community Collection Events**

Funds can be used for ongoing and periodic activities to clean up litter and illegal dumping of municipal solid waste, excluding cleanup of scrap tire dumping sites.

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. To the extent feasible, reuse or recycling options should be considered for managing the materials cleaned up under this program. Funds may also be used for periodic community collection events, held not more frequently than four times per year **(EXAMPLE: 4 CONSECUTIVE WEEKENDS NOT INCLUDING WEEKDAYS; OR ALTERNATE WEEKENDS OVER THE COURSE OF THE YEAR, NOT INCLUDING WEEKDAYS)** 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.

Projects funded to clean up litter or illegal dumping on private property must be conducted through a local government sponsor or the COG. Funds may not be provided directly to a private landowner or other private responsible party for cleanup expenses. The local government sponsor or the COG 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 and/or 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's Waste Permits Division to deal with immediate threats to human health or the environment.

The cleanup of Class 2 and 3 nonhazardous industrial wastes 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 Rules, and [30 TAC Chapter 350](#), TCEQ's Risk Reduction Rules, must be complied with as part of any activities funded under this Agreement.

All materials cleaned up using funds provided under this Agreement 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 as much material as possible be diverted from area landfills and targeted for reuse or recycling. For projects to clean up large amounts of materials, the COG should consider withholding at least ten (10%) percent of the reimbursements under a sub-grant or subcontract, until documentation is provided that the cleanup work has been completed and the materials properly managed.

### **Source Reduction and Recycling**

Funds can be used for projects which 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.

Any program or project funded under this Agreement 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.

Any revenues realized from recycling efforts funded through this program by a sub-grant recipient must be placed back into the respective solid waste management program and may not be placed into a funded entities general revenue fund. Any monies realized must be used to promote sustainability of the funded program.

### **Local Solid Waste Management Plans**

Funds can be used for projects to develop a local solid waste management plan. In addition, in accordance with [§363](#), Texas Health and Safety Code, and [30 TAC §330](#), TCEQ Rules, funds can be used for the TCEQ adoption of a local solid waste management plan. Funds may be used to amend an existing local solid waste management plan that has been adopted by the TCEQ. Local solid waste management plans must be consistent with the goals and objectives of the RSWMP.

All local solid waste management plans funded under this Agreement must be consistent with the COG's RSWMP, and prepared in accordance with [30 TAC §330](#).

[Subchapter O](#), TCEQ Rules, and the Content and Format Guidelines provided by the TCEQ.

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

### **Municipal Solid Waste Facilities Eligible for Funding**

The design and construction of the facilities identified below may be funded. Other registered or permitted facilities may receive funding upon prior authorization from TCEQ on a case-by-case basis. The cost associated with operating these types of facilities will not be funded. However, eligible facilities which do not charge customers for services rendered qualify to pursue implementation project funding under this agreement to cover facility upgrades and periodic maintenance costs associated with the free services provided. Projects funded under this project category 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. Any revenues realized by entities funded through this program should be used in support of the entity's solid waste program and may not be redirected to an entity's general revenue fund. The following municipal solid waste facilities qualify to pursue funding:

- ❖ Notification tier municipal solid waste transfer stations that qualify under [30 TAC 330.11\(e\)](#).
- ❖ Registered municipal solid waste transfer stations that qualify under [30 TAC 330.9\(b\)](#)(1) through (3), or (f).
- ❖ Exempt local government recycling facilities as provided for under 30 TAC 328.4(a)(1).
- ❖ Notification tier composting facilities which qualify under [30 TAC 332.21 – 332.23](#).
- ❖ Liquid waste transfer stations which qualify for registration in [30 TAC 330.9\(g\)](#) and (l).
- ❖ Registration tier used oil collection facilities which qualify under [30 TAC 324.7\(1\)](#) or (3).

### **Household Hazardous Waste Management**

Funds can be used for projects that provide a means for the collection, recycling or reuse, or proper disposal of household hazardous waste (HHW), including household chemicals, used oil and oil filters, antifreeze, lead-acid batteries, household electronic waste, and other materials. Funded activities can 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.

All HHW events must meet the requirements of [30 TAC 335, Subchapter N](#), and must be coordinated through the TCEQ/External Relations Division. Additionally, the TCEQ Used Oil Program regulates the handling – including transportation – of used oil and oil filters. HHW collections should be aware of registration requirements when selecting vendors or running a collection programs themselves.

All HHW collection event activities must be conducted under an operational plan which meets the requirements of [30 TAC 335.405\(a\)](#), to be maintained onsite, which addresses collection, ingress and egress, storage, training, transportation, recycling, and disposal.

Designated HHW “operator” must submit to the TCEQ HHW Program a 45 Day Notice which meets the requirements of [30 TAC 335.403\(b\)](#). The operator must also report to the HHW program by April 1<sup>st</sup> of the following year on the amount of material received under the collection. This notice must be submitted in one of the following formats through one of the following avenues:

**Mailed to:**

TCEQ/External Relations Division (MC 118)  
HHW Program  
P.O. Box 13087  
Austin TX 78711-3087

**E-mailed to:** [Recycle@tceq.texas.gov](mailto:Recycle@tceq.texas.gov)

**Faxed to:** (512) 239-1065, Attn. HHW Program

**Technical Studies**

Funds can be used for projects that 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 can 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.

All technical studies funded under this Contract must be consistent with the COG’s RSWMP and prepared in accordance with Guidelines provided by the TCEQ.

**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 can also be used for “stand-alone” educational projects dealing with a variety of solid waste management topics. Projects can include funding for information-exchange activities.

Educational and training programs and projects funded under this Agreement 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.



## **I-D: Semi-Annual Report (SAR)**

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See Attachment 4 for the SAR form and instructions (Excel).

The attached reporting forms are provided for use by the COG to report on the conduct of grant-funded activities. The forms follow the major work tasks and requirements set forth in the grant contract. Refer to the Administrative Guide for more detailed instructions.

# I-E: Equipment Guide and Log

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See Attachment 5 for the Equipment Log and instructions (Excel).

## **Title To and Management of Real Property and Equipment**

Subject to the obligations and conditions set forth in this Agreement, title to real property and equipment (together hereafter referred to in this Article as “property”) acquired under this Agreement by the performing party or a sub-grant recipient will vest upon acquisition or construction in the performing party or the sub-grant recipient respectively.

Subject to the provisions of this Agreement and as otherwise provided by state statutes, property acquired or replaced under this Agreement or a sub-grant contract shall be used for the duration of its normally expected useful life to support the purposes of this Agreement whether or not the original projects or programs continue to be supported by state funds.

The performing party or sub-grant recipient shall not grant or allow to a third party a security interest in any original or replacement property purchased or constructed with funds made available to the performing party under this Agreement.

The use of property acquired under this Agreement, both during the term of this Agreement and for the useful life of the property or until compensation is provided to the TCEQ for the applicable percentage share of the fair market value of the property, shall be in compliance with §361.014(b) of the Texas Health and Safety Code, which directs that a project or service funded under this program 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.

The performing party and sub-grant recipients may develop and use their own property management systems, which must conform with all applicable federal, state, and local laws, rules and regulations. If an adequate system for accounting for property owned by the performing party or the sub-grant recipient is not in place or is not used properly, the Property Accounting System Manual issued by the State Comptroller of Public Accounts will be used as a guide for establishing such a system. The property management system used by the performing party and sub-grant recipients must meet the requirements set forth in this Article:

1. Property records must be maintained that include a description of the property, a serial number or other identification number, the source of the property, who holds title, the acquisition date, and the cost of the property, percentage of state participation in the cost of the property, the location, use and condition of the property, and any ultimate disposition data including the date of disposal and sale price of the property.
2. A physical inventory of all equipment acquired or replaced under this Agreement shall be conducted no less frequently than once every two years and the results of such inventories reconciled with the appropriate property records. Property control procedures utilized by the performing party and the sub-grant recipients shall include adequate safeguards to prevent loss, damage, or theft of the acquired property. Any loss, damage, or theft shall be investigated. The performing party and the sub-grant recipients shall develop and carry out a program of property maintenance as necessary to keep both originally acquired and any replaced property in good condition, and to utilize proper sales procedures to ensure the highest possible return, in the event such property is sold (this is a deliverable in the contract, See Attachment 5).
3. Certain types of equipment are classified as “controlled assets” and are subject to annual revision. For more information, refer to [TxGMS](#).
4. The following equipment with costs between \$1,000.00 and \$4,999.99 shall be maintained on the inventory system: (1) stereo systems, sound systems, and other audio equipment; (2) still and video cameras; (3) facsimile machines; (4) televisions and video players/recorders, and combinations thereof; (5) desktop CPUs, printers, data projectors, portable CPU laptops; and, (6) cellular and portable telephones, including smartphones; tablets; and other handheld devices.
5. All single unit acquisitions costs between \$1,000.00 and \$4,999.99 shall be maintained on the inventory system. Examples: include trailers, roll-off bins, recycling bins/carts, etc.

The performing party or the sub-grant recipient, respectively; may for the purpose of replacing property acquired under this Agreement, either trade in or sell the property and use the proceeds of such trade-in or sale to offset the cost of acquiring needed replacement property.

The performing party agrees that if a determination is made that any property acquired with funds provided under this Agreement with a current per-unit fair market value of \$5,000 or more is no longer needed for the originally authorized purpose, the TCEQ has the right to require disposition of the property by the performing party or a sub-grant recipient in accordance with the provisions of this Article.

When, during the useful life of property acquired with grant funds under this Agreement by the performing party and with a current per-unit fair market value of \$5,000.00 or

more, the property is no longer needed for the originally authorized purpose, the performing party agrees to request disposition instructions from the TCEQ. When property acquired by a sub-grant recipient with grant funds provided by the performing party under this Agreement is no longer needed for the originally authorized purpose, the performing party agrees that a sub-grant contract will require the sub-grant recipient to request disposition instructions from the performing party or, if the performing party is no longer administering a Regional Solid Waste Grants Program, the TCEQ. The performing party shall, in turn, request authorization from the TCEQ to provide disposition instructions to the sub-grant recipient. Disposition instructions shall solicit, at a minimum, information on the source and amount of funds used in acquiring the property, the date acquired, the fair market value and how the value was determined (e.g., by appraisal, bids, etc.), and the proposed use of the proceeds. The assessment of whether to authorize the proposed disposition of the property must include a determination that the disposition plan will comply with the private industry provisions of [§361.014\(b\)](#) of the Texas Health and Safety Code. In cases where the performing party or sub-grant recipient fails to take appropriate disposition actions, the TCEQ may direct the performing party or sub-grant recipient to take excess and disposition actions. The disposition instructions may provide for one of the alternatives as set forth in this Article:

1. Retain title, sell, or otherwise disposed of with no obligation to compensate the TCEQ or, in the case of a sub-grant recipient, the performing party.
2. Retain title after compensating the TCEQ or, in the case of a sub-grant recipient, the performing party. If the performing party is compensated by a sub-grant recipient for property acquired using funds provided under this Agreement, the performing party will in turn compensate the TCEQ or, upon authorization by the TCEQ, use those funds for other projects or activities that support this or similar future programs conducted by the TCEQ. The amount due will be computed by applying the percentage of state-funded participation in the cost of the original purchase to the fair market value of the property.
3. Sell the property and compensate the TCEQ or, in the case of sub-grant recipient, the performing party. If the performing party is compensated by a sub-grant recipient for property acquired using funds provided under this Agreement, the performing party will in turn compensate the TCEQ or, upon authorization by the TCEQ, use those funds for other projects or activities that support the goals of this or similar future programs conducted by the TCEQ. The amount due will be calculated by applying the TCEQ's percentage of participation in the cost of the original purchase to the proceeds of the sale after deduction of any actual and reasonable selling and fixing-up expenses. If the grant is still active, the net proceeds from sale may be offset against the original cost of the property. When the performing party or a sub-grant recipient is directed to sell property, sales procedures shall be followed that

provide for competition to the extent practicable and result in the highest possible return.

4. Transfer title to the TCEQ or, in the case of a sub-grant recipient, the performing party, or to a third-party designated/approved by the TCEQ. If the performing party or the sub-grant recipient participated financially in the original purchase of the property, the performing party or the sub-grant recipient may be authorized payment from the receiving party of an amount calculated by applying the percentage of the participation in the original purchase of the property to the current fair market value of the property.

Items of property with a current per-unit fair market value of less than \$1,000 may be retained, sold or otherwise disposed of by the performing party or the sub-grant recipient with no further obligation to the TCEQ. Methods used to determine per-unit fair market value must be documented, kept on file and made available to the TCEQ upon request.

Real property must be maintained on an Inventory and is subject to the requirements of [TxGMS](#). Subject to the obligations and conditions set forth in this Agreement, title to real property acquired under this Agreement by the performing party or a sub-grant recipient will vest upon acquisition or construction in the performing party or the sub-grant recipient respectively.

# **I-F: Results Report and Follow-Up Results Report**

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See Attachment 6 for the Results Report form and instructions (Excel).

The Results Report is due December 31 after the end of the grant biennium. This report include results from the entire contract period.

The Follow-Up Results Report is due October 15 the following year. This report includes results from the entire grant biennium and one year after the contract ends. The report also includes the COGs progress on implementing Regional Solid Waste Management Plans.

# **I-G: Financial Administration and Financial Status Report (FSR)**

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See Attachment 7 for the FSR form (Excel).

## **Financial Administration Instructions**

### **Supplemental Funding Standards and Restrictions**

Unless authorization is otherwise specifically provided for in or under the terms of the Contract, the use of funds provided under this Contract, to include funds provided for sub-grants, shall be in accordance with the supplemental funding standards set forth in these Administrative Procedures:

1. The provisions of the [Texas Grants Management Standards \(TxGMS\)](#) issued by the Texas Comptroller of Public Accounts apply to the use of these funds.
2. Recipients of funds under this Contract, including the COG, sub-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. In accordance with [§361.014\(b\)](#), Texas Health and Safety Code, and 30 TAC [§330.649\(d\)](#), TCEQ Rules, 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.
4. All equipment and facilities purchased or constructed with funds provided under this Contract shall be used for the purposes identified under the application for the term of this Contract, and for 100% municipal solid waste related activities for the life of the equipment.
5. Funds may not be used to acquire land or an interest in land.
6. 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 than a previous solid waste grant, may not be funded.

7. Funds may not be used for food or entertainment expenses, too include 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.
8. 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.
9. Funds may not be used for employment or otherwise contracts for services of a lobbyist or for dues to an organization which employs or otherwise contracts for the services of a lobbyist.
10. Funds may only be used for projects or programs for managing municipal solid waste.
11. Except as may be specifically authorized in these Administrative Procedures or elsewhere in this Contract, funds may not be used for projects or facilities that require a permit or registration 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 COG 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 COG.
12. Except as may be specifically authorized in these Administrative Procedures or elsewhere in this Contract, 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.
13. 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 dump site. However, the TCEQ may waive these restrictions, 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.
14. 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.

For any projects that begin in the first fiscal year of the biennium, the COG may initially obligate funding to those projects only up to the level of funding budgeted under the Implementation Projects budget category.

All funds received by the COG, including interest earned, should be placed in federally-insured, interest-bearing accounts. Interest earned by the COG under this Contract may be utilized for direct expenses and/or implementation projects. Interest earned expenses must be reported in the interest tab of the FSR. Interest expenses are not included with the regular appropriation and are reported separately.

## **Budget Categories**

### ***Personnel***

The COG shall comply with the requirements of [§391.0117](#), Local Government Code, and Article IX of the General Appropriations Act, 88th Legislative Session, for all salaries of employees of the COG funded under this Contract.

### ***Travel***

The COG shall comply with state travel regulations as required by [§391.0115](#), Local Government Code, and Article IX of the General Appropriations Act, 88th Legislative Session, for all of the COG's travel expenses to be reimbursed with funds provided under this Contract as set forth in this Article.

### ***Indirect Cost Rates***

The COG shall comply with the [Texas Grants Management Standards \(TxGMS\)](#) and rules of the Office of the Governor, relating to Indirect Cost Rates.

### ***Supplemental Financial Report Forms***

All Financial Status Reports (including required TCEQ Supplemental Financial Report Forms) shall contain sufficient identification of, and information concerning, the costs incurred so as to enable the TCEQ to ascertain the eligibility of a particular expenditure and to enable subsequent audit thereof.

### ***Personnel/Salaries***

All outlays that fall within the Personnel/Salaries category of the budget set forth in Attachment 1, shall be itemized by the COG on the appropriate supplemental financial report form. The COG is expected to maintain signed time sheets that can serve to verify the total, overall hours of staff time being directly billed to this Contract. The time sheets are not normally required to be attached to the supplemental report form with respect to

reported Personnel/Salary expenditures in order to receive reimbursement. However, if requested by TCEQ, the COG agrees to submit the supporting documentation requested.

### ***Travel***

All outlays that fall within the Travel category of the budget shall be itemized by the COG on the appropriate supplemental financial report form. Travel shall be categorized as either routine or non-routine when reported for each FY quarter. Routine travel should not be itemized but should be totaled for the reporting period. Routine and Non-routine travel shall be itemized by trip and totaled for the reporting period. The COG is expected to maintain copies of travel authorization forms in accordance with the COG's policies, and legible receipts for the travel that confirm the reimbursable amounts listed on the form. The supporting documentation is not normally required to be attached to the supplemental report form with respect to reported Travel expenditures in order to receive reimbursement. However, if requested by TCEQ, the COG agrees to submit the supporting documentation requested.

### ***Supplies***

Outlays that fall within the Supplies category of the budget do not need to be itemized on a separate supplemental financial report form. The COG is expected to maintain copies of legible documentation that (1) serves to further identify the specific cost, (2) clearly identifies the vendor and (3) confirms the reimbursable amount. The supporting documentation is not normally required to be submitted to TCEQ. However, if requested by TCEQ, the COG agrees to submit the supporting documentation requested. The documentation shall include either receipts for the supplies, a purchase order or vendor invoice marked "received/paid," or a purchase order or invoice and a canceled check.

### ***Equipment***

All outlays that fall within the Equipment category of the budget shall be itemized by the COG on the appropriate supplemental financial report form. The COG shall maintain, for each reimbursable outlay listed, legible documentation that (1) serves to further identify the specific piece of equipment received, (2) clearly identifies the vendor who provided the equipment, and (3) that confirms the reimbursable amount listed on the form. The attached documentation shall include either receipts for the equipment, a purchase order or vendor invoice marked "received/paid," or a purchase order or invoice and a canceled check. The supporting documentation is not normally required to be attached to the supplemental report form with respect to reported Travel expenditures in order to receive reimbursement. However, if requested by TCEQ, the COG agrees to submit the supporting documentation requested.

### ***Contractual***

All outlays that fall within the Contractual category of the budget shall be itemized by the COG on the appropriate supplemental financial report form. The COG shall maintain legible documentation that (1) serves to further identify the specific cost, (2) clearly identifies the vendor who provided the services, and (3) that confirms the reimbursable amount listed on the form. The supporting documentation shall be either a purchase order marked “received/paid” or a vendor submitted invoice similarly marked. In the case of subcontractor provided services, the documentation shall consist of a dated invoice that shows the amount billed to the COG and any “past due” amount from previous invoices. If requested by TCEQ, the COG agrees to submit additional supporting documentation of the contractor’s expenses reimbursed by the COG. This additional documentation shall be consistent with the supporting documentation required to be submitted or maintained by the COG for other expense categories under this Contract.

### ***Implementation and COG-Managed Projects***

All outlays that fall within the Implementation Projects category of the budget shall be itemized by the COG on the appropriate supplemental financial report form. For each authorized implementation project, the COG shall indicate the TCEQ assigned project number, the authorized funding for that project, the outlays for the report period, the cumulative (total to date) outlays for that project, and the remaining balance for each project. In addition, for each sub-grant for which an outlay is listed for the reporting period, the COG shall maintain, for each reimbursable cost listed on the supplemental form, legible documentation that (1) clearly identifies the sub-grant recipient, and (2) confirms the reimbursable amount shown on the form. This documentation shall be a signed request for reimbursement form from the sub-grant recipient marked “paid”, or a similar document used by the COG to receive and process reimbursement requests from sub-grant recipients. If requested by TCEQ, the COG agrees to submit additional supporting documentation of the sub-grant recipient’s expenses reimbursed by the COG. This additional documentation shall be consistent with the supporting documentation required to be submitted or maintained by the COG for other expense categories under this Contract.

### ***Other***

All outlays that fall within the “Other” category of the budget shall be itemized by the COG on the appropriate supplemental financial report form. The COG is expected to maintain copies of legible documentation that (1) serves to further identify the specific cost, (2) clearly identifies the vendor and (3) confirms the reimbursable amount listed on the form. The supporting documentation is not normally required to be attached to the supplemental report form with respect to reported “Other” expenditures in order to receive reimbursement. However, if requested by TCEQ, the COG agrees to submit the

supporting documentation as requested. The documentation shall include either receipts for the materials or services, a purchase order or vendor invoice marked “received/paid,” or a purchase order or invoice and a canceled check.

## **Financial Status Reports**

### **General Instructions**

The grant contract requires the Council of Governments (COG) to submit to the TCEQ a Financial Status Report (Form 269a) thirty (30) days following the end of each fiscal year quarter, and not later than 120 (one hundred twenty) days following the end of the contract term. These reports are required even if no expenses or encumbrances were incurred during the report period.

The required Financial Status Report (Form 269a), these forms are usually completed and submitted by the Financial Director/Controller, it is highly recommended that the COG Financial Director or the Financial Controller coordinate with the solid waste program staff when the forms are filled out. The form must be signed by two different signature authorities. Importantly, expenditures for Implementation and COG-Managed Projects must be carefully tracked by the COG and summary information provided in the report. Both the COG Financial and Program staff should become familiar with the provisions of the grant contract. The contract provisions state excess expenditures that occur in individual budget categories will result in a budget adjustment, meaning no negative budget category totals should be reported.

Unless other arrangements have been made, the requirements in the grant Contract regarding submission of final reports must include a release of claims letter.

## **I-H: Level of Effort Certification**

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See Attachment 12 for the Level of Effort form (Word).

COG shall complete the attached Level-of-Effort Certification (LEC) for salaried employees performing work under this Contract. COG can use an alternate method approved in writing or electronic correspondence including email.

# I-I: Content & Format Guide for Technical Studies

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## Purpose

These guidelines are provided for the development and review of various technical studies funded through TCEQ Regional Solid Waste Grants Program. These guidelines apply to TCEQ grants awarded directly to local governments, TCEQ implementation grants awarded to Councils of Governments (COGs), and pass-through grants awarded to local governments by COGs.

Information from existing regional and local solid waste management plans and other relevant studies must be considered before new data is gathered or information is developed. Feasibility studies may not include site-specific investigations, detailed designs and engineering for new facilities, the cost and availability of specific tracts of land, or any other information not of a general nature that could ultimately become part of a TCEQ permit application. Feasibility studies, like regional and local solid waste management plans, are intended to provide useful data and guidance, and should not place obligations on an entity or result in an entity receiving a competitive market advantage.

Note that study Review, Submission, and Acceptance process must be followed to the extent feasible. The TCEQ must be provided an opportunity to review and comment on the draft study document before the study is finalized.

## Review, Submission, and Acceptance

The process outlined below should be followed, to the extent appropriate for the type of study. It is expected that the COGs will include these steps in any grants or subcontracts for the development of a study.

1. Study Committee. It is recommended that a study committee be formed to oversee and review the work. The COG staff and the TCEQ grants staff should be designated as ex-officio members of any study committee and should be provided copies of all materials.
2. COG Review of Draft Documents. All applicable drafts of the study and other related materials should be provided to the COG as soon as they become available. Any COG review comments should be addressed to the extent practicable. The COG should be informed sufficiently in advance of any meetings related to the study.
3. TCEQ Review of Draft Documents. The TCEQ grants staff should be included on all mailings concerning the study. All drafts of the study and other related materials

should be provided to the TCEQ as soon as they become available. Designated TCEQ staff will review the study, and the TCEQ review comments should be incorporated into the study to the maximum extent practicable. The TCEQ must be informed sufficiently in advance of any meetings related to the study.

4. **Public Involvement.** Formal public hearings are not required for studies. However, any meetings conducted pertaining to the study should be open to the public. Although not required, input from various interests may be appropriate and beneficial.
5. **Local Acceptance of the Study Report.** Prior to submission of the final study to the TCEQ, resolutions accepting the study should be obtained from the governing body of the participating local governments, or the COG, if the study is conducted by the COG. The resolutions do not necessarily need to indicate endorsement or support of the study findings and recommendations.
6. **COG Acceptance of the Study Report.** The final accepted study report must then be provided to the COG for review. To the extent possible, the COG regional SWAC should review the final version of the study. The COG governing body should indicate acceptance of the study through a resolution.
7. **TCEQ Acceptance of the Study Report.** One (1) electronic copy of the final study, the acceptance resolutions from the local governments and the COG, should be provided to the TCEQ. If the study report is acceptable, the TCEQ will issue a letter of acceptance. The TCEQ will issue the letter to the COG, for distribution to all appropriate entities.

## **Content and Format**

There is not a strict standard for how the study report should be presented. However, to the extent appropriate for the study, the report should provide sufficient information to clearly explain the purpose of the study and to describe the results of the study in a manner which can be understood by persons without a technical background. Provided below is a suggested format for the study report.

Any extensive data or lengthy information should be appended to the study rather than included in the text. It is recommended that the final document be in a two-sided page layout, and all pages should be appropriately numbered at the bottom.

## **Cover Page**

The cover page should include the title of the study, the local government(s) for which the study was prepared, who prepared the study, and the date of final completion. The following statement must appear at the bottom of the cover page:

*This study was funded through a solid waste management grant provided by the TCEQ through the {COG Name}. This funding does not necessarily indicate endorsement of the study findings and recommendations.*

## **Resolutions**

Formal resolutions accepting the final study by all participating or affected local governments, as well as the COG governing body, should be included. The resolutions do not necessarily have to indicate endorsement or support of the study findings and recommendations.

## **Executive Summary**

The executive summary should highlight the most important aspects of the study.

## **Table of Contents**

A standard table of contents should be included and, as applicable, a table of figures, table of abbreviations and acronyms and general tables.

## **Acknowledgments**

Make any appropriate acknowledgments.

## **Introductory Information**

### ***Purpose***

State the purpose or reason for the study, and particularly why there is an interest in conducting the study. Explain that the study is provided as a guidance document for local decision making.

### ***Study Area***

Identify the area included in or affected by the study, including counties and principal municipalities. Provide a basic map of the study area, showing its relation to COG and sub-regional boundaries. Provide a basic map of the COG region, showing its relation to the State of Texas.

### ***Previous Studies and Applicable Plans***

Identify any previous studies or reports related to the study, particularly if the study builds upon the findings or recommendations of those previous works. State that the study is consistent with the goals and objectives of the adopted regional solid waste management plan. If applicable, explain the extent to which the study relates to any local or sub-regional solid waste plans in effect.

## **Basic Data**

### ***Study Area Characteristics***



Provide information on the characteristics of the study area, as directly applicable to specific aspects of the study.

***Existing Conditions***

As directly applicable to specific aspects of the study, describe the existing conditions in the study area.

***Regulatory Requirements***

Describe any federal, state, and local laws and regulations which have or could have a bearing on the study.

**Study Processes, Findings, and Recommendations**

***Study Processes***

Describe the processes through which the study was developed. As applicable, include steps in data gathering and analysis, and evaluation of various available technologies and practices.

***Study Findings***

Present and explain the principal data or information obtained through the study. If various available technologies and practices were evaluated, indicated which may be more appropriate than others, and explain why. As applicable, include information on cost, legal, institutional, and regulatory requirements related to any options.

***Study Recommendations***

The final recommendations of the study should be clearly stated, including needed actions, responsible entities, and expected timeframes.

## I-J: Regional and Local Solid Waste Management Plans

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**Regional Plans:** Regional Solid Waste Management Plans (RSWMP) are required by THSC, § 363.062, relating to RSWMP. Contents of the RSWMP are described in THSC § 363.064 and in TAC, Chapter 330, Subchapter O.

RSWMP are used by COGs to coordinate and plan the management of solid waste. These plans contain projections of the solid waste management needs for each planning region over the next 20-year period and the prioritized actions to address those needs. The Regional Solid Waste Grant Program provides funding to COGs to implement projects that support the goals and objectives of their approved RSWMPs .

TCEQ received RSWMP from all 24 COGs in FY 2023. The plans cover the 2022-2024 plan period. Currently, the RSWMP are going through formal rulemaking process to include approved plans in 30 TAC Chapter 330, Municipal Solid Waste. The rule will fully approve the 24 regional solid waste management plans developed by the COGs.

Once fully approved, the COGs should report their progress on implementing RSWMP through Follow Up Results Report in Attachment 6.

**Local Plans:** Local Solid Waste Management Plan are required THSC, § 363.063 relating to Local Solid Waste Management Plan. The COG should provide a description of the applicable legal requirements and authority for preparing the plan and the purpose of the local plan. Briefly explain the objectives of the planning process, relationship of the local plan to the applicable regional plan(s), how the plan will be used, and future plan applications.

Planning objectives must incorporate consideration of the hierarchies of preferred solid waste and sludge management methods listed in the Regional Solid Waste Management Plan Implementation Plan Guidelines (RSWMP Volume II). The COG must submit Local Solid Waste Management Plan to the TCEQ for review. If TCEQ determines that the plan conforms to the requirements adopted by the TCEQ, the TCEQ shall consider the plan for approval.

The recommended Format and detail Instruction on the Local Plans are included in Attachment 13.

# I–K: Closed Landfill Inventory Guidelines

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The legislation established requirements for developing land over closed landfills, and also required COGs to include an inventory of closed municipal solid waste landfills in their regional plans for solid waste management.

## Closed Landfill Inventory (CLI)

In accordance with Section (§) [363.062](#) of the Texas Health and Safety Code (THSC) and Title 30 Texas Administrative Code ([30 TAC](#)) [§330.643](#), the 24 Regional Councils of Governments (COGs) regional and local solid waste management plans must conform to the requirements set forth in THSC [§363.064](#).

The COGs are to conduct and complete activities for the distribution of Volume I and Volume II of the RSWMP and any amendments, including Appendix 1 (CLI) as adopted by the TCEQ Commissioners and as approved by the Waste Permits Division Deputy Director.

The COGs can use the grant funds to complete the statutorily required notification requirements. COGs are required to notify the landowner(s) of property that has been identified as a former landfill unit if the exact boundaries are known. The notice requirements do not apply if the exact boundaries of a former landfill unit are not known. The notification requirement is also extended to include notification to county clerks of the county or counties in which the former landfill unit is located who must in turn deed record in the county records the information provided.

The COGs can also use grant funds to update, maintain, and distribute the CLI to the TCEQ and to the chief planning official of each municipality and county in which a landfill unit is located. The COGs and each local planning official must make the inventories available for public inspection.

## Notification Process

The COG may use funds provided under this Agreement to comply with the provisions of THSC [§363.064\(b\)\(e\)](#), pertaining to requirements for notification of landowners and county clerks, and for providing the inventory information to the TCEQ and the chief planning official of each municipality and county in which a landfill unit is located.

## Distribution of the Approved Inventory

The COG shall provide the inventory to the TCEQ and to the chief planning officials of each municipality and county in which a landfill unit is located. The COG and the planning officials are to maintain the inventory and make the inventory available for public

inspection. Redistribution upon updates shall follow this same approval, notification, and distribution process.

### **Public Inquiries**

The COG shall respond to public inquiries and make copy of the most recent version of the RSWMP and CLI available to the public.

### **CLI Notification Toolbox**

Use of these tools for administering this notification process is recommended as a means of ensuring uniformity across the state. This toolbox was developed courtesy of the Houston-Galveston Area Council to facilitate a statewide standardized process of providing notification of the known existence of closed MSW landfill units in accordance with THSC §363.064(c). Copy of this toolbox is available upon request.

## **I–L: Spending Plan**

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See Attachment 12 for the Spending Plan form (Excel).

COG shall submit to the TCEQ a completed Spending Plan on May 1, 2025.

## **SECTION II: COG REQUIREMENTS AND PASS-THROUGH GUIDELINES**

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- A. Solid Waste Advisory Committee
- B. Request for Application
- C. Implementation and COG-Managed Project Grant Application Instructions and Forms
- D. Private Industry Notification
- E. Pass-Through Grant Summary Results Report (See Attachment 6 - Excel)
- F. Pass-Through Grant Recipient Request for Funds (See Attachment 8 - Excel)
- G. Project Site Visit Record Form, Technical Assistance Record Form, Resource Center Information and Record Form Procedures
- H. Regional Education, Outreach & Training

## II-A: Solid Waste Advisory Committee

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### Solid Waste Advisory Committee

The COG shall establish and maintain a SWAC which reflects a broad range of interests in solid waste management. At a minimum, Committee members shall be appointed who represent public officials, private providers of recycling and solid waste services to represent a balance of private service providers operating in the region, citizen groups, and interested individuals. The Committee shall include as ex-officio members the TCEQ project manager assigned to work with the COG and a designated representative of the appropriate TCEQ regional office.

1. The COG shall establish and maintain a Solid Waste Advisory Committee (SWAC) in accordance with the standards of 30 TAC [§330.639\(a\)](#), TCEQ Rules, as well as the standards set forth in these Administrative Procedures.
2. The Committee shall reflect a broad range of interests in solid waste management. At a minimum, Committee members shall be appointed who represent public officials, private providers of recycling and solid waste services to represent a balance of private service providers operating in the region, citizen groups, and interested individuals. The Committee shall include as ex-officio members the TCEQ project manager assigned to work with the COG and a designated representative of the appropriate TCEQ regional office.
3. The standards and procedures for the appointment of members to the Committee and the conduct of the Committee shall be established in written bylaws approved by the governing body of the COG. The Committee bylaws shall include standards, as determined by the COG, to preclude conflicts of interest by the Committee in conducting activities under this Agreement, including the ranking and selection of implementation projects for funding. The COG shall provide the TCEQ a copy of those bylaws, if requested.
4. With the grant application materials, the COG shall provide the TCEQ a copy of the latest Committee membership list.
5. The COG shall provide the TCEQ a revised list of the Committee membership whenever the membership changes.
6. The Committee shall meet at least twice per year during the term of this Agreement. The COG shall hold meetings on a more frequent basis as necessary for the conduct of activities under this Agreement. As appropriate, the general meetings of the Committee shall include discussion of solid waste activities in the region, solid waste management issues important to the region, new laws and regulations, opportunities for grants and

funding, and other issues of concern. All meetings of the Committee shall be open to the public.

7. The COG shall prepare and maintain minutes or other summary information documenting attendance at Committee meetings and the major discussion and decisions that took place at the meetings.
8. The COG shall notify the TCEQ of all Committee meetings, by phone, facsimile, mail, or e-mail at least one week before the meeting date. This provision, however, shall not apply when an emergency meeting of the Committee is necessary which would preclude the one-week notice, but the COG shall notify the TCEQ as early as possible before such a meeting.
9. The COG shall provide TCEQ copy of all Committee meeting minutes or other summary information in electronic or hard copy format and shall include the TCEQ in all correspondence disseminated to Committee members.
10. The COG shall establish in the Committee bylaws a definition for a quorum which meets the standards of Roberts Rules of Order, e.g., 50% + 1. Prior authorization is required for an alternate acceptable standard.



The following examples are provided to assist development of standard formats for agenda notices and meeting minutes.

**Example Agenda**

Council of Governments (Name of COG)  
Solid Waste Advisory Committee

Date:

Time:

COG NAME AND ADDRESS

1. Meeting Called to Order.
2. Roll Call.
3. Citizen and private industry presentations.
4. Approval of previous meeting's minutes.
5. Application Scoring.
6. Presentations, Questions and Answers.
7. Funding Discussion.
8. Next Meeting Date.
9. Information Items.
10. Adjournment.

## Example Minutes

Solid Waste Advisory Committee:

COG NAME AND ADDRESS

Date:

Time:

### Attendees:

SWAC Committee Members Present

(Provide list of members attending and their affiliation here, e.g., Jessica Uramkin, TCEQ – Ex-Officio Member)

YOUR COG Staff

(Provide list of staff present, e.g., follows)

UR Name, Solid Waste Program Coordinator

Someone else's name, Director, Community and Economic Development

Another someone else's name, Administrative Assistant (scribe)

SWAC Committee Members Absent

(List absent members here, e.g., follows)

Comm. I. B. Gone Today, Absent County

9:30 am Welcome and Introductory Remarks

Commissioner welcomed attendees, and recognized new member, Present County Commissioner Representative. Commissioner called the meeting to order.

9:40 am Approval of Previous Meeting (DATE) Minutes

Mr. Local Law Enforcement Officer moved to approve, Ms. City Planner seconded and the motion carried by acclamation.

9:50 am Election of SWAC Officers

Mrs. Solid Waste noted that current officers are Chairman Commissioner and Vice Chair Mrs. Vice Chair and indicated that the current Chair and Vice Chair are both eligible for additional one-year terms. Mr. Member moved that current officers be retained, seconded by Ms. Private Industry, motion approved by acclamation.

#### 10:45 am Update on Grant Projects

Mrs. Solid Waste provided an overview of grant projects, whose grant period ended December, with the exception of the County grant which has been extended to April. Completed projects included household hazardous waste events, local enforcement and illegal dumping surveillance projects, recycling equipment, cleanup and community collection events, community education, and outreach for the illegal dumping hotline. The SWAC viewed a PSA produced by City of City as part of their education and outreach grant.

There was a brief discussion of electronics recycling options. Mr. Private Industry provided information on the Goodwill Industries program to accept and recycling computers and televisions for recycling. Mrs. Solid Waste provided information on the MRM partnership, by Panasonic, Toshiba, and Sharp, to recycle televisions, as well as the Sony/Waste Management partnership to collect televisions for recycling through Earth Protection Services in Central Texas.

#### 10:00 am Disbursement of Remaining Funds

Mrs. Solid Waste provided an overview of grantee spending to date, estimates of funding to be left unspent by current grantees, and additional needs for funding as identified by current grantees whose projects have been completed. Mr. Solid Waste indicated that a fair and equitable process would need to be established to efficiently distribute funding, which either has been returned by existing grantees or remains from prior funding allocations, as needs arise and are identified by existing grantees through the end of the biennium. It was proposed that funding be allocated where additional or unanticipated expenses have been incurred by grantees during execution of their approved grant projects, beyond grantees' expected cash match contributions, as identified by YOUR COG staff during review of reimbursement requests and documentation submitted by grantees.

Mrs. Solid Waste also indicated that a request for additional funding had been submitted by Another County for their grant project. Commissioner provided an update on the progress of the Another County local enforcement and cleanup project, and indicated that Another County needed additional equipment for performance of the project. Mrs. Solid Waste indicated that YOUR COG will work with Another County to track project expenses through the end of the grant period, and apply any potential savings in other project areas to the purchase of necessary equipment. A need from another County's will be re-assessed as the end of the grant period approaches.

Mrs. Solid Waste indicated that there was an estimated \$16,000 available (subject to change) for distribution or redistribution to existing grantees. Mr. Private Industry moved that disbursements of additional funds may be approved via email voting by the SWAC. Ms. Local Government seconded the motion, and the motion was approved by acclamation.

Mr. Private Industry moved that staff submit proposed plans for funding disbursements of remaining or returned funds to SWAC for review on a periodic basis, as needs are identified through the end of the grant period. Ms. Local Government seconded the motion. Motion was approved by acclamation.

Clarification was provided that there would not be an additional request for applications for funding, but that there may be contingency plans in place to allocate funding to regional COG-managed projects if it is found to be necessary.

#### 11:15 am Update on Waste Management Recycling Projects

Mr. Private Industry provided an update on Private Waste Management Company construction and demolition (C&D) waste recycling efforts, in particular asphalt shingles. PWMC has been working with Another County, at the Another County Landfill, and with TCEQ to coordinate and permit startup of an asphalt shingle recycling pilot project. PWMC is also working toward Texas Department of Transportation (TxDOT) approval for the processed materials to be used in TxDOT projects. Mr. Private Industry provided an overview of the nature of the asphalt shingle material stream, adjustments that have been made during implementation of the pilot project, the process for material processing, the characteristics of the final product, and potential end uses. The main power source for the project is energy generated from recaptured landfill gas.

#### 11:45 am Other Business

Mr. City Manager introduced Mr. Director of Solid Waste Services from Other County recycling for a discussion of current recycling markets and challenges posed by reduced revenues for materials. Mr. City Manager indicated that prices for plastic, cardboard and aluminum were down, and so Other County is stockpiling materials until prices increase or until space is no longer available for stockpiling. Mr. City Manager asked for suggestions from the SWAC for where to market materials, or assistance in operating until material prices rebound. Mr. Director of Solid Waste Services indicated that they did not expect major impact to their budget and that they expect to continue operations, in hopes of a rebound in materials pricing. There was a brief discussion of causes of the recent downturn in prices, such as decreased demand from China. Various SWAC members indicated that a number of programs are stockpiling materials in hopes that prices will increase, and that programs are generally continuing normal operations with the view that the market downturn will be temporary. Mr. Director of Solid Waste Services also indicated that it is important to develop markets and end uses for recycled materials. There was a discussion of the importance of market development, purchasing requirements for recycled content, and public education on choosing products with recycled content. It was indicated that there may be a need for a workshop or forum to promote these principles.

Mrs. Solid Waste indicated that the next meeting could include presentations from the State Non-profits and City of City Solid Waste Services, and a discussion of revisions to the grant application process prior to release of the request for applications.

The next SWAC meeting was scheduled for April 22.

12:00 pm Adjourn

## II–B: Request for Applications

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This is a template and all of the language is required in each COG's request for application, except the italicized instructional language. COG may add items based on COG's policies and procedures.

The {COG Name}  
In Cooperation with the TCEQ  
*Announces Availability of Municipal Solid Waste  
Grant Funding for Fiscal Year {Insert New Fiscal Years}*

**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 Regional Council of Governments (COG) 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 COG 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 COG is available to assist interested parties during the application process and may be contacted at the following telephone number:

*Regional Solid Waste Coordinator Name*  
*Telephone Number*  
*Office Hours*

Return your completed application form(s) to  
the following address:

Application Deadline: To be considered for funding, submit application by 5:00 p.m. on

(Date)

## Eligible Recipients

Only those local and regional political subdivisions located within the State of Texas are eligible to receive funding from the COG 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. Texas Grants Management Standard ([TxGMS](#))

## 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](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

**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 *
<b>Municipal Solid Waste (MSW) Transfer Station</b>  <b>Send in:</b> TCEQ Form No. 20370, Notice of Intent to Operate a Low Volume Transfer Station	<a href="#">30 TAC 330.11(e)</a> <b>Transfer Station (TS):</b> <b>MSW Type V Facility:</b> A facility used for transferring solid waste from collection vehicles to long haul vehicles (one transportation unit to another transportation unit). It is not 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 provide 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	<a href="#">30 TAC 330.9(b)(1), (2), (3), and/or (f):</a> <b>A</b>  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	<a href="#">30 TAC 330.7 (a)</a> <b>Transfer Station:</b> 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

ACTIVITY	NOTIFICATION REQUIRED	REGISTRATION REQUIRED	PERMIT REQUIRED *
<p><b>Citizens' Collection Station</b></p> <p><b>Send in:</b> TCEQ Form 10400 Core Data Form w/ letter of notice &amp; Form 20429</p>	<p><a href="#">30 TAC 330.11(e)(1)</a> <b>Citizens' Collection Station (CCS):</b> <b>MSW Type V Facility:</b> 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.</p>	<p>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.</p>	<p>As applicable</p>
ACTIVITY	NOTIFICATION REQUIRED	REGISTRATION REQUIRED	PERMIT REQUIRED *
<p><b>Recycling Facility (RF)</b></p> <p><b>Send in:</b> TCEQ Form No. 20049, Notice of Intent to Operate a Recycling Facility</p>	<p><a href="#">30 TAC 330.11(e)(2)</a>: <b>Recycling Facility:</b> 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 &amp; Record Keeping Requirements Local governments, agencies of the State or Federal government are exempt from the notification requirement.</p>	<p>* In accordance with <a href="#">30 TAC 328.(4)(c)</a> A RF that fails to comply with the requirements of <a href="#">30 TAC Chapter 328</a> 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 (<a href="#">30 TAC Chapter 330</a>) or Composting Rules (<a href="#">30 TAC Chapter 332</a>). * A RF which takes on the activities of a TS must satisfy the notification, registration, or permitting requirements noted previously for Transfer Stations</p>	<p>In accordance with <a href="#">30 TAC 328.(4)(c)</a> A recycling facility that fails to comply with the requirements of <a href="#">30 TAC Chapter 328</a> 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 (<a href="#">30 TAC Chapter 330</a>) or Composting Rules (<a href="#">30 TAC Chapter 332</a>).</p>

ACTIVITY	NOTIFICATION REQUIRED	REGISTRATION REQUIRED	PERMIT REQUIRED *
Composting Facility Send in: TCEQ Form No. 0651, Notice of Intent to Operate a Compost Facility	<p><b><a href="#">30 TAC 332:</a></b>  <b>Composting Facility (CF):</b>  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 (<a href="#">30 TAC 332.21</a> – <a href="#">332.23</a>):</p> <ul style="list-style-type: none"> <li>* Feed stock that includes any source-separated meat, fish, dead animal carcasses, oils, greases, or dairy materials; and,</li> <li>* Operations which incorporate the above with source-separated yard trimmings, clean wood material, vegetative material, paper, or manure.</li> </ul>	<p>A CF which takes on putrescible waste streams will be required to submit for appropriate Registration if: (<a href="#">30 TAC 332.31</a> – <a href="#">330.38</a>)</p> <ul style="list-style-type: none"> <li>* Feed stock includes municipal sewage sludge;</li> <li>* Feed stock includes positively-sorted organic materials from the MSW stream;</li> <li>* Feed stock includes source-separated organic materials not exempted by <a href="#">30 TAC 332.3(d)</a>;</li> <li>* Feed stock includes disposable diapers or paper products soiled by human excreta;</li> <li>* Feed stock includes paper production sludge byproduct at TCEQ ED discretion;</li> <li>* 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.</li> </ul>	<p>A CF which takes on putrescible waste streams will be required to submit for an appropriate MSW Permit if: (<a href="#">30 TAC 332.41</a> – <a href="#">332.47</a>)</p> <ul style="list-style-type: none"> <li>* Composting mixed MSW;</li> <li>* Use of mixed MSW as compost feedstock;</li> <li>* Commercially composting grease trap waste; or,</li> <li>* Composting any amount of grease trap waste.</li> </ul>

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	<b>30 TAC 330.11(e)(4):</b> (only 6 grandfathered facilities exist in Texas) <b>MSW Type V Facility:</b> A liquid waste transfer station designed and operated in accordance with <b>30 TAC 330 MSW Rules, Subchapter E</b> (330.201 – 330.249), which was in existence prior to March 27, 2006. <b>Liquid Waste (LW):</b> 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	<b>30 TAC 330.9(g) and (o):</b> <b>Liquid Waste Transfer Station:</b> 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)	<b>30 TAC 330.7 (a):</b> <b>Liquid Waste Transfer Station:</b> 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.
ACTIVITY	NOTIFICATION REQUIRED	REGISTRATION REQUIRED	PERMIT REQUIRED *
Liquid Waste Temporary Storage Facility Send in: TCEQ Form 10400 Core Data Form w/ letter of notice	<b>30 TAC 330.11 (e) (5):</b> <b>MSW Type V Facility:</b> A temporary storage facility regulated under <b>30 TAC 312.147</b> (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	<a href="#">30 TAC 324.7</a> (1) or (3) & <a href="#">40 CFR Part 279.64</a> 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 ( <a href="#">30 TAC 324</a> ) and/or The Used Oil Recycling Handbook: Guidance for Used Oil Handlers, Rev 11/05 (TCEQ Regulatory Guidance 325) for more information.	As applicable. <i>Do-it-yourselfer used oil collection center</i> means any site or facility that accepts/aggregates and stores used oil collected only from household do-it-yourselfers. <i>Used oil collection center</i> means any site or facility that is registered/licensed/permitted/reco gnized 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, RSWG (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) 239-2335, or E-mail the MSW Permits Section at [MSWPER@tceq.state.tx.us](mailto: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 [https://www.tceq.texas.gov/permitting/waste\\_permits/msw\\_permits/waste\\_planning](https://www.tceq.texas.gov/permitting/waste_permits/msw_permits/waste_planning).

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: <https://www.tceq.texas.gov/agency/directory/region>

## **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.

### ***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.

### ***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, **(EXAMPLE: 4 CONSECUTIVE WEEKENDS NOT INCLUDING WEEKDAYS; OR ALTERNATE WEEKENDS OVER THE COURSE OF THE YEAR, NOT INCLUDING WEEKDAYS)** 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.

### ***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.

### ***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.

### ***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\(e\)](#).
- ❖ Registered municipal solid waste transfer stations that qualify under [30 TAC 330.9\(b\)](#)(1) through (3), or (f).
- ❖ Exempt local government recycling facilities as provided for under 30 TAC 328.4(a)(1).
- ❖ Notification tier composting facilities which qualify under [30 TAC 332.21 – 332.23](#).
- ❖ Liquid waste transfer stations which qualify for registration in [30 TAC 330.9\(g\)](#) and (l).
- ❖ Registration tier used oil collection facilities which qualify under [30 TAC 324.7](#)(1) or (3).

### ***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.



### ***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.

### ***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.

#### ***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 [TxGMS](#), 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, 88th Legislative Session.

#### ***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 (including freight) 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 COG 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 COG. 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 freight 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. ***(See Section I-E for further instructions)***

### ***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 COG. Appropriate costs that may be included are:

6. The cost of planning the project;
7. The cost of materials and labor connected to the construction project;
8. The cost of equipment attached to the permanent structure; and
9. 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 COG. 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 COG.

### ***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 [TxGMS](#) and the main grant Contract apply. The COG must ensure that expenses budgeted under this "Other" category are itemized by the grant recipient and are fully considered and evaluated by the COG. Some expenses that may be appropriate include:

Postage/delivery

Telephone/FAX

Utilities

Printing/reproduction

Advertising/public notices

Signs

Training

Office space

Basic office furnishings

Computer Hardware (greater than \$1,000 and less than \$4,999.99 not listed under the Equipment category)

Computer Software

### ***Indirect***

Indirect costs may be funded, if applicable to the project. In accordance with the [TxGMS](#), indirect charges may be authorized if the applicant has an indirect cost rate properly filed 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.

## **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.

### ***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 (non- trash), 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 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 the solid waste grant funds.

### **General Standards**

10. The provisions of the Texas Grants Management Standards ([TxGMS](#)) issued by the Texas Comptroller of Public Accounts for the use of these funds, as well as the supplement financial administration provided in the program Administrative Procedures.
11. Recipients of funds under this Contract, including the COG, 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.
12. 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.
13. 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.
14. 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.
15. All equipment and facilities purchased or constructed with funds provided under this Contract shall be used for the purposes intended in the funding Contract
16. A project or service funded under this Contract must be consistent with the COG's RSWMP, and must be intended to implement the goals, objectives, and priorities established in the regional plan.
17. Funds may not be used to acquire land or an interest in land.
18. 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 than a previous solid waste grant, may not be funded.
19. 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.

20. 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.
21. 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.
22. Funds may only be used for projects or programs for municipal solid waste.
23. 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 COG 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 COG.
24. Projects or facilities requiring a registration/permit from the TCEQ, and which are otherwise eligible for funding, must have received the registration/permit before the project funding is awarded.
25. 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.
26. 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.
27. 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***

Cleanup events may be coordinated with Keep Texas Beautiful organization.

Projects funded to clean up litter or illegal dumping on private property must be conducted through a local government sponsor or the COG. Funds may not be provided directly to a private landowner or other private responsible party for cleanup expenses.

The local government sponsor or the COG 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 wastes 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 COG should 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, **(EXAMPLE: 4 CONSECUTIVE WEEKENDS NOT INCLUDING WEEKDAYS; OR ALTERNATE WEEKENDS OVER THE COURSE OF THE YEAR, NOT INCLUDING WEEKDAYS)** 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 COG'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 COG 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 cost associated with operating these types of facilities will 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 cost associated with operating these types of facilities will not be funded. The following MSW facilities may be funded:

- ❖ Notification tier municipal solid waste transfer stations that qualify under [30 TAC 330.11\(e\)](#).
- ❖ Registered municipal solid waste transfer stations that qualify under [30 TAC 330.9\(b\)](#)(1) through (3), or (f).
- ❖ Exempt local government recycling facilities as provided for under 30 TAC 328.4(a)(1).
- ❖ Notification tier composting facilities which qualify under [30 TAC 332.21 – 332.23](#).
- ❖ Liquid waste transfer stations which qualify for registration in [30 TAC 330.9\(g\)](#) and (l).
- ❖ Registration tier used oil collection facilities which qualify under [30 TAC 324.7\(1\)](#) 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, (External Relations Division) and all applicable laws, regulations, guidelines, and reporting requirements must be followed.

### ***Technical Studies***

All technical studies funded must be consistent with the COG'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***

Source Reduction and Recycling

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

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 COG.
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 COG, 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 COG and under all applicable laws and regulations.
3. The applicant must agree to document the results of the project as required by the COG.
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.

### ***Example Selection Criteria***

If a proposed project meets all of the applicable screening criteria, it will be evaluated by the Solid Waste Advisory Committee of the COG, using the following selection criteria. There are four sets of selection criteria, each worth up to 25 points, for a possible total score of 100 points.

#### **Project Description (25 Points)**

1. Is there an adequate explanation as to why the proposed project is needed?
2. Is the overall goal or objective of the proposed project clearly stated?

3. Is there an estimate of the number of people who would be served or benefited by the proposed project?
4. Is the geographic area affected by the proposed project clearly described?
5. Is the specific waste stream targeted by the project identified?
6. Does the project include adequate levels of customer incentives, public education, or public input, as appropriate to the particular project?
7. Are all aspects of the proposed project described in sufficient detail to ensure its overall feasibility? If the proposed project includes equipment, has the applicant shown that the specified equipment is appropriate for the work to be performed?
8. Are the expected benefits of the proposed project adequately described?

**Work Program (25 Points)**

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

**Project Cost Evaluation (25 Points)**

13. Are the total related costs of the proposed project (not just grant expenditures) adequately considered?
14. 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?
15. Are the costs of the proposed project compared to any established averages, or to normal costs for similar projects?
16. Will the proposed project result in a measurable cost savings, or are the costs of the proposed project otherwise reasonably justified?

**Level Of Commitment Of The Applicant (25 Points)**

17. Is the applicant providing any level of matching funds or in-kind services?
18. To what extent is the applicant requesting funding for salaries or operational expenses?
19. If an ongoing service is proposed, to what extent has the applicant demonstrated the ability to sustain the program beyond the term of the grant?

20. To what extent do the appropriate governing bodies support the proposed project? Are formal resolutions of support attached?
21. Has the applicant previously demonstrated a commitment to preferred solid waste management practices, such as implementing other solid waste management projects, being involved in a local or sub-regional solid waste management plan or study, or becoming a Keep Texas Beautiful member?
22. If the proposed project has received previous grant funding under this program, to what extent does the proposal involve expansion of current services or operations? Has the applicant presented quantifiable documentation of the success of the project in order to warrant further funding? Does the applicant have a good record of past grant contractual performance? Poor performance on past grants may also be considered in reducing the number of points awarded.

### **Grant Contracts**

Grant recipients will be required to enter into standard legal Contracts with the COG, 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 COG.

Grant recipients must agree to provide data related to the results of the project to the COG 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 COG and/or the TCEQ additional reports on the status of the project.

Grant recipients must agree to allow staff of the COG and/or the TCEQ to perform on-site visits to monitor the progress of projects.

## **II-C: Implementation and COG-Managed Projects Grant Application Instructions and Forms**

[Return to Table of Contents](#)



## COG CAN CHOOSE TO USE A DIFFERENT FORMAT

( Cog Name )  
In Cooperation With  
The TECQ  
FY (Insert Fiscal Years)  
Regional Solid Waste Grants Program  
  
Implementation Project  
Grant Application Instructions and Forms

Submit completed application by: *Deadline*

Mail XX copies of application to:

PDF or electronic to (*COG email address*)

Via Regular Mail:

*COG Name*

*Address*

Via Special Delivery:

*COG Name*

*Address*

### Instructions for Application Forms

This application is a response to the Request for Applications issued by the Council of Governments (COG). Submission of this application is an offer to contract with the COG based on the terms, conditions, and specifications contained in the Request for Applications and corresponding contract documents. Please review this application carefully, sign it where signatures are required, fill in the requested information, and attach all required documents.

### Form 1. Application Information and Signature Page

This page contains general information about the Applicant, including name, contact person, address of Applicant, telephone and fax numbers, date application was submitted to the COG, amount of grant funding requested and the project category the proposal falls under. Fill out the information completely.

This form also requires the signature of the Applicant. By signing this document, the Applicant is certifying that the certifications, assurances, and deliverables included in this application have been reviewed, that to the best of the Applicant's knowledge and

ability all certifications are true and correct, and that all required deliverables are included in the application. Please be certain you have reviewed and fully completed any applicable certifications and deliverables before signing this document. Note, the bottom of the page is reserved for the COG's use.

## **Form 2. Authorized Representatives**

This form allows the Applicant to designate the project and financial representatives who will be authorized to receive direction from the COG, manage the work being performed, and to act on behalf of the Applicant.

## **Form 3. Certifications and Assurances**

This section contains certifications and assurances the Applicant must review prior to submitting the application materials. Certifications are required to assist the COG in ensuring that the Applicant and the project are eligible for funding. Assurances are summaries of pertinent contract provisions and ensure that the Applicant understands that there are certain obligations associated with accepting the grant funds. If awarded, Applicants will be asked to enter into a contract with the COG which will contain the entire provisions required for the grant-funded project.

## **Form 4. Resolution**

A Resolution must be approved by the governing body of the entity presenting this Application.

## **Form 5. Explanation of Private Industry Notification**

Form 5a and 5b must be completed for funding under the following grant categories:

Source Reduction and Recycling

Citizens' Collection Stations and "Small" Registered Transfer Stations

A demonstration project under the Educational and Training Projects category

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 above listed project categories must adhere to the requirements listed below.

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 COG.

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 Forms 5a and 5b to provide documentation that private service provider was notified of the project prior to submission of the application.

#### **Form 5a. List of Private Service Providers Notified**

List the names and telephone numbers of private service providers notified of the proposed project. Include the date of notification.

#### **Form 5b. Summaries of Discussions with Private Industry**

Provide summaries of any input and concerns raised by the private service providers; summaries of any meetings or discussions held between the Applicant and the private service providers; an explanation of any changes made to the proposed project to address private service provider concerns; and an explanation of any remaining concerns that were not addressed and why the Applicant determined that the concerns are not valid under the statutory requirements. Attach to the application any written comments or concerns provided by a private service provider concerning the project.

#### **Form 6. Project Summary**

The project summary, consisting of Forms 6a-6d below, should be completed to the best of your ability. Note that the project summary is based on the scoring criteria stated in the Request for Application. Please refer to the specific questions listed in the scoring criteria when completing the project summary. Add additional pages as necessary to adequately describe the project.

#### **Form 6a. Project Description**

Provide a detailed description of the proposed project that describes who, what, when, how, where, and why. As concisely as possible, include information as to why the proposed project is needed; clearly state the goal of the proposed project, and reference the goals, objectives, and recommendations from the regional solid waste management plan for which the project is intended to implement; estimate the number of people who would be served or benefited; define the geographic area affected; target the specific waste stream of the project; and, identify all recycling and/or waste diversion efforts projected for the project. Reference the specific goals, objectives, and/or recommendations from the regional solid waste management plan that apply to the

project, and how the project will assist in implementing the plan. Identify the levels of customer incentives, public education, or input, as appropriate to the project. Describe the project in sufficient detail to demonstrate its overall feasibility or workability. If the project includes equipment, explain how the specified equipment is appropriate for the work to be performed, provide the physical address for where the equipment will be maintained, and state the percentage of solid waste program use anticipated. If the proposed grant-funded project will be a part of an overall program, provide a description of the program. Adequately describe the expected benefits of the proposed project. Provide physical address and applicable TCEQ Municipal Solid Waste Notification, Registration, or Permit numbers when funding is for such facilities.

#### **Form 6b. Project Cost Evaluation**

Provide an evaluation of the costs associated with the proposed project. Explain how the total related costs of the proposed project were adequately considered; compare project costs to established averages or to normal costs for similar projects. Present the costs in unit terms, such as cost per ton, cost per customer, or cost per capita, as applicable. Describe any measurable costs savings, or reasonably justified costs of the project.

#### **Form 6c. Level of Commitment of the Applicant**

Provide information related to the Applicant's level of commitment to preferred solid waste management practices. If the proposed project is an ongoing service, demonstrate the ability to sustain the program beyond the term of the grant. Explain the extent to which the appropriate governing bodies support the proposed project.

List previously demonstrated commitment to preferred solid waste management practice, such as implementing other solid waste management projects, involvement in a local or sub-regional solid waste management plan or study, membership in the Keep Texas Beautiful Organization.

If the proposed project has received previous grant funding under this program, explain to what extent the proposal involves expansion of current services or operations; present quantifiable documentation of the success of the project in order to warrant further funding. Demonstrate a good record of past grant contractual performance.

#### **Form 6d. Scope of Work**

Provide a work program with a schedule of deliverables for the proposed project or program. The work program with the schedule of deliverables will be considered the Scope of Work to be performed under the contract agreement, if funded. Once the details of the work program have been negotiated with the Applicant and approved by the COG, the work program will be entered into the grant contract.

As concisely as possible, for each task of the proposed project, describe the major steps or activities involved, identify the responsible entities and establish a specific timeframe to accomplish each task. The scope of work for the project or program must include:

Detailed purpose and goal of the project (should be consistent with implementing the goals, objectives, and recommendations from the regional solid waste management plan, as stated in the project description on Form 6a).

Specific task statements with responsible entity identified

List of deliverables/products/activities under each task

Schedule of deliverables

Suggested format for scope of work:

Task 1:

Activity and/or Deliverable

-Schedule of Activity and/or Deliverable

ETC.

## **Form 7. Grant Budget Summary**

Provide a breakdown of the total amount of grant funding being requested for the proposed project using this form. The expenses must be consistent with the category expense standards provided with the Request for Application. Complete any of the detailed budget forms which are applicable. Ensure each budget item identified is line itemized to provide the number requested and per unit costs.

### **Form 7a. Detailed Matching Funds/In-Kind Expenses**

Matching funds or contribution of in-kind services are not required under this grant program and are therefore, not included in the Grant Budget Summary. However, to fully evaluate the proposed project, any match of funds or in-kind services should be disclosed in this application. This budget form should be completed if any matching funds or in-kind services are directly related to the proposed project.

### **Form 7b. Detailed Personnel/Salaries Expenses**

This budget form should be completed if any expenses are entered for personnel/salaries on Line 1 of your Grant Budget Summary. Appropriate salaries for employees working directly on the funded project may be authorized under most of the grant categories. If the project or program proposes personnel to be funded wholly or in part by this grant, complete this budget form listing each employee. Any changes to the personnel funded under the grant must be approved by the COG. If changes to the personnel assigned to the project are necessary, you may submit a revised Form 7b to the COG with a letter requesting changes. The revised documents and the COG response will be included in your contract file.

Please refer to the following definitions in completing this form:

- *FTE* (portion of a full-time employee equivalent dedicated to the described function; e.g., 100% = 1.0 FTE, 50% = 0.5 FTE)
- *Status* (full-time or part-time, permanent or temporary)
- *Function* (describe only those responsibilities directly related to the solid waste grants program)
- *Salary* (monthly salary)

### **Form 7c. Detailed Travel Expenses**

This budget form should be completed if any expenses are entered for travel on Line 3 of your Grant Budget Summary. Travel expenses directly related to the conduct of the funded program may be authorized. Only the employees of the fund's recipient assigned to the project should receive reimbursement for travel expenses.

In accordance with the Texas Grants Management Standards ([TxGMS](#)), 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. Out-of-state travel for pass-through grant recipients will not normally be authorized.

On the detailed budget form for grant-funded travel, describe the types of travel expenses expected, whether the travel is routine in-region travel expense or the travel is not routine, and the purpose for the travel.

Non-routine travel, including out-of-state travel or travel to special conferences or events must be approved by the COG in advance of the travel event. If changes to the non-routine travel expenses detailed in this application are necessary, you may submit a revised Form 7c to the COG with a letter requesting changes. The revised documents and the COG response will be included in your contract file.

### **Form 7d. Detailed Supply Expenses**

This budget form should be completed if any expenses are entered for supplies on Line 4 of your Grant Budget Summary.

Supplies are non-construction related goods and materials having a unit acquisition cost (including freight) of less than \$5,000. Such expenditures shall generally relate to the routine purchase of office supplies or other goods that are consumed by the grant recipient in a relatively short period of time, in the regular performance of the funded project. (Expenses for food and beverages are not allowable. Further, any items not routinely used in conducting normal business over the year should be listed under the "other" budget category).

"General office/desk supplies" typically include such items as notepads, folders and three-ring binders, pens and pencils, paper clips and binder clips, staplers and staples, tape and dispensers, calendars, computer diskettes, and other similar items.

"Other supplies" may include such items as film and film processing, audio and video tapes, copier and printer toner and paper, etc.

On the detailed budget sheet for grant-funded supplies, list the general types of supplies you intend to purchase with grant funding.

### **Form 7e. Detailed Equipment Expenses**

This budget form should be completed if any expenses are entered for equipment on Line 5 of your Grant Budget Summary.

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 freight 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.

All equipment purchases must be approved in advance of purchase by the COG, following established procedures. If changes to the equipment expenses detailed in this application are necessary, or when specific details to the equipment must be added after the grant is awarded, you may submit a revised Form 7e to the COG with a letter requesting changes. The revised documents and the COG response will be included in your contract file.

Please note that your contract will include specific language on title to and management of real property and equipment. By entering into the grant contract, the Applicant must agree to continue to use the grant-funded equipment only for the purposes intended under the grant.

### **Form 7f. Detailed Construction Expenses**

This budget form should be completed if any expenses are entered for construction on Line 6 of your Grant Budget Summary.

Expenses budgeted under this category should be for costs related to the enhancement or building of permanent facilities. 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.



On the detailed budget form for grant-funded construction, list the construction expenses you expect to incur with grant funding, and if the work or part of the work will be subcontracted.

No construction costs shall be incurred by a pass-through grant recipient unless the construction details are approved in advance by the COG, following established procedures.

For construction activities to be conducted through a subcontract, the pass-through grant recipient must also submit evidence that the contract price is reasonable and necessary. As applicable under state law and regulations for the activity or service being contracted for, this evidence 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 of price analysis under the [TxGMS](#). If changes to the construction expenses detailed in this application are necessary, you may submit a revised Form 7f to the COG with a letter requesting changes. The revised documents and the COG response will be included in your contract file.

### **Form 7g. Detailed Contractual Expenses**

This budget form should be completed if any expenses are entered for contractual services on Line 7 of your Grant Budget Summary.

Expenses included under this category should be for costs for professional services or tasks provided by a firm or individual who is not employed by the grant recipient. Note that the contractual costs for construction-related services should be included under the Construction category.

Applicable laws and regulations concerning bidding and contracting for services must be followed.

*Note that any expenses (including legal fees, staff time, travel, and communications) related in any way to drafting legislation, lobbying for legislation, or other political activities are not allowable under this program.*

On the detailed budget form for grant-funded contractual expenses, describe the contractual expenses associated with the proposed project.

No contractual costs may be incurred by a pass-through grant recipient unless the subcontract is approved in advance by the COG, following established procedures. The pass-through grant recipient must also submit evidence that the contract price is reasonable and necessary.

As applicable under state law and regulations for the activity or service being contracted for, this evidence 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 of price analysis under the [TxGMS](#). If changes to the contractual expenses detailed in this application are necessary, you may submit a revised Form 7g to the COG with a letter requesting



changes. The revised documents and the COG response will be included in your contract file.

### **Form 7h. Detailed Other Expenses**

This budget form should be completed if any expenses are entered under "Other" on Line 8 of your Grant Budget Summary.

Other expenses, not falling under the main expense categories, may be included, if appropriate for the proposed project. If you will have additional "Other" expenses, not already listed, please itemize those expenses on the second table. The restrictions set forth in the grant contract apply. If any of the expenses listed are included in the calculation of indirect charges, do not itemize them on this sheet.

On the detailed budget form for grant-funded other expenses, list the other expenses associated with the proposed project.

Computer hardware not listed in the equipment budget form (computer equipment with a unit cost of less than \$5,000), computer software, and additional other expenses must be authorized in advance of purchase by the COG, following established procedures. If changes to the other expenses detailed in this application are necessary, you may submit a revised Form 7h to the COG with a letter requesting changes. The revised documents and the COG response will be included in your contract file.

## **Regional Solid Waste Grants Program Application Form**

**{COG NAME} FY (Insert Fiscal Years) Regional Solid Waste Grants Program**

Please detach the instruction pages prior to submitting the following application forms. Please remember to make a copy of your application for your records. An electronic copy of the completed application should also be submitted.

## Form 1. Application Information and Signature Page

\_\_\_\_\_  
Applicant:

\_\_\_\_\_  
Funding Amount Proposed:

\_\_\_\_\_

\_\_\_\_\_  
Phone

\_\_\_\_\_  
Address

\_\_\_\_\_  
Fax

\_\_\_\_\_  
Contact Person

\_\_\_\_\_  
Date Submitted:

### ***Project Category***

- ☐ Local Enforcement
- ☐ Litter and Illegal Dumping Cleanup and Community Collection Events
- ☐ Source Reduction and Recycling
- ☐ Local Solid Waste Management Plans
- ☐ Citizens' Collection Stations and "Small" Registered Transfer Stations
- ☐ Household Hazardous Waste (HHW) Management
- ☐ Technical Studies
- ☐ Educational and Training Projects

### ***Signature***

By the following signature, the Applicant certifies that it has reviewed the certifications, assurances, and deliverables included in this application, that all certifications are true and correct, that assurances have been reviewed and understood, and that all required deliverables are included with this application.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

\_\_\_\_\_  
Typed/Printed Name

\_\_\_\_\_  
Date

### ***For Use By {COG Name}***

Date application was received: \_\_\_\_\_

Does the application meet all of the required screening criteria: \_\_\_\_\_ Yes \_\_\_\_\_ No

Is the application administratively complete: \_\_\_\_\_ Yes \_\_\_\_\_ No

Project Application – Form 1

## Form 2. Authorized Representatives

The Applicant hereby designates the individual(s) named below as the person or persons authorized to receive direction from the COG, to manage the work being performed, and to act on behalf of the Applicant for the purposes shown:

### 1. Authorized Project Representative

The following person is authorized to receive direction, manage work performed, sign required reports, and otherwise act on behalf of the Applicant.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

\_\_\_\_\_  
Typed/Printed Name

\_\_\_\_\_  
Date

### 2. Authorized Financial Representative

In addition to the authorized project representative, the following person is authorized to act on behalf of the Applicant in all financial and fiscal matters, including signing financial reports and requests for reimbursement.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Typed/Printed Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

Project Application  
Form 2

## **Form 3. Certifications and Assurances**

### ***Certifications***

In order to receive grant funds under this program, the proposed project must conform to the provisions set forth in the Request for Applications (RFA). The following certifications are intended to help the COG to ensure that these provisions are met. By signing this Application, the person acting on behalf of the Applicant makes the certifications listed below.

#### **1. Authority to Sign Application**

The person signing this Application hereby certifies that he/she is the official contact regarding this Application and has authority from the Applicant to sign the Application and that such authority will bind the Applicant in subsequent agreements.

#### **2. Application Contains No False Statements**

Applicant certifies that this Application has no false statements and that the Applicant understands that signing this Application with a false statement is a material breach of contract and shall void the submitted Application and any resulting contracts. The Applicant understands that the COG will not accept any amendment, revision, addition or alteration to this Application after the final date and time for submission.

#### **3. Governmental Status**

Applicant certifies that it is located in the State of Texas and fits within one of the governmental classifications listed below, as determined under state law:

A. City

- ❖ County
- ❖ Public school or school district (not including Universities or post-secondary educational institutions)
- ❖ Other general and special law district with the authority and responsibility for water quality protection or municipal solid waste management, including river authorities
- ❖ Council of Governments

#### **4. Solid Waste Fee Payments**

Applicant certifies that it is not delinquent in payment of solid waste disposal fees owed the State of Texas.

## **5. Debarment from State Contracts**

Applicant certifies that it is not barred from participating in state contracts by the State of Texas Comptroller of Public Accounts under the provisions of §2155.077, Government Code.

## **6. Conformance to Standards**

The Applicant certifies to the best of their knowledge and ability that the proposed project, including all activities in the proposed Scope of Work and the proposed expenditures, conforms to the eligible category standards and allowable expense and funding standards as set forth in the Request for Applications.

## **7. Consideration of Private Industry**

The following certification only applies if the project is under one of the following grant categories:

- A. Source Reduction and Recycling
- B. Citizens' Collection Stations and "Small" Registered Transfer Stations
- C. A demonstration project under the Educational and Training Projects category

Applicant certifies that it has notified private service providers in accordance with the requirements set forth in the Request for Applications and the instructions provided with this application form. Applicant further certifies to the best of their knowledge and ability (after completing Form 5) that the proposed project will promote cooperation between public and private entities, is not otherwise readily available, and will not create a competitive advantage over a private industry that provides recycling or solid waste services.

## **8. Consistency with Regional Solid Waste Management Plan**

Applicant certifies to the best of their knowledge and ability that the proposed project is consistent with applicable goals, objectives, and recommendations of the RSWMP of the COG.

## **9. Technical Feasibility**

Applicant certifies that it has carefully reviewed its Scope of Work and that to the best of their knowledge and ability all activities are technically feasible and can be satisfactorily completed within the grant period as set forth in the Request for Applications.

## **10. Costs Reasonable and Necessary**

Applicant certifies to the best of their knowledge and ability that the proposed project activities in the Scope of Work and the expenses outline in the Budget are reasonable and necessary to accomplish the project objectives, and that the proposed expenses are consistent with the costs of comparable goods and services.

#### **11. Certification by Law Enforcement Programs**

If the Applicant is a law enforcement entity regulated by Chapter 1701 of the Texas Occupations Code, the Applicant certifies that it is in compliance with all rules developed by the Commission on Law Enforcement Officer Standards and Education (TCLEOSE) pursuant to Chapter 1701, Texas Occupations Code; or that it is in the process of achieving compliance with such rules. If compliance is pending, a certification from TCLEOSE must be attached to indicate that the Applicant is in the process of achieving compliance with the rules.

## ***Assurances***

If the application is approved for funding, the grant funds will be awarded through a contract between the Applicant and the COG. The grant contract will contain a number of standards, requirements, and processes that must be complied with as a condition of receiving the grant funds. In order to ensure an understanding by the Applicant of some of the main conditions that will be included in the contract, the Applicant is asked to review the following assurances. By signing this Application, the person acting on behalf of the Applicant indicates their understanding of these conditions and provides assurances that these and other conditions set forth in the grant contract will be adhered to if funding is awarded.

### **1. Compliance with Standard Pertaining to Real Property and Equipment**

Applicant provides assurances that, if funded, the Applicant will comply with the [TxGMS](#) and the contract provisions pertaining to title to and management of real property and equipment. The contract will contain obligations and conditions regarding the use of the equipment and/or facilities (the “property”) acquired under the agreement. Included in the provisions are obligations to provide adequate maintenance and conduct physical property inventories; restrictions and conditions on the use, replacement, sale, or transfer of the property; and obligations to continue to adhere to the provisions that grant funds not be used to create a competitive advantage over private industry, in the use or transfer of the property.

### **2. Participation in TCEQ Recycling Surveys and Reporting**

Applicant provides assurances that, if funded, the Applicant will respond to annual recycling program surveys and/or other requests from the COG or the TCEQ for information on municipal solid waste management activities.

### **3. Compliance with Progress and Results Reporting Requirements**

Applicant provides assurances that, if funded, the Applicant will comply with requirements for: reporting on the progress of the project tasks and deliverables; documenting the results of the project and providing those results to the COG on a schedule established by the COG, and additionally, to continue to document the results of the project activities for the life of the project; and to provide the COG with a follow-up results report approximately one year after the end of the grant term.

### **4. Financial Management**

Applicant provides assurances that, if funded, the Applicant will comply with contract provisions and requirements necessary to ensure that expenses are reasonable and



necessary, and to adhere to financial administration and reimbursement procedures and provide financial reports on a schedule established by the COG.

**5. Compliance with Americans with Disabilities Act**

Applicant provides assurances that, if funded, the Applicant will comply with all the applicable requirements of the Americans with Disabilities Act of 2013.

**6. Compliance with the Single Audit Act**

Applicant provides assurances that, if funded, the Applicant will comply with the Single Audit Provisions of the Texas Grants Management Standards ([TxGMS](#)) prepared by the Texas Comptrollers of Public Accounts.

Provisions of the Single Audit Circular under the Standard Financial Management Conditions Section; Audit starting on page 40 of the [TxGMS](#) that applies to all recipients of funding under this grant.

**7. Compliance with Program and Fiscal Monitoring**

Applicant provides assurances that, if funded, the Applicant will comply with program and fiscal monitoring provisions of the contract, including: providing additional reports or information as may be requested to adequately track the progress of the project; and allowing site visits to evaluate the progress of the project and to view any grant-funded equipment or facility.

Project Application

Form 3

#### **Form 4. Resolution**

A resolution authorizing the application must be approved by the governing body of the Applicant. Following this page is an example Resolution Form that may be used to prepare the required resolution.

To complete your application, please remove this page and replace it with a signed resolution of your entity's governing body.

Project Application

Form 4

**Resolution**  
{Example}

Resolution of (name of entity) authorizing the filing of a grant application with the (COG name) for a regional solid waste grants program grant; authorizing ( person and/or title) to act on behalf of (name of entity) in all matters related to the application; and pledging that if a grant is received (name of entity) will comply with the grant requirements of the (COG name), the Texas Commission On Environmental Quality and the State of Texas.

Whereas, the (COG name) is directed by the Texas Commission on Environmental Quality to administer solid waste grant funds for implementation of the COG's adopted regional solid waste management plan; and

Whereas, (Name of entity) in the State of Texas is qualified to apply for grant funds under the Request for Applications.

Now, therefore, be it resolved by (Name of entity) IN (Location of office) Texas;

1. That (Name/title of individual) is authorized to request grant funding under the (COG name) Request for Applications of the Regional Solid Waste Grants Program and act on behalf of (Name of entity ) in all matters related to the grant application and any subsequent grant contract and grant project that may result.
2. That if the project is funded, (Name of entity) will comply with the grant requirements of the (COG name), Texas Commission on Environmental Quality and the State of Texas.
3. The grant funds and any grant-funded equipment or facilities will be used only for the purposes for which they are intended under the grant.
4. Activities will comply with and support the adopted regional and local solid waste management plans adopted for the geographical area in which the activities are performed.

Passed and approved by (board or chief official as applicable) in (city), (state), on this the (number/day) day of (month), (year).

\_\_\_\_\_

(Signature of Authorized Official)

\_\_\_\_\_

(Typed or Printed Name)

\_\_\_\_\_

\_\_\_\_\_

(Notary Signature)

\_\_\_\_\_

(Type or Printed Name)

\_\_\_\_\_

(Commission Expires)

**Form 5: Explanation Regarding Private Industry Notification**

Applicable to Applicants under the following grant categories:

1. Source Reduction and Recycling
2. Citizens' Collection Stations and "Small" Registered Transfer Stations
3. A demonstration project under the Educational and Training Projects category

**Form 5a. List of Private Service Providers Notified**

Private Service Providers Contacted	Name and Position	Telephone Number	Date Notified

Project Application  
Form 5a

***Form 5b. Summaries of Discussions with Private Industry***

*(Refer to instructions concerning information to include on this form. Attach any written comments or input provided)*

Project Application  
Form 5b

## **Form 6: Project Summary**

Please provide a complete project summary. Reference the goals, objectives, and/or recommendations from the regional solid waste management plan that apply to the project, and how the project will assist in implementing the plan. Refer to the application instructions when completing these forms. If necessary, attach additional pages for each form.

### ***Form 6a. Project Description***

*(add additional pages as necessary)*

Project Application

Form 6a

**Form 6b. Project Cost Evaluation**

*(add additional pages as necessary)*

Provide an evaluation of the costs associated with the proposed project. Explain how the total related costs of the proposed project were adequately considered; compare project costs to established averages or to normal costs for similar projects. Present the costs in unit terms, such as cost per ton, cost per customer, or cost per capita, as applicable. Describe any measurable costs savings, or reasonably justified costs of the project.

Project Application

Form 6b

**Form 6c. Level of Commitment of the Applicant**

*(add additional pages as necessary)*

Provide information related to the Applicant's level of commitment to preferred solid waste management practices. If the proposed project is an ongoing service, demonstrate the ability to sustain the program beyond the term of the grant. Explain the extent to which the appropriate governing bodies support the proposed project.

List any previously demonstrated commitment to preferred solid waste management practice, such as: implementing other solid waste management projects; involvement in a local or sub-regional solid waste management plan or study; membership in an environmental activity.

If the proposed project has received previous grant funding under this program, explain to what extent the proposal involves expansion of current services or operations, and present quantifiable documentation of the success of the project in order to warrant further funding. Demonstrate a good record of past grant contractual performance.

Project Application  
Form 6c



**Form 6d. Scope of Work**

*(See application instructions. Add additional pages as necessary)*

Provide a work program with a schedule of deliverables for the proposed project or program. The work program with the schedule of deliverables will be considered the Scope of Work to be performed under the contract agreement, if funded. Once the details of the work program have been negotiated with the Applicant and approved by the COG, the work program will be entered into the grant contract.

As concisely as possible, for each task of the proposed project, describe the major steps or activities involved, identify the responsible entities and establish a specific timeframe to accomplish each task. The scope of work for the project or program must include:

- ❖ Detailed purpose and goal of the project (should be consistent with implementing the goals, objectives, and recommendations from the regional solid waste management plan, as stated in the project description on Form 6a).
- ❖ Specific task statements with responsible entity identified.
- ❖ List of deliverables/products/activities under each task.
- ❖ Schedule of deliverables.

Project Application  
Form 6d

## Form 7. Grant Budget Summary

Please provide the following breakdown of the total amount of grant funding being requested:

Budget Category		Funding Amount
1.	Personnel/Salaries	\$
2.	Fringe Benefits	\$
3.	Travel	\$
4.	Supplies	\$
5.	Equipment	\$
6.	Construction	\$
7.	Contractual	\$
8.	Other	\$
9.	Total Direct Charges ( <i>sum of 1-8</i> )	\$
10.	Indirect Charges*	\$
11.	Total ( <i>sum of 9 - 10</i> )	\$
12.	Fringe Benefit Rate:	%
13.	Indirect Cost Rate:	%
<p>Identify, in detail, each budget category to which your indirect cost rate applies and explain any special conditions under which the rate will be applied:</p> <p>In accordance with the <a href="#">TxGMS</a>, indirect charges may be authorized if the Applicant has an indirect cost rate properly filed 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 you have an approved cost allocation plan, please enclose documentation of your approved indirect rate.</p> <p>Please complete any of the following detailed budget forms that are applicable.</p>		

Project Application  
Form 7

***Form 7a: Detailed Matching Funds/In-Kind Services***

This budget form should be completed if the Applicant is providing any level of matching funds or in-kind services directly related to the proposed project.

Matching Funds: \$

In the space below, please explain in detail the application of any matching funds to be provided by the Applicant, as directly related to the proposed project:

In-Kind Services: \$\_\_\_\_\_ (monetary equivalent)

In the space below, please explain in detail the application of any in-kind services to be provided by the Applicant, as directly related to the proposed project:

What is the TOTAL COST of the proposed project, considering the total grant funding requested, any matching funds being provided by the Applicant, and the monetary equivalent of any in-kind services being provided by the Applicant:

\$

Project Application  
Form 7a

**Form 7b: Detailed Personnel/Salaries Expenses**

For each employee to be funded wholly or in part by this grant, complete one of the lines in the table below. Please refer to the definitions provided in the instructions in completing this sheet. If funds are awarded, changes to grant-funded positions must be approved in advance by the COG.

Position Title	Function	FTE	Status	Monthly Salary
				\$
				\$
				\$
				\$
				\$
				\$
				\$
				\$
				\$
Total (Must equal Line 1 of the Overall Budget Summary)		\$		

Project Application  
Form 7b

**Form 7c: Detailed Travel Expenses**

This budget form provides a more detailed breakdown of the total expenses for travel indicated on Line 3 of the Overall Budget Summary.

Please describe the types of routine in-region travel expenses expected and purpose for the travel.

<b>Routine In-Region Travel</b>	<b>Purpose of Travel</b>	<b>Estimated Cost</b>
		\$
		\$
		\$
		\$
		\$

All out-of-state travel expenses and other non-routine travel, such as out-of-region travel to special training or events must be pre-approved by the COG. Complete the following information for all requested non-routine travel, including any out-of-state travel. If those details are not presently known, the COG will need to approve those travel costs before the travel occurs.

**Non-Routine Travel Expenses**

<b>Date(s)</b>	<b>Purpose &amp; Destination</b>	<b>Person(s)</b>	<b>Estimated Cost</b>
			\$
			\$
			\$
<b>Total Travel Expenses</b> <i>(Must equal Line 3 of the Overall Budget Summary)</i>		\$	

Project Application

Form 7c

**Form 7d: Detailed Supply Expenses**

This budget form provides a more detailed breakdown of the total expenses for supplies indicated on Line 4 of the Overall Budget Summary.

Please list the general types of supplies you expect to purchase with grant funding.

General Types of Supplies	Estimated Cost
General office/desk supplies	\$
Other supplies ( <i>explain below</i> ):	\$
TOTAL ( <i>Must equal Line 4 of the Overall Budget Summary</i> )	\$

Project Application  
Form 7d

**Form 7e: Detailed Equipment Expenses**

All equipment purchases must be pre-approved by the COG. If the specific details of an equipment purchase are known, show that equipment on the list below. If the specific details of the equipment costs are not known at this time, list the general details on this form. The specific details of the equipment will then need to be provided to and approved by the COG before the costs are incurred.

Equipment (\$5,000 or more per unit) <i>(Show description, type, model, etc.)</i>	Unit Cost	No. of Units	Total Cost
	\$		\$
	\$		\$
	\$		\$
	\$		\$
<i>Total</i> <i>(Must equal Line 5 of the Overall Budget Summary)</i>		\$	

Project Application

Form 7e

**Form 7f: Detailed Construction Expenses**

All construction projects must be pre-approved by the COG. If the specific details of the construction costs are not known at this time, list the general details on this form. The specific details of the construction will then need to be provided to and approved by the COG before the costs are incurred. For any subcontracted activities, the request for approval will need to include evidence that the contract price is reasonable and necessary (see instructions).

<b>Types of Construction</b>	<b>Subcontracted Yes/No</b>	<b>Estimated Cost</b>
		\$
		\$
		\$
		\$
		\$
<b>Total</b> <i>(Must equal Line 6 of the Overall Budget Summary)</i>		\$

Project Application

Form 7f



**Form 7g: Detailed Contractual Expenses**

All contractual expenses must be pre-approved by the COG. If the specific details of the contractual costs are not known at this time, list the general details on this form. The more specific details of the contractual costs will then need to be provided to and approved by the COG before the costs are incurred. The request for approval will need to include evidence that the contract price is reasonable and necessary (see instructions). In addition, the subcontract scope of work must be approved by the COG before work begins.

<b>Purpose</b>	<b>Contractor(s)</b>	<b>Contract Amount</b>
		\$
		\$
		\$
		\$
Total (Must equal Line 7 of the Overall Budget Summary)		\$

Project Application

Form 7g

### Form 7h: Detailed Other Expenses

This budget form provides a more detailed breakdown of the total other expenses indicated on Line 8 of the Overall Budget Summary. *Please note that the final totals are at the bottom of the next page.*

#### Basic Other Expenses

Please identify the basic “Other” category expenses you expect to incur appropriate to the project.

<b>Basic Other Expenses</b>	<b>Estimated Cost</b>
Books and reference materials	\$
Postage, telephone, FAX, utilities	\$
Printing/reproduction	\$
Advertising/public notices	\$
Registration fees for training (if approved)	\$
Repair and maintenance	\$
Basic office furnishings	\$
Space and equipment rentals	\$
Signage	\$

Project Application  
Form 7h

### Additional Other Expenses

The specific details of additional “Other” category expenses, not included on the list of basic Other expenses, must be pre-approved by the COG. If the specific details of the additional Other expenses are not known at this time, list the general details on this form. The more specific details will then need to be provided to and approved by the COG before the costs are incurred.

<b>Additional Other Expenses</b>	<b>Unit Cost</b>	<b>No. of Units</b>	<b>Total Cost</b>
Computer hardware not listed under the Equipment category (itemize each expense below including description, type, model, etc.):	\$		\$
Computer software (itemize each expense below including description, type, model, etc.):	\$		\$
Additional Other expenses (itemize each expense below including description, type, model, etc.):	\$		\$
Total Other Expenses (Must equal Line 8 of the Overall Budget Summary)		\$	

Project Application

Additional Other Expenses

### Required Attachments to the Application

1. If indirect costs are included in the project budget, attach the Applicant's latest indirect cost allocation plan, including documentation of approval of the plan and the indirect cost rate by the Applicant's Federal Cognizant Agency or State Coordinating Agency.
2. If applicable, attach any written comments submitted by private industry (*see instructions for Form 5*).
3. If the Applicant is a law enforcement entity, and if compliance with TCLEOSE rules is still pending, attach a certification from TCLEOSE to indicate that the Applicant is in the process of achieving compliance with the rules (*see Form 3, Certification No. 11*).

## II-D: Private Industry Notification

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### Example Notice to Private Industry

In accordance with the Private Industry Notification and Appeal Process requirements in the grant contract, the COG is to notify private entities providing recycling and solid waste services within the region, of the funding program and the process for working with applicants and/or the COG to discuss and resolve any private industry issues. The private industries must also be advised of the availability of project applications for review and comment.

The COG has a number of options for fulfilling these requirements, such as mailing the Requests for Applications (RFAs) to private industry or otherwise notifying them of the funding process, and including some form of notice or information to explain the process for resolving private industry issues. The accompanying *Example Notice to Private Industry* is intended to assist the COG in developing one or more notice forms that can be sent to private industries in the region to fulfill the notification requirements.

If there is an unresolved private industry concern about the project, it must be noted on the implementation project summary form, and copies of the private industry comments and the minutes or summaries of the SWAC and Board meetings where the project was discussed must be provided. Those minutes must include an explanation of why the SWAC and Board determined that the private industry concerns were not valid. Copies must also be provided of all notices sent to private industries that were opposed to the project, notifying them of the opportunity to appeal the decision to the TCEQ.

*Example*  
**FY (Insert New Fiscal Years) Regional Solid Waste Grant Program**  
**{COG Name}**  
**Notice to Private Industry Providing Recycling or Solid Waste Services**  
*{Date}*

This notice is issued by *{COG Name}* to advise private industries providing recycling or solid waste services within the *{COG Name}* region that applications are being accepted from local governments for grant funding for recycling and other solid waste management projects within the region. These funds are provided through a grant from the TCEQ, under the authority of Section [361.014](#), Texas Health & Safety Code.

In accordance with the statutory provisions, a project or service funded under this program 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.

In order to comply with these requirements, applicants with projects that will provide recycling or other solid waste services are asked to notify private industries providing similar services within the geographic service area of the project, to ensure that any questions about the proposed project can be addressed early in the application process. Note that this notification process is not required for projects where a recycling or solid waste service will not be provided. If a local government contacts you about a proposed project, we recommend that you respond as soon as possible with any concerns you may have about the project.

In addition to this coordination process by the local governments, the applications will be available for public review during the time period and at the location listed below.

Review Dates and Times:

Physical Location:

If you have any concerns about a proposed project, as it relates to compliance with the statutory provisions, you may submit written comments to the address below by *{date}*. If you submit comments, you will be notified of the date and time when the projects will be reviewed by our Solid Waste Advisory Committee and will be afforded the opportunity to discuss your concerns with the Committee.

Mailing Address:

Fax Number:

Email Address:

The Committee recommendations will be provided to our *{Board/Executive Committee}*, which will make the final project selection decisions. Per the procedures established by the TCEQ, if a private industry submits comments opposing a project based on the

statutory provisions, and the project is selected for funding, that private industry may then appeal the project selection to the TCEQ.

For further information about this process, and for the dates and times when the applications will be considered, please contact *{Name}* at *{Phone Number}*.

## II-E: Pass-Through Grant Summary Results Report

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See Attachment 6 for the Results Report form (Excel).

### Instructions

The Council of Governments (COG) is responsible for monitoring each pass-through grant to ensure completion of the grant-funded activities and is required by contract to enter into legal agreements with each pass-through grant recipient. Those agreements are to include a defined work program, to include specific tasks and deliverables, with a concise schedule for completing the tasks and providing the deliverables.

The COG is also required to collect the results of each biennium implementation project funded in the region. For each project, data must be collected from the time the project is initiated through approximately one year after the end of the biennium, with the exception of projects which are not ongoing or one-time events; grantees must be made aware of this requirement in COG pass-through grant contracts. This will enable the COG to supply the TCEQ the regional results report during the biennium, and a follow-up regional results report approximately one year after the end of the biennium.

The attached reporting form allows the COG to obtain necessary information from pass-through grant recipients on the activities conducted for each project. In order to better establish routine reporting responsibilities for grantees, it is recommended that the COG require quarterly results reporting for each project. However, the actual frequency for reporting project results may vary at the COG's discretion. This document provides example reporting forms that may be used by the COG to obtain the necessary information.

The Summary Results Report Form consists of three sections, as outlined below:

#### Cover Sheet:

This cover sheet should be completed with each report submitted. The report is to be signed by an authorized official.

These forms are provided for use by the COG in gathering project results during the biennium. The information requested on the forms will need to be included by the COG in its report to the TCEQ.

Quantitative information must be provided in the units of measurement specified on each results sheet. To facilitate this, a copy of the standard volume-to-weight conversion



factors for various materials is included in the report forms. It is recommended that this or a similar reference sheet be distributed to all grantees along with their reporting forms.

It is important to note that all information provided should be *cumulative*, beginning with the initiation of project activity through the reporting date. Additional instructions to the grantee are indicated on certain other attachments.

#### Status of Completion of Work Tasks:

The report should provide information on the status of completing each major work task or deliverable set forth in the project authorization form. The grant recipient should also provide the COG with copies of all materials and documents produced with grant funds to date (e.g., reports, plans, brochures, educational materials, public notices, advertisements, videos, etc.).

### Volume-to-Weight Conversion Factors

#### For Reporting Purposes

(for programs that cannot weigh materials or determine their own factors)

In order to standardize reporting and maximize accuracy, recycling programs are encouraged to weigh their materials or develop their own volume-to-weight conversion factors (densities). The following table is provided to help programs without access to scales convert volumes to weights for reporting purposes. These factors are not intended for use in determining payments for handling or sales of materials. These factors were compiled from several sources (primarily by Resource Recycling Magazine) and do not necessarily represent your conditions, particularly for yard trimmings. Where references listed a range of values, a mid-range density is tabulated below.

Wherever possible, you should indicate the conversion factors that you used in reporting the quantities of materials recovered. Volumetric equivalents are provided at the end of the table to help determine volumes in cubic yards knowing other volumetric measures or numbers of certain containers. To report in tons, divide weights in pounds by 2000 pounds per ton.

MATERIAL	LEVEL OF PROCESSING	POUNDS PER CUBIC YARD
<b>GLASS CONTAINERS</b>		
Whole		500
Semi-Crushed (manually broken)		1000
Crushed to less than 1-1/2" (mechanically broken)		1800
Furnace ready, less than 1/4"		2700
<b>METAL</b>		
Aluminum Cans	Whole	60

	Flattened	200
	Baled	350
	Densified	1080
	Shreds	400
Steel (Tin) Cans	Whole	150
	1/3 Flattened	235
	Flattened	400
	Baled	850
	Densified	1600
Appliances	Uncompacted	200

MATERIAL	LEVEL OF PROCESSING	POUNDS PER CUBIC YARD
<b>ORGANICS</b>		
Grass Clippings	Loose, green	350
	Compacted, green	650
Leaves	Loose, dry	150
	Shredded, dry	300
	Vacuumed	400
	Compacted	550
Brush & Branches	Loose	250
	Compacted	600
Yard Trimmings	Loose	600
	Compacted	1040
Clean Wood Material	Chipped	500
Vegetative Food Material	From the kitchen	800
	Solid & liquid fats	1500
MATERIAL	LEVEL OF PROCESSING	POUNDS PER CUBIC YARD
<b>PAPER</b>		
Newspaper	Loose	430
	Loose, stacked	600
	Baled	650
	Baled, horizontal, single ram	700
	Baled, horizontal, double ram	800
Corrugated Containers	Loose	100
	Compacted, packer truck	250
	Baled, down-stroke	500
	Baled, horizontal, single ram	650
	Baled, horizontal, double ram	750
Office/Computer Paper	Loose	350
	Baled	750
Mixed Paper	Loose	150
E- Recycling	CPU's	20-40 lbs. ea.
	Hard Drives	1 lb. ea.
	Keyboards	2 lbs. ea.
	Laptops	5 -12 lbs. ea.
	Monitors	15 - 35 lbs. ea.
	Printers	35 - 100 lbs. ea.
	Speakers	3 lbs. ea.

MATERIAL	LEVEL OF PROCESSING	POUNDS PER CUBIC YARD
<b>PLASTIC</b>		
PET Soft Drink Bottles	Whole	34
	Flattened	75
	Baled	400
	Baled and perforated	650
	Granulated	550
HDPE Milk or Water Bottles	Whole	30
	Flattened	65
HDPE Colored Bottles	Whole	45
	Flattened	90
HDPE Bottles	Baled	400
	Granulated	550
PET & HDPE Milk or water bottles	Whole, loose	32
PET & HDPE Colored Bottles	Whole, loose	38
Plastic Film	Baled	850
MATERIAL	LEVEL OF PROCESSING	POUNDS PER CUBIC YARD
<b>TEXTILES</b>		
	Loose	240
	Baled	480

Other Conversion Factors:

1 Pallet = 30 to 100 pounds each, averaging 40 pounds each

1 Passenger Tire = 20 pounds each (19.8 pounds by statute)

1 Truck Tire = 60 to 90 pounds each

Volumetric Equivalents To get volume in cubic yards:

27 cubic feet = 1 cubic yard Divide the number of cubic feet by 27

46656 cubic inches = 1 cubic yard Divide the number of cubic inches by 46656

One Gaylord box (40x48x36) = 1.48 cubic yards Multiply number of Gaylord boxes by 1.48

One 55-gallon barrel = 0.27 cubic yard Multiply number of 55g barrels by 0.27

FY (Insert New Fiscal Year) Regional Solid Waste Grants Program  
Summary/Results Report of Grant-Funded Project

\_\_\_\_\_  
1. Grant Recipient

\_\_\_\_\_  
5. Reporting Period:

\_\_\_\_\_  
2. Contract Number

\_\_\_\_\_  
6. Grant Term:

\_\_\_\_\_  
3. Report Number

\_\_\_\_\_  
%  
7. Percent Completed to Date:

\_\_\_\_\_  
4. Final (Insert New Fiscal Year) Report

\_\_\_\_\_  
8. Estimated Completion Date:

**Required Attachments**

9. Status of Completion of Work Tasks

10. Project Results Report

*Complete the applicable form for the project being conducted with grant funds, ☒ if attached)*

- ☐ Form A: Local Enforcement
- ☐ Form B: Litter/Illegal Dumping Cleanup & Community Cleanup Event
- ☐ Form C: Source Reduction/Recycling
- ☐ Form D: Local Solid Waste Management Plans
- ☐ Form E: Citizens' Collection Stations & "Small" Registered Transfer Stations
- ☐ Form F: Household Hazardous Waste
  
- ☐ Form G: Technical Studies
- ☐ Form H: Education and Training Projects

11. Certification:

I certify to the best of my knowledge and belief that this report is correct and complete.

\_\_\_\_\_  
Signature of Authorized Certifying Official

\_\_\_\_\_  
Typed or Printed Name and Title

---

Date Submitted

## Status of Completion of Work Tasks

For each major work task or deliverable set forth in your grant contract, provide the following information (attach additional pages as needed):

Estimate the percent (%) complete of the task/deliverable.

Briefly explain the activities conducted to date towards completing the task or deliverable. Be sure to provide information on the status of equipment purchases and/or facility construction, if applicable.

List the major activities remaining to be conducted towards completing the task or deliverable.

Provide an estimated date for the completion of the task or deliverable.

Explain any problems or delays in completing the task or providing the deliverable.

**\*Provide copies of all materials and documents produced with grant funds to date (e.g., reports, plans, brochures, educational materials, videos, etc.).**

1. Task/Deliverable:
  - a. Percent (%) Completed:
  - b. Activities conducted to date:
  - c. Major activities remaining to complete task:
  - d. Estimated completion date:
  - e. Comments:
2. Task/Deliverable:
  - a. Percent (%) Completed:
  - b. Activities conducted to date:
  - c. Major activities remaining to complete task:
  - d. Estimated completion date:
  - e. Comments:
3. Task/Deliverable:
  - a. Percent (%) Completed:
  - b. Activities conducted to date:
  - c. Major activities remaining to complete task:
  - d. Estimated completion date:
  - e. Comments:
4. Task/Deliverable:
  - a. Percent (%) Completed:
  - b. Activities conducted to date:
  - c. Major activities remaining to complete task:
  - d. Estimated completion date:
  - e. Comments:

## II-F: Pass-Through Grant Recipient Request for Funds

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See Attachment 8 for the Pass-Through Grant Recipient Request for Funds form (Excel).

### Instructions for Pass-Through Grant Expenditures

#### Supplemental Funding Standards and Restrictions

Unless authorization is otherwise specifically provided for in or under the terms of the Contract, the use of funds provided under this Contract, to include funds provided for sub-grants, shall be in accordance with the supplemental funding standards set forth in these Administrative Procedures:

1. The provisions of the Texas Grants Management Standard ([TxGMS](#)) issued by the Texas Comptrollers of Accounts apply to the use of these funds.
2. Recipients of funds under this Contract, including the COG, sub-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. In accordance with §[361.014\(b\)](#), Texas Health and Safety Code, and [30 TAC §330.649\(d\)](#), TCEQ Rules, 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.
4. All equipment and facilities purchased or constructed with funds provided under this Contract shall be used for the purposes identified under the application for the term of this Contract, and for 100% municipal solid waste related activities for the life of the equipment.
5. Funds may not be used to acquire land or an interest in land.
6. 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 than a previous solid waste grant, may not be funded.



7. Funds may not be used for food or entertainment expenses, to include 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.
8. 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.
9. Funds may not be used for employment or otherwise contracts for services of a lobbyist or for dues to an organization which employs or otherwise contracts for the services of a lobbyist.
10. Funds may only be used for projects or programs for managing municipal solid waste.
11. Except as may be specifically authorized in these Administrative Procedures or elsewhere in this Contract, 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 COG 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 COG.
12. Except as may be specifically authorized in these Administrative Procedures or elsewhere in this Contract, 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.
13. 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 dump site. However, the TCEQ may waive these restrictions, 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.
14. 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.

### **Conduct and Administer the Sub-grant Award and Administration process.**

The COG shall enter into legal agreements with each sub-grant recipient to award funding and to set forth the standards and requirements that must be adhered to by the sub-grant recipient. The COG may not award a sub-grant nor enter into an agreement for pass-through funding as provided under this Contract until the COG has successfully completed the implementation project selection process. The term of a sub-grant agreement shall not begin before nor exceed the end date of the term of this Contract. The COG is responsible for developing a sub-grant agreement that includes all necessary standards and requirements as may be required under this Contract and by applicable laws and regulations. The standards and requirements set forth in a sub-grant agreement shall include, but may not be limited to, the provisions set forth in these Administrative Procedures as follows:

1. The sub-grant agreements shall include the following statement: “Neither the TCEQ nor the State of Texas is a party to this Contract.”
2. The sub-grant agreements shall incorporate standards for projects, as applicable to the funded projects, as set forth these Administrative Procedures.
3. The sub-grant agreements shall incorporate the supplemental funding standards and restrictions set forth in these Administrative Procedures.
4. The sub-grant agreements shall require the sub-grant recipients to maintain records and documentation materials consistent with the Administrative Procedures.
5. The sub-grant agreements shall incorporate the standards set forth the Texas Grants Managements Standards ([TxGMS](#)), relating to title to and management of real property and equipment.
6. The sub-grant agreements shall incorporate applicable requirements and standards necessary to implement and enforce provisions for the use of sub-grant funds as set forth in the General Terms and Conditions, including, where appropriate, provisions similar to those set forth in this Contract.
  - A. Provisions relating to the Municipal Solid Waste Disposal and Transportation Revenue Fee.
  - B. Provisions relating to Equal Employment Opportunity and nondiscrimination.
  - C. Provisions relating to contractual expenditures and the use of funds by a subcontractor.
  - D. Provisions relating to Intellectual Property Requirements.
  - E. Provisions relating to construction permits and licenses.
  - F. Provisions relating to compliance with laws and regulations.
  - G. Provisions relating to claims, costs, losses and damages.
  - H. Provisions relating to compliance with the TxGMS.

- I. Provisions relating to records, documents, access, and audit.
  - J. Provisions relating to data and publicity.
  - K. Provisions relating to safety and protection.
  - L. Provisions relating to accounting systems.
  - M. Provisions relating to compliance with the Single Audit Act and the Single Audit Circular in TxGMS.
  - N. Provisions relating to hazardous substances, waste disposal and manifests.
  - O. Provisions relating to conflict of interest.
  - P. Provisions relating to survival of obligations.
  - Q. Provisions relating to contractual costs.
  - R. Provisions relating to termination provided in the General Terms and Conditions
  - S. Provisions relating to acknowledgment of financial support.
  - T. Provisions relating to remedies, including failure on the part of the sub-grant recipient to comply with the conditions set forth in the sub-grant agreement shall be the basis for termination of the Contract and/or the revocation of any unexpended or inappropriately expended funds.
7. The sub-grant agreements shall include a defined work plan to include specific tasks and deliverables, with a concise schedule, including reporting, for completing the tasks and providing the deliverables.
8. The sub-grant agreements shall include reporting requirements for the sub-grant recipient to document the results of the grant-funded project and to provide those results to the COG for use in evaluating program effectiveness and for providing regional results information to the TCEQ as required under Reporting requirements of the Contract.
9. The sub-grant agreements shall require prior notification and written approval by the COG of the specific details of an expense or purchase, if those expenses were not already authorized under the original grant application and included in the sub-grant agreement.
- A. Changes in personnel whose salaries will be funded under the sub-grant.
  - B. Out-of-state travel and special out-of-region travel to training events and conferences. Prior to authorizing any out-of-state travel by a sub-grant recipient, the COG shall obtain written approval from the TCEQ to provide such authorization.
  - C. Equipment, construction, or contractual expenses.
  - D. "Other" category expenses, not specifically authorized in the sub-grant agreement.
  - E. The COG may authorize indirect costs under an agreement with a sub-grant recipient, in accordance with the procedures established in the [TxGMS](#). In accordance with the [TxGMS](#), when a sub-grant recipient has an indirect cost rate properly filed within the

past 24 months by a federal cognizant agency or state single audit coordinating agency, the indirect rate authorized in that agreement may be accepted by the COG.

Alternatively, the COG may authorize a sub-grant recipient to recover up to 10% (percent) of the direct salary and wage costs of providing the service (excluding overtime, shift premiums, and fringe benefits) as indirect costs, subject to adequate documentation.

- F. The COG shall not reimburse from the funds provided under this Contract any sub-grant expense that was incurred by a sub-grant recipient prior to the effective date or after the termination date of this Contract. The COG shall establish the start and termination dates of the sub-grant agreements to ensure compliance with this requirement.
- G. The sub-grant agreements shall include other standards and requirements as may be necessary to ensure that applicable requirements as set forth in this Contract are met.
- H. The COG shall administer and manage each sub-grant in accordance with this Contract, the [TxGMS](#), and all applicable laws and regulations. The COG shall be responsible for ensuring that the provisions included in the sub-grant agreements are adhered to by the sub-grant recipients. In administering the sub-grants under this Contract, the COG shall also follow the procedures set forth in these Administrative Procedures.
- I. The COG shall conduct at least one visit to each implementation project funded under this Contract to evaluate the progress of the project. For any project that included the expenditures for a constructed facility, the COG shall, conduct a site visit to view all equipment and facilities to verify the equipment purchases or the facility construction within the term of the contract. The COG shall maintain records and documentation of all project site visits, to include pictures of project sites and equipment, documentation of visit dates, a summary of the status of the project, and any notes or other information about the visit.

## General Instructions

The grant contract lists the major responsibilities of the Council of Governments (COG) in administering the financial aspects of the pass-through grants. Please note that the COG may only make payments to pass-through grant recipients on a reimbursement for expenses basis. The COG should not reimburse expenditures for a pass-through grant until it has reviewed the documentation provided by the grant recipient and is satisfied that the expenditure is authorized, appropriate, and sufficiently documented.

It is recommended that the COG utilize a standard form for pass-through grant recipients to request reimbursement of expenses. Use of such a form can be helpful in standardizing the process by which the COG reviews the expense documentation and authorizes the COG

financial staff to provide payment to the grant recipient. A standard form, with a block to be signed by an authorized official, can also help in maintaining sufficient grant records.

Attachment #8 provides an example format that the COG could use to receive requests for reimbursement from its pass-through grant recipients. Please note that, if this form is used, it is intended that additional documentation be provided for the expenses for which reimbursement is requested. Also, with any approach used by the COG, the COG should also request copies of invoices and other appropriate documentation of expenses, such as equipment purchases, contractual costs, and construction costs.

## **II-G: Project Site Visit Record, Technical Assistance Record, and Resource Center Forms**

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### **Implementation and COG-Managed Project Site Visit Record Form Instructions**

The Council of Governments (COG) is required to conduct at least one visit each biennium to each implementation project funded to evaluate the progress of the project. In addition, for any project that entails the purchase of equipment or expenditures for a constructed facility, the COG staff should view all equipment and facilities to verify receipt, equipment tracking numbers, and completion and installation. The COG is to maintain records and documentation of all site visits, to include pictures of project sites and equipment, equipment tracking numbers, documentation of visit dates, a summary of the status of the project, and any notes or other information about the site visit.

This example Implementation Project Site Visit Record Form is provided for use by the COG in documenting the conduct of visits to each project site. The COG is encouraged to modify this form as needed to fit the needs of the COG. Copies of all site visit records should be maintained in the project files and be available for review by the TCEQ staff. Unique equipment tracking numbers should be tracked and reported on the Equipment Inventory Log.

### **Example Site Visit Record Form**

#### **FY (Insert New Fiscal Year) Regional Solid Waste Grants Program Implementation Project and COG-Managed Site Visit Record Form**

---

Project Number

---

Grant Recipient

---

Grant Amount

---

Location of Project

---

Date of Site Visit

---

Visit Conducted By

	N/A	Y	N
1. Equipment Purchases			
a. Were all equipment purchases approved in advance?			
Has all equipment been received?			
Has equipment been installed?			
Has equipment been placed in operation?			
Has the equipment been listed on inventory?			
Comments (Note any equipment not viewed)			
7) Constructed Facilities			
a. Were all construction activities approved in advance?			
Are all facilities completed?			
Have the facilities been placed in operation?			
Comments ( <i>Note any facilities not viewed</i> )			
8) Contractual			
a. Were all subcontracts approved in advance?			
Have all subcontracts been completed and deliverables provided?			
Are adequate subcontract records maintained?			
Comments			



9)			
10) Project Results			
Are records of project results/effectiveness maintained?			
Are those records current?			
Comments			
11) Expense Records ( <i>List any expense and financial records reviewed; such as timesheets, travel vouchers/receipts, equipment/construction invoices, etc. Note any problems or concerns, especially where records have not been maintained.</i> )			
12) Project Status ( <i>Discuss the status of completing all project work tasks with the project manager.</i> )			
13) Comments/Concerns ( <i>Note any problems, discrepancies, and other issues that will need additional review and follow-up. Review all concerns with the project manager.</i> )			

## Technical Assistance Record Form

The COG shall provide technical assistance, conduct informational programs, participate in civic and community presentations, and otherwise provide similar assistance to entities and individuals within the COG's region on issues pertaining to solid waste management planning, as requested and appropriate.

The COGs are authorized to provide technical assistance, conduct informational programs, participate in civic and community presentations, and otherwise provide assistance to entities and individuals within the region on issues pertaining to solid waste management.

The TCEQ contract calls on the COGs to document all requests for assistance, the type of assistance provided, and the results of that assistance. The Technical Assistance Record Form is included to assist COGs in documenting technical assistance provided. To assist you in completing your Semi-Annual Report, include such information as topic of presentation or discussion, number of participants, materials distributed, and if further follow-up is necessary. This form may be modified by the COG and other methods of tracking and documenting technical assistance may be utilized.

{COG Name}

### Technical Assistance Record Form

Date	Request	Assistance Provided	Results/ Follow-up

## **Solid Waste Resource Center Information**

### **Regional Outreach, Education, and Training**

Each COG shall serve as a central point of contact for the TCEQ for solid waste management outreach, education, and training programs, to include serving as a regional contact for notices and information to the public and as may be requested by the TCEQ. The COG shall maintain and promote a regional solid waste information resource center of education and outreach material available to the public. The COG shall document visitation and usage of the resource center. Information and reference materials must include the RSWMP, CLI, this Agreement, technical studies funded through this program, permits that have been reviewed for conformance along with the conformance review statement, and other education and outreach materials pertaining to responsible municipal solid waste management practices. Information and reference materials shall be updated as necessary. Each COG is encouraged to make these resources available to the general public via a publicly accessible internet site. Where such internet sites are established, procedures should be implemented to ensure these sites are regularly updated and maintained as necessary to remain current and up to date. Internet site documentation should consist of the number of hits each site receives during the reporting period.

### **Data Collection and Analysis**

The performing party shall conduct data collection, data analysis, and data maintenance and upkeep as appropriate to facilitate the goals and objectives identified within the RSWMP and to update and maintain the CLI. The performing party shall manage the data collection and analysis as provided for in the RSWGP Administrative Procedures, unless otherwise provided for as part of the approved project description.

The following information provides a listing of resources that should be maintained as part of the Solid Waste Resource Center, as well as suggested sources for obtaining the information. COG Solid Waste Resource Centers may include access to pertinent Internet sources as well as a hard copy library.

## Statutes

### Federal

[Resource Conservation and Recovery Act, Subpart B](#) - landfill siting and design criteria  
[Clean Water Act, Section 402](#) - point source and nonpoint source pollution associated with solid waste management facilities

Clean Air Act, [Subpart WWW](#) (for landfills constructed or modified between May 30, 1991 and July 17, 2014) and [Subpart XXX](#) (for landfills constructed or modified after July 17, 2014) - landfill emissions

### State

Texas Health and Safety Code, Chapters (§) 341, §343, §361, §362, §363, §364, §365, §368, and §371

- Pertaining to solid waste management, litter abatement, sanitation and general nuisance, used oil management - [Texas Constitution and Statutes Home Page](#)

## Regulations

### Federal

Resource Conservation and Recovery Act (RCRA), [Title 40 Code of Federal Regulations \(40 CFR\), Parts 239-282](#)

- Pertaining to solid waste (Subtitle D covered in Parts 257-258)

### State

Title 30 Texas Administrative Code (30 TAC) Chapter 330, Municipal Solid Waste Regulations

- Includes rules implementing Subchapter D ([PDF](#) or [HTML](#)).  
<http://www.tceq.texas.gov/rules/indxpdf.html#330> (adobe acrobat files) or, 30 TAC §305, general permitting rules for discharge from any point source, also lists conditions a landfill may put into effect Class 1 modifications with prior written approval from the agency.

30 TAC §312, Sludge Use, Disposal, & Transportation

30 TAC §324, Used Oil Standards

30 TAC §328, Waste Minimization & Recycling

30 TAC §332, Composting

30 TAC §335, Industrial Solid Waste and Municipal Hazardous Waste

## Other Information

### Federal

Pertinent U.S. census data. <http://www.census.gov> - demographic and economic data  
Decision Makers Guide to Solid Waste Management, Second Edition, EPA, 530-R-95-023

Characterization of Municipal Solid Waste in the United States: 1998 Update, (at least the executive summary), EPA 530-R-99-021

<http://www.epa.gov/waste/nonhaz/municipal/dmg2.htm>

Criteria for Solid Waste Disposal Facilities: A Guide for Owners/Operators, EPA, 530-SW-91-089

<http://www.epa.gov/osw/nonhaz/municipal/landfill/techman/intro.pdf>

Public Private Partnerships for Environmental Facilities, A Self-Help Guide for Local Governments, EPA, 20M-2003 <http://www.p2pays.org/ref%5Co7/06617.pdf>

Public-Private Partnership Case Studies, Profiles of Success in Providing Environmental Services, EPA, 20M-2005 <http://www.unescap.org/ttdw/ppp/otherpublications.html>

### State

Summaries of annual report data for permitted municipal solid waste facilities, TCEQ  
Population estimates and projections for the state and by county, Texas State Data Center

Other state publications and materials. A number of state agencies have available a variety of publications and materials pertaining to recycling and solid waste management. The COGs are encouraged to visit the web sites of applicable state agencies to determine what materials are available for ordering or downloading from the web. Some of the agencies with data and publications that may be of interest to the region include:

- ❖ Texas Commission on Environmental Quality: <https://www.tceq.texas.gov/>
- ❖ Texas General Land Office: <http://www.glo.texas.gov>
- ❖ Texas Department of Transportation: <https://www.transportation.gov/>
- ❖ Texas Water Development Board: <http://www.twdb.texas.gov>
- ❖ Texas State Comptroller of Public Accounts: <http://www.window.texas.gov/>
- ❖ Texas Governor's Office: <http://governor.texas.gov>
- ❖ Railroad Commission of Texas: <http://www.rrc.state.tx.us/>

## **Regional**

The Regional Solid Waste Management Plan (Volume I & II) and the Closed Landfill Inventory.

Copies of Regional Solid Waste Management Plans for all bordering regions.

Copies of all plans, technical studies, ordinances, regulations, policies, etc. pertaining to solid waste management in the region prepared by regional authorities or special districts.

All technical studies funded by the TCEQ.

## **Local**

Copies of any plans, studies, ordinances, regulations, policies, etc. pertaining to solid waste management in particular cities or counties in the region.

Demographic and economic projections prepared by local governments in the region.

### Resource Center Record Form

The Resource Center Record Form is provided to assist COGs in documenting usage of the center. To assist you in completing your Semi-Annual Report, the form may include such information as number of requests for information and materials, visitation, and list dates and method of notifying interested entities of the availability of information.

{COG Name}

### Resource Center Record Form

Date	Request	Information Provided	Remarks

## **Suggested Sources for Obtaining Basic Information**

*(Please contact the TCEQ Grant Manager if the link you are searching is broken).*

### **Federal Laws, Regulations, and Publications**

U.S. Government Printing Office: <http://www.gpo.gov>

Congressional Desk (202) 512-1800: They have available compilations of laws, including Air, Water, Waste laws. Acts not available individually, but the compilations are relatively inexpensive. The different compilations will include the RCRA, Clean Water Act, and the Clean Air Act.

General Publication Desk (202) 783-3238: Information on obtaining any federal publication in general.

EPA RCRA Hotline (800) 424-9346: Copies of EPA Solid Waste Management documents and publications, Resource Conservation and Recovery Act, etc.

<http://epa.gov/rcraonline>

EPA Water Resource Center (202) 566-1729.: Copies of individual water resource documents and publications, Clean Water Act, etc.

<http://www.epa.gov/ogwdw000/resource/>

EPA Homepage: <http://www.epa.gov>

Senate Printing and Document Services

B-04, Hart Senate Office Building

Washington, DC 20510-7106

9:00 a.m. - 5:30 p.m., Monday - Friday

Phone: (202) 224-7701 (availability inquiries only)

Fax: (202) 228-2815

E-mail: [orders@sec.senate.gov](mailto:orders@sec.senate.gov)

### **TCEQ Publications**

TCEQ's Environmental Information Line 1-800-CLEANUP. To obtain copies of TCEQ documents and publications, call the TCEQ Publications at 512/239-0028. TCEQ Publications assistance can provide information for other State Agency information and documents, including those published by the General Land Office and Texas Department of Transportation.

TCEQ Homepage: <http://www.tceq.texas.gov>

### **Population and Census Information**

Bureau of the Census, U.S. Department of Commerce <http://www.census.gov>



State Data Center <http://txsdc.utsa.edu>

Texas Water Development Board, Planning Division <http://www.twdb.texas.gov>

### **State Laws and Regulations**

Texas Water Code, Texas Health and Safety Code, and other codified laws:

- West Publishing (800) 328-9352.
- Available online at <http://www.legis.state.tx.us/>

Legislation not yet codified (copies of any bills/acts):

- House Bill Distribution: (512) 463-1155
- Senate Bill Distribution: (512) 463-0252
- Available online at <http://www.capitol.state.tx.us>

TCEQ Regulations (30 TAC 330, etc.):

TCEQ Information Resources Division:

- Phone (512) 239-DATA (3282)  
FAX (512) 239-0888
- Available online at <http://www.tceq.texas.gov>

Other State Regulations available online from the Secretary of State's Office at  
<http://www.sos.state.tx.us/tac/index.shtml>

## II–H: Regional Education, Outreach, and Training

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### Regional Education, Outreach, and Training

#### Regional Information Resource Center

The COG shall maintain and promote a regional solid waste information resource center of education and outreach materials available to the public. The COG shall document visitation and usage of the resource center. Information and reference materials must include the RSWMP, CLI, this Agreement, technical studies funded through this program, permits that have been reviewed for conformance along with the conformance review statement, and other education and outreach materials pertaining to responsible municipal solid waste management practices. Information and reference materials shall be updated as necessary. COG is encouraged to make these resources available to the general public via a publicly accessible internet site. Where such internet sites are established, procedures should be implemented to ensure these sites are regularly updated and maintained as necessary to remain current and up to date.

#### Regional Outreach, Education, and Training

The COG shall serve as a central point of contact for the TCEQ for solid waste management outreach, education, and training programs, to include serving as a regional contact for notices and information to the public, as provided for in the RSWGP Administrative Procedures, and as may be requested by the TCEQ.

The COGs can use grant funds to conduct regional education, outreach, and training on municipal solid waste planning and management. In addition to the core functions that all of the COGs will be expected to implement, each COG is encouraged to conduct additional region-level programs. These may include additional education and outreach programs, further data assessment work, coordination of regional recycling market development, and other activities that directly support the implementation of RSWMP goals and objectives. These additional coordination activities may be included with the funding application, as well as submitted during the grant term for inclusion in the contract work program, as the COG identifies additional regional programs.

COGs are encouraged to establish regional programs which reach out to local and regional entities to provide education and outreach materials which promote reduce, reuse, rebuy solid waste concepts and to provide training on the same. Such activities should be considered direct cost expenses and need to be provided for in the various

budget categories. In addition, the COGs will continue to maintain a regional collection of solid waste information and reference materials and will provide the public access to those materials.

Each COG may conduct outreach, education, and training programs in response to a request from the TCEQ without further authorization from the TCEQ. Each COG may conduct additional outreach, education, and training activities to support implementation of the goals and objectives of the RSWMP.

Each COG shall document all activities conducted under this category, including preparing written notices and agendas, documenting attendance at outreach events, and otherwise tracking activities and the results of those activities.

## SECTION III: REFERENCES

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### A. [Texas Grants Management Standards](#)

- ❖ Solid Waste Coordinator Contact List (See Attachment 9 - Excel)
- ❖ Solid Waste State Funding Allocation (See Attachment 10 - PDF)
- ❖ Schedule of Deliverables (See Attachment 2 - Excel)

## III-A: Texas Grants Management Standards

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Use the following link to access the Texas Grants Management Standards: [Texas Grants Management Standards](#)

## III-B: Solid Waste Coordinator Contact List

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See Attachment 9 for the COG Contact List (Excel).

## III-C: Solid Waste Funding Allocation

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See Attachment 10 for the COG Contact List (PDF).

## III-D: Schedule of Deliverables

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See Attachment 2 for the Schedule of Deliverables (Excel).