

(b) Documentation of a public information and education program indicating that citizens involvement has been taken into account in preparing the special project feasibility study.

(c) Description of potential impacts and identification of persons who may be adversely affected by project implementation.

(d) The special study's consistency with the department-approved solid waste management plan or department-approved update and the requirements of ch. 144, Stats.

(e) Satisfactory completion of the final special study report.

(5) **APPROVAL CRITERIA FOR WASTE REDUCTION AND RECYCLING PLANS.** In evaluating the completed waste reduction and recycling plan, the department shall consider the following factors:

(a) Satisfactory completion of the detailed scope of work identified in the grant application.

(b) A signed formal resolution showing adoption of the waste reduction and recycling plan and the grantee's commitment to implement all final recommendations.

(c) Satisfactory completion of the requirements in s. NR 186.08 (2).

(d) The waste reduction and recycling plan's consistency with the department-approved areawide solid waste management plan or department-approved update.

(e) Satisfactory compliance with s. 144.782 (4), Stats., approval criteria.

(6) **APPROVAL CRITERIA FOR WASTE REDUCTION AND RECYCLING DEMONSTRATION PROJECTS.** In evaluating the completed waste reduction and recycling demonstration project, the department shall consider the following factors:

(a) Satisfactory completion of the detailed scope of work identified in the grant application.

(b) Satisfactory completion of the requirements in s. NR 186.08 (3).

(c) Satisfactory compliance with s. 144.799, Stats., approval criteria.

History: Cr. Register, February, 1979, No. 278, eff. 3-1-79; am. (1), (3) (a) and (b), cr. (4), Register, January, 1983, No. 325, eff. 2-1-83; renum. from NR 186.08 and am. (1), cr. (4) (e), (5) and (6), Register, February, 1986, No. 362, eff. 3-1-86.

NR 186.10 Financial assistance. (1) GENERAL CONSIDERATIONS. The following conditions apply to planning grants, site feasibility study grants, waste reduction and recycling planning grants, demonstration project grants and to special study project grants:

(a) No awards made under this chapter shall restrict or prevent agreements between grant recipients and private enterprise for construction, operation, or abandonment of solid wastes facilities, resource recovery, or sludge management facilities.

(b) The grant recipient's share of preparing the plan, site feasibility study, waste reduction and recycling plan or demonstration project, or

special study project may not be less than 25% of the total eligible costs of the project.

(c) All available federal funding under the resource conservation and recovery act for areawide solid waste management planning, disposal site feasibility studies, waste reduction and recycling plans, and special study projects shall be utilized by the department to supplement and increase the levels of funding available for grants awarded under this chapter to the maximum extent possible.

(d) The grant periods for areawide planning, site feasibility, and waste reduction and recycling planning shall be 18 months after the date of acceptance. Each special study project grant is valid for one year after the date of acceptance. The grant period for demonstration projects shall be determined on a case-by-case basis and stated in writing in the grant agreement. The department may determine, on a case-by-case basis, that a time extension is warranted. The length of such an extension shall be determined by the department.

(e) Any additional expenditures by the grant recipient over the amount of the original estimated project costs shall not be considered for matching payment by the department. The original award amount specified in the approved grant contract is a sum certain amount. The scope of the project may be amended after acceptance of the grant award, but this amendment is subject to department approval. However, any cost increases related to changes in the project's scope are ineligible for matching state monies.

(f) The grant award monies are matching funds, and final project accounting shall show grant expenditures at the same percentage as other funds for the project.

(g) Only costs incurred during the grant period shall be eligible for cost sharing under this program.

(h) After an applicant has accepted a grant offer, the department shall make available to the applicant 75% of the total amount of the grant. The remaining 25% of the total amount of the grant shall be paid to the applicant only if the final plan, site feasibility study report, waste reduction and recycling plan, demonstration project or special study report and final accounting of project expenditures have been approved, in writing, by the department.

(i) Within 60 days after project completion or the end of the grant period, a final accounting of project expenditures shall be submitted to the department.

(j) Any unexpended grant monies shall be returned to the department within 60 days after expiration of the grant period.

(k) The grant applicant shall maintain appropriate records to document expenditures made during development of the plan, site feasibility study, waste reduction recycling plan, demonstration project or special study report. These records shall be made available to the department upon request.

(l) The department may terminate the grant and the grant recipient shall return the full grant amount if the department determines that:

1. There has been no substantial performance on the plan, site feasibility study, waste reduction and recycling plan, demonstration project, or special study work by the grantee, without good cause;
2. There is substantial evidence the grant was obtained by fraud; or
3. There is substantial evidence of gross abuse or corrupt practices in the administration of the project.

(m) The department may not consider the establishment of beverage container deposit regulations as a factor in issuing any grant under this chapter.

(2) AREAWIDE SOLID WASTE MANAGEMENT PLANNING GRANTS. (a) *Grant payments.* The department may make grant payments to planning applicants which provide up to 50% of the estimated total eligible cost of the applicant's areawide solid waste management plan. The grant may not exceed \$100,000. The department may make grant payments to waste reduction and recycling planning applicants which provide up to 50% of the estimated total eligible cost of the applicant's waste reduction and recycling plan. The grant may not exceed \$50,000. A grant recipient is not eligible to receive more than one solid waste management planning grant or more than one waste reduction and recycling planning grant under this chapter. A county and a regional planning commission may, however, each receive one solid waste management planning grant or one waste reduction and recycling planning grant for the same area under this section, if the plan objectives are substantially different.

(b) *Reimbursement.* 1. *General.* To promote continuation of solid waste management planning under this program, a system of reimbursement is provided according to the following procedures.

2. *Eligibility.* The reimbursement process shall be implemented only when the fiscal demand of eligible applications exceeds the amounts of funds available under this program. To be eligible for reimbursement, an applicant must meet the same requirements as are established in this chapter for regular grant projects.

3. *Reimbursement process.* a. For those projects which are eligible for reimbursement funding, the department may enter into a reimbursement agreement. All reimbursement agreements shall be made on forms prepared by the department. The reimbursement agreement shall be signed by the authorized administrator of the department and will set forth the terms and conditions of the agreement. The terms and conditions shall specify that reimbursement will be made only upon the appropriation of sufficient funds by the legislature in a subsequent year of the program.

b. The state grant administration procedures for reimbursement shall follow the same processes as established in this chapter for regular grants.

4. *Reimbursable costs.* Only estimated costs anticipated at the time of application and incurred after the reimbursement agreement is entered into shall be eligible for cost sharing under this program.

(3) SPECIFIC SOLID WASTE DISPOSAL SITE FEASIBILITY STUDY GRANTS. The department may award a grant to feasibility study applicant which provides up to 25% of the estimated total eligible cost of the applicant's

feasibility study. The grant shall not exceed \$50,000. An applicant may receive more than one feasibility study grant provided that no more than one application is submitted for each year of this program.

(4) **SPECIAL STUDY PROJECT GRANTS.** The department may award a grant to a special study applicant which provides up to 50% of the total estimated cost of the special study project. The grant may not exceed \$50,000. An applicant may receive more than one special project grant under this chapter, provided that no more than one application is submitted for any one year. All previously awarded special study projects shall be satisfactorily closed out, including the financial audit, by the department before an applicant is awarded another grant.

(5) **WASTE REDUCTION AND RECYCLING DEMONSTRATION PROJECT GRANTS.** The department may award a grant to a demonstration project applicant which may not exceed 50% of the actual development cost or \$75,000, whichever is less. An applicant may only receive one demonstration project grant for any one specific project, or projects that are closely related.

History: Cr. Register, February, 1979, No. 278, eff. 3-1-79; am. (1) (intro.) to (d), (h), (k), (l) 1. and (2) (a), cr. (4), Register, January, 1983, No. 325, eff. 2-1-83; renum. from NR 186.09 and am. (1) (intro.), (b) to (d), (h), (k), (l) 1., (2) (a) and (4), cr. (1) (m) and (5), Register, February, 1986, No. 362, eff. 3-1-86; reprinted to correct error in 1 (l) (intro.), Register, April, 1989, No. 400.

NR 186.11 Priority list. (1) To the greatest extent possible, applications for waste reduction and recycling planning grants shall receive first consideration in each grant cycle for approval and funding by the department. To the greatest extent possible, applications for special studies shall receive second consideration in each grant cycle for funding by the department. Applications for specific solid waste disposal site feasibility studies grants shall receive third consideration in each grant cycle for funding by the department. Applications for areawide solid waste management planning grants shall receive fourth consideration in each grant cycle for funding by the department.

(2) Factors and scoring methods used by the department in developing funding priorities for individual plans and site feasibility studies are:

(a) *Current disposal practices and their suitability for environmentally sound disposal.* The score shall be a number equal to 100 minus the percentage of applicant's population served by disposal sites within the county which are approved for coverage under the waste management fund, which are not classified as an open dump and which can provide disposal for 2 years from the grant application date.

(b) *Waste generation volumes.* The score shall be a number equal to 100 times the logarithm of the applicant's population divided by the logarithm of the population of the applicant with the largest population. The latest population projections provided by the department of administration will be used for this calculation.

(c) *Existing areawide planning activities and extent of existing or previously developed plans.* The score shall be a number equal to 50 points for an approved ch. NR 185 plan or 100 points for no approved ch. NR 185 plan.

(d) *Extent and availability of alternative funding sources.* The score shall be a number equal to 100 minus the percentage of the total project costs paid by alternate funding sources.

(e) *Size of the area to be served.* The score shall be a number equal to 100 times the applicant's area divided by the area of the applicant with the largest area.

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