

## **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.