

Administrative Procedures Act Rules

Title 11: Mississippi Department of Environmental Quality

Part 4: Nonhazardous Solid Waste Management Regulations

Part 4, Chapter 3: Mississippi Commission on Environmental Quality Grant Regulations for Waste Tire and Solid Waste Assistance Funds, Authority

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Rule 3.1 Waste Tire Grant Guidelines.

A. Eligibility and Allocation of Funds

- (1) Monies allocated to the Environmental Protection Trust Fund from waste tire fees shall be utilized for making grants as follows:
 - (a) To counties, municipalities, or regional solid waste management authorities
 - (1) for providing a waste tire collection site(s) for small quantity waste tire generators, and
 - (2) for use in clean-up of small scattered unauthorized waste tire dumps, not abated under the Department's waste tire abatement program. These grants shall herein be known as "local community waste tire collection and clean-up grants";
 - (b) To persons that will manufacture products from waste tires, use recovered rubber from waste tires or use waste tires as a fuel or fuel supplement and for funding research and demonstration projects directly related to solving solid waste problems resulting from waste tires, herein known as "waste tire recycling/research grants".

- (c) To counties, municipalities or regional solid waste authorities for purchase of products derived from Mississippi Waste Tires, herein known as tire-derived product grants.
 - (d) To counties, municipalities or regional solid waste authorities for providing funds for employment of a solid waste enforcement officer, herein known as solid waste enforcement officer grants.
- (2) For local community waste tire collection and clean-up grants:
- (a) The Department of Environmental Quality (Department) may receive grant applications at any time. All applications received will be evaluated for consistency with these regulations, subject to the availability of funds.
 - (b) The entire cost of the local community waste tire collection and clean-up program may be eligible for grant award.
- (3) For waste tire recycling/research grants:
- (a) The Department will receive grant applications semiannually. All applications received by April 1 and October 1 of each year will be evaluated for consistency with these regulations, subject to the availability of funds.
 - (b)
 - (1) No more than 50% of the costs of the project are eligible to provide incentive grants to persons that will manufacture products from waste tires, use recovered rubber from waste tires or use waste tires as a fuel or fuel supplement.
 - (2) No more than 50% of the costs of the project are eligible to provide funding for research and demonstration projects related to solving waste tire problems resulting from waste tires if such a project is proposed by a private, commercial establishment. However, up to 100% of the costs of the project are eligible for grant awards, if such project is proposed by a public or nonprofit entity.
- (4) For tire-derived product grants:
- (a) Based on the availability of funding, the Commission on Environmental Quality (Commission) may set aside designated funds for use in awarding grants to local governments to purchase products derived from waste tires generated in Mississippi. Upon the designation of such funds by the Commission, the Department shall advertise the availability of the funding

and shall determine and advertise a date during the fiscal year to receive applications for these grant funds.

- (b) Grant funds are only available to purchase products that have been sufficiently demonstrated or, where necessary, have been certified as a product for use in the intended purpose.
- (5) For solid waste enforcement officer grants:
- (a) The Department of Environmental Quality (Department) may receive grant applications from local governments at any time. All applications received will be evaluated for consistency with these regulations, subject to the availability of funds.
 - (b) Local government applicants which obtain grant funding under Rule 3.2(A)(1) of these regulations for up to 50% of the cost of employing a local solid waste enforcement officer are eligible to receive an additional 25% of the total funding to supplement the primary grant award. Overall funding under these conditions shall not exceed 75% of the total costs of employing a local solid waste enforcement officer.
 - (c) Local government applicants which obtain grant funding as described in Rule 3.1(A)(5)(b) above may be eligible for an additional 10% of the total funding where the government has adopted an enforceable local solid waste dumping ordinance or code. Overall grant funding under these conditions shall not exceed 85% of the total costs of employing a local solid waste enforcement officer.
 - (d) In instances where solid waste assistance funds under Rule 3.2(A)(2) are unavailable or where the local government has already committed its eligible solid waste assistance funds to other uses, the local government applicant may be eligible to receive funds under this Section as the primary funding for the cost of employing a local solid waste enforcement officer. Under these conditions, the local government applicant may apply for funds for the payment of up to 50% of the cost of employing the officer.
 - (e) The cost of employing a solid waste enforcement officer shall be limited to salary and fringe benefits for purposes of these regulations.
 - (f) Enforcement officers employed with support from these funds shall comply with the conditions and work duties prescribed by the Department for local solid waste enforcement officers.
 - (g) Where possible, grants under this Section will be awarded either as part of a local community waste tire collection and clean-up grant, described in

Rule 3.1(A)(1)(a) and 3.1(A)(2) or a part of a grant awarded for the cost of employing a solid waste enforcement officer, described in Rule 3.2(A)(1)(d) and 3.2(A)(8).

(6) Other Grant Guidelines

- (a) Generally, no grant shall be awarded under Rule 3.1(A)(3) and (4) for any activity, which receives less than 75% of its waste tires from Mississippi waste tire sites, retailers or residents. However, the Commission may consider requests for funding from applicants who do not meet this requirement contingent upon the applicant demonstrating that the activity does or will accept Mississippi waste tires and that the award of the requested funding would be in the best interest of the State of Mississippi. The burden of proof shall be on the applicant to demonstrate that eligibility requirements have been met.
- (b) No grant shall be awarded for the purchase or lease of equipment or other property, unless it can be demonstrated that such equipment or property is integral to the successful achievement of the overall goals of Rule 3.1(A)(1)(a), (b), or (c).
- (c) No grant shall be awarded to a local government under Rule 3.1(A)(3), (4), or (5), if it is determined that the local government has not developed an adequate local waste tire collection and clean-up program.
- (d) No grant shall be awarded if the grant is determined by the Department to be inconsistent with a local, solid waste management plan that has been submitted to and approved by the Commission.

B. Grant Application Procedures

- (1) In order to receive consideration for a grant award from the Commission on Environmental Quality, persons or entities shall submit to the Department an application package, including an original and two (2) copies of a grant application. The application package shall contain the following items:
 - (a) a completed grant application form, as provided by the Department;
 - (b) a detailed narrative description of the proposed activity and discussion of the technical and economic feasibility of the project;
 - (c) documentation of completion of the intergovernmental review process as described in the appendix to this rule, including copies of all intergovernmental review agency comments received;

- (d) a copy of all local, state, and federal permits to conduct the proposed activity;
 - (e) all other forms, documents, and supporting information required by the Department.
- (2) Where funds requested exceed funds available, applications shall be evaluated and ranked, with preference for approval based on the following factors:
- (a) For local community waste tire collection and clean-up grants:
 - (1) The applicant has not been previously funded or has not received funds during the current state fiscal year.
 - (2) The project proposes to recycle waste tires for other uses rather than conducting activities which simply lead to the disposal of the tires.
 - (3) The funds requested will be used as leverage, or matching for additional funds.
 - (4) The project is proposed to serve an area that has inadequate waste tire management capacity.
 - (5) The project proposes to process or manage a larger number of waste tires than other projects proposed.
 - (b) For waste tire recycling/research grants:
 - (1) The project proposes to recycle the whole tire rather than use only parts of the tire.
 - (2) The project is an integral part of a county or regional waste tire management plan.
 - (3) The funds requested will be used as leverage, or matching for additional funds.
 - (4) The technical and/or economic merits of the project appear superior to other projects proposed.
 - (5) The project is proposed to serve an area that has inadequate waste tire management capacity.
 - (6) The project proposes to process or manage a larger number of waste tires than other projects proposed.

- (7) The project proposes to employ higher numbers of persons than other projects proposed.
 - (8) The proposal is vital to the continuation and/or completion of an on-going research project.
 - (9) The project is proposed by a university, college, other academic group, or public agency.
- (c) For tire-derived product grants:
- (1) The applicant has not been previously funded or has not received funds during the current state fiscal year.
 - (2) The tire-derived product to be used is a newly developed product or has not previously been utilized in Mississippi.
 - (3) The purchase of the tire-derived product will lead to the establishment or growth of efforts to manufacture the product in Mississippi.
 - (4) The proposal is deemed to be creative and innovative and has a high potential for providing additional solutions to the problems of waste tire management.
 - (5) The local government applicant has established an ongoing successful waste tire collection and clean-up program including an adequate number of collection sites and appropriate public outreach efforts.
- (d) For solid waste enforcement officer grants:
- (1) The applicant has established an ongoing, successful, local solid waste enforcement program.
 - (2) The applicant has adopted enforceable and appropriate local dumping ordinances or laws.
 - (3) The applicant has demonstrated a long term commitment of funding support to the employment and work efforts of a local solid waste officer, rather than for just the proposed grant period.

- (4) The applicant proposes an enforcement program that will serve a wider geographic area and/or a larger population base than other projects.
- (5) The applicant has established an ongoing successful waste tire collection and clean-up program including an adequate number of collection sites and appropriate public outreach efforts.

C. Disapproval of Grant Applications

- (1) The Department may refuse to approve a grant application for any of the following reasons:
 - (a) the Department determines that the project is not consistent with state law or with Rule 3.1(A) or (B) of these regulations;
 - (b) the Department determines that the project is not consistent with the approved local solid waste management plan;
 - (c) the Department determines that, for those proposals involving incentive recycling projects, the project is not likely to result in the utilization of a manufactured product or recovered rubber, or the utilization of waste tires as a fuel or fuel supplement;
 - (d) the Department determines that, for those proposals involving research and demonstration projects, the project is not directly related to solving a solid waste problem resulting from waste tires, or is not likely to result in solving the problem;
 - (e) the Department determines that the applicant does not possess the required local, state, or federal permits necessary to construct or conduct the proposed activity;
 - (f) the applicant is in violation of, or delinquent on, any condition of a previously awarded grant by this Department;
 - (g) the applicant has been significantly or habitually in violation of environmental laws, regulations, or permits;
 - (h) the applicant has deliberately falsified information submitted as part of the application;
 - (i) the Department determines that the applicant has proposed expenditures for grant project activities or components that are unnecessary or that exceed the expected usual and customary costs for such activities or components.

- (j) the Department determines there are insufficient funds in the waste tire account.; and
 - (k) the proposal ranks lower than other projects based on the factors described in Rule 3.1(B).
- (2) If the Department should refuse to approve a grant application for any reason, the applicant may request a hearing before the Commission in accordance with Section 49-17-35, Mississippi Code Annotated.

D. Conditions of Grant Awards

- (1) Grants made to counties, municipalities or regional solid waste management authorities shall require compliance with all applicable procurement and purchasing regulations established pursuant to state law.
- (2) At the discretion of the Commission, monies which are unspent after the expiration date of the grant award shall be forfeited back into the waste tire account.
- (3) Grants made to any person or group which are awarded for less than 100% of the total estimated costs of the project shall ensure that the grantee's matching share is expended or committed in proportion to the release of state grant funds.
- (4) The Commission may include any other conditions as part of the grant award which it determines are necessary to reasonably manage the project and/or protect the environment.

E. Reallocation of Funds

The Commission, upon determination that unused grant funds are available in a particular category, may reallocate funds between the programs described in paragraph A.1 of this rule.

Source: Miss. Code Ann. §§ 17-17-1, et seq., 49-2-9(1)(b), 49-17-17(i), 17-17-201, et seq., 17-17-401, et seq., 49-2-1, et seq. and 49-17-1, et seq.

Rule 3.2 Local Governments Solid Waste Assistance Grant Guidelines.

A. Eligibility and Allocation of Funds

- (1) The Local Governments Solid Waste Assistance Fund shall be used to provide grants to counties, municipalities, regional solid waste management authorities or multi-county entities for one or more of the following purposes:

- (a) Clean-up of existing and future unauthorized dumps on public or private property, subject to the limitation of Section 17-17-65(3), Mississippi Code, Annotated and paragraph A.9 of this Rule.
 - (b) Establishment of a collection center or program for white goods, recyclables or other bulky rubbish waste not managed by local residential solid waste collection programs;
 - (c) Provision of public notice and education related to the proper management of solid waste, including recycling;
 - (d) Payment of a maximum of fifty percent (50%) of the cost of employing a local solid waste enforcement officer;
 - (e) Payment of a maximum of seventy-five percent (75%) of the cost of conducting household hazardous waste collection day programs in accordance with Sections 17-17-249 through 17-17-445 and the Mississippi “Right-Way to throw away Program” Regulations; and
 - (f) Development of other local solid waste management program activities associated with the prevention, enforcement or abatement of unauthorized dumps, as approved by the Commission.
- (2) Excepting those monies used by the Department for administration of this program, as provided in Section 17-17-65, monies deposited annually in the Local Governments Solid Waste Assistance Fund and any balance of funds not awarded from the previous year shall be allocated as follows:
- (a) One-half (1/2) shall be allocated to each county based on the percentage of State Aid road mileage as established by the Mississippi Department of Transportation State Aid road formula at the beginning of the fiscal year. This portion of the fund shall be referred to as the non-competitive funds.
 - (b) One-half (1/2) shall be made available to counties, municipalities, regional solid waste management authorities, or other multi-county entities for grants on a competitive basis. This portion of the fund shall be referred to as the competitive fund.
- (3) The amount of non-competitive funds allocated to individual counties shall be based upon the amount of money estimated to be deposited into the Local Governments Solid Waste Assistance Fund during the first three months of the fiscal year plus the balance of funds not awarded from the previous year. All money deposited into the fund after the first three months of the fiscal year

shall be retained in the fund for the succeeding fiscal year and included in that year's allocation.

- (4) Any county belonging to a regional solid waste management authority or other multi-county entity shall adopt a resolution to allow the regional authority or other multi-county entity to apply for and use the county's noncompetitive funds. In such a case, the county will not be eligible for the annual allocation until the next fiscal year, but remain eligible for the competitive funds.
- (5) No grantee shall use more than three percent (3%) of the funds provided to defray the costs of administration of the grant.
- (6) Funds provided through a grant award shall not be used to pay any costs of the establishment or operation of a landfill, rubbish disposal site or other type of solid waste disposal facility, for the routine collection of garbage or to collect any fees assessed under Section 19-5-21 or 21-19-2, Mississippi Code Annotated.
- (7) A county or municipality that has an inadequate garbage collection and disposal system or an inadequate rubbish disposal system as required by Section 19-5-17 or 21-19-1, Mississippi Code, Annotated, may not receive funding assistance from this fund. Additionally, the county must have a waste tire collection program in place, as required by Section 17-17-409, Mississippi Code Annotated, before a grant award can be approved by the Department.
- (8)
 - (a) A grantee may receive funds for the payment of up to fifty percent (50%) of the cost of employing a local solid waste enforcement officer. The costs of employment of a local enforcement officer shall be limited to salary and fringe benefits for purposes of these regulations.
 - (b) Enforcement officers employed with support from these funds shall comply with the conditions and work duties prescribed by the Department for solid waste enforcement officers.
- (9) If a grantee receives funds to clean up any unauthorized dumps on public or private property, the grantee shall make a reasonable effort to determine if a responsible party or person can be identified and, if so, to require that party or person to clean up the property. If the grantee is unable to locate or identify the responsible party or person, or if the grantee determines that party or person is financially or otherwise incapable of cleaning up the property, the grantee shall make a reasonable effort to recover any funds expended from any known responsible person or from any person subsequently located or identified. Any such funds recovered may be retained and used by the grantee for any lawful expenditure relating to the solid waste assistance grant award.

- (10) No grant shall be awarded for the purchase or lease of equipment or other property, unless it can be demonstrated that such equipment or property is integral to and will be primarily used for the successful achievement of the project purposes as described in Rule 3.2(A)(1). For purposes of this rule, property shall include structures, fencing, or other items, but not land purchases.

B. Grant Application Procedures

In order to receive consideration for a grant award from the Commission on Environmental Quality, counties, municipalities, regional solid waste management authorities, and other multi-county entities shall submit an application as per the following procedures:

- (1) Non-Competitive Fund Grant Applications - Counties may submit an application for the amount of allocated funds described in Rule 3.2(A)(2)(a) these regulations, upon annual notification by the Department.
 - (a) The Department may receive grant applications at any time, but not later than April 30 of the funding year. Any county not submitting a complete grant application by the above date shall forfeit its funding allocation for that state fiscal year.
 - (b) The entire cost of the program may be eligible for funding, subject to the limitations in Rules 3.2(A)(2)(a) and (A)(8).
 - (c) Grant applications shall be submitted on a form provided by the Department and shall include a detailed narrative description of the scope of work and a proposed budget for the planned activities.
- (2) Competitive Fund Grant Applications - Counties, municipalities, regional solid waste management authorities and other multi-county entities may submit an application for a grant up to the amounts described in Rule 3.2(B)(2)(b) below.
 - (a) The Department will receive competitive grant applications twice each year. All applications received by April 1 and October 1 of each funding year will be evaluated consistent with these regulations, subject to the availability of funds.
 - (b) Unless specifically approved by the Commission, applicants shall be limited to the following maximum funding levels:
 - (1) For counties, municipalities, regional solid waste management authorities, or multi-county entities whose latest census

population is 50,000 or greater, the maximum funding level shall be \$75,000.

- (2) For counties, municipalities, regional solid waste management authorities, or other multi-government entities whose latest census population is 25,000 or greater but less than 50,000, the maximum funding level shall be \$50,000.
 - (3) For counties, municipalities, regional solid waste management authorities, or other multi-government entities whose latest census population is 10,000 or greater, but less than 25,000, the maximum funding level shall be \$25,000.
 - (4) For counties, municipalities, regional solid waste management authorities, or other multi-government entities whose latest census population is less than 10,000, the maximum funding level shall be \$15,000.
- (c) Grant applications shall be submitted on forms provided by the Department and shall contain the following items:
- (1) a completed grant application form as provided by the Department;
 - (2) a detailed narrative description and a proposed budget of the planned activity;
 - (3) a discussion of how the project will be an integral part of the city/county/regional solid waste management plan for the area;
 - (4) a copy of any local, state, and/or federal permits, if applicable, to conduct the proposed activity;
- (d) A city and county may apply jointly for the competitive funds with one entity as the lead applicant.
- (e) If a county, municipality, regional solid waste management authority, or other multi-county entity uses the total population of a county or counties to apply for the maximum funding level allowed in Rule 3.2(B)(2) of these regulations, the proposed project or program must provide for benefits and/or services to all persons included in the population base.
- (f) Any application submitted by a regional solid waste management authority or other multi-county entity must contain documents of authorization from a majority of the members.

- (g) Applications shall be evaluated and ranked with preference for approval based on the following factors:
 - (1) The applicant has not been previously funded under this grant category.
 - (2) The project is deemed creative and innovative.
 - (3) The funds requested will be used as leverage, or matching for additional funds.
 - (4) The project will result in significant enhancement or improvement of the solid waste management program or services of the project area.
 - (5) The technical and economic merits of the project appear superior to other projects.
 - (6) The project proposes a long term commitment of staff and monies by the applicant to a comprehensive solid waste management program rather than for just the proposed grant period.
 - (7) The project is proposed for an area containing a greater population base than other projects.

C. Disapproval of Grant Applications

- (1) The Department may refuse to approve a grant application for any of the following reasons:
 - (a) the Department determines that the project is not consistent with these regulations;
 - (b) the Department determines that the applicant has failed to provide a complete application as per Rule 3.2(B)(1)(c) and/or (B)(2)(c);
 - (c) the Department determines that the applicant does not possess the required local, state, or federal permit(s) necessary to conduct the proposed project;
 - (d) the applicant is in violation of, or delinquent on, any condition of a previously awarded grant by this Department;

- (e) the applicant has deliberately falsified information submitted as part of the application;
 - (f) the Department determines that the applicant has proposed expenditures for grant project activities or components that are unnecessary or that exceed the expected usual and customary costs for such activities or components; and
 - (g) there are insufficient grant funds in the subject accounts of the local governments solid waste assistance fund;
 - (h) the proposal is ranked lower by the Department than other proposals based on the factors described in Rule 3.2(B)(2)(g).
- (2) If the Department should refuse to approve a grant application for any reason, the applicant may request a hearing before the Commission in accordance with Section 49-17-35, Mississippi Code, Annotated.

D. Conditions of Grant Award

- (1) The grantee shall comply with all applicable procurement and purchasing regulations established pursuant to state law.
- (2) At the discretion of the Department, monies which are unspent after the grant expiration date shall be forfeited back to the local governments solid waste assistance fund.
- (3) The grantee's matching share, if applicable, shall be expended or committed in proportion to the release of state grant funds.
- (4) A summary report shall be prepared and submitted to the Department with each reimbursement request, detailing the cost of the project and a summary of the activity conducted during the payment period.
- (5) The Commission may include other conditions as part of the grant award, which are determined necessary to reasonably manage the project and/or protect the environment.

Source: Miss. Code Ann. §§ 17-17-1, *et seq.*, 49-2-9(1)(b), 49-17-17(i), 17-17-201, *et seq.*, 17-17-401, *et seq.*, 49-2-1, *et seq.* and 49-17-1, *et seq.*

Rule 3.3 Solid Waste Planning Grant Guidelines

A. Eligibility and Allocation of Funds

- (1) Ten percent (10%) of the amount deposited in the local governments solid waste assistance fund annually shall be set aside in a “solid waste planning grants fund.” This fund shall be used to make grants to counties, municipalities, regional solid waste management authorities, or other multi-county entities to assist in defraying the cost of preparing solid waste management plans as required by Section 17-17-227 of the Mississippi Code, Annotated. Such grants for purposes of these regulations shall be herein referred to as “planning grants.”
- (2) Any funds remaining in the solid waste planning grants fund at the end of the State Fiscal Year that are not awarded shall be deposited back into the Solid Waste Assistance Fund and shall be reallocated as described in Section 17-17-65 of the Mississippi Code, Annotated.
- (3) Planning grant awards shall only be made to counties, municipalities, regional solid waste management authorities or other multi-county entities to conduct planning efforts involving the comprehensive development or comprehensive update of a local solid waste management plan. No planning grant shall be awarded for conducting efforts involving only amendments or modifications to a local plan, such as the addition of a new facility or program, the change in service area for a facility, or other limited planning modifications that are not comprehensive in scope.
- (4) No planning grant shall be awarded to a county or municipality that is a member of a regional solid waste management authority or other multi-county entity, unless that county or municipality has formally withdrawn from the authority or multi-county entity in a manner consistent with the applicable sections of state law.
- (5) Planning grants may be used to defray the costs of preparing and developing a local solid waste management plan, where the employee, person, contractor, or organization developing the plan has obtained approval from the Department to prepare such comprehensive solid waste plans in the State of Mississippi. A grant applicant may select an approved person or organization to conduct the local planning efforts from a listing maintained by the Department. Inclusion of persons or organizations on the listing shall be based upon the presentation of credentials demonstrating knowledge and expertise of solid waste planning in Mississippi and upon other information determined necessary by the Commission. Persons that are denied inclusion on the listing may appeal such decision to the Mississippi Commission on Environmental Quality.
- (6) Whether an applicant chooses to utilize internal resources or contractual resources to conduct the planning project, the planning project costs eligible for grant funding shall generally be limited to the following:

- (a) the salary of the personnel directly involved in the collection of planning information and in preparing the plan, for only that time expended in the development of the plan,
- (b) the associated travel costs of appropriate personnel for only that travel that directly relates to the collection of information to develop the plan,
- (c) the costs of formally adopting the plan including the costs of public notice and hearing and other associated expenditures related to complying with the procedures outlined in state law and regulations for adoption of local solid waste management plans, and
- (d) other miscellaneous costs such as publication costs, survey costs, mailing and delivery costs, and other items directly related to collecting information and preparing the plan.

Project costs must be specifically disclosed and justified in the proposed budget submitted with the grant application as described in Rule 3.3(B)(2).

- (7) No grant shall be awarded under this program for the purchase or lease of equipment or other property.

B. Grant Application Procedures

In order to receive consideration for a grant award from the Commission on Environmental Quality, counties, municipalities, regional solid waste management authorities and other multi-county entities shall submit an application as per the following procedures:

- (1) The Department may receive planning grant applications at any time, but not later than April 30 of the funding year. All applications received before that date will be evaluated for consistency with these regulations, subject to the availability of funds.
- (2) Grant applications shall be submitted on a form provided by the Department and shall include a narrative description of the scope of work and an itemized budget for the planning project. The itemized budget shall indicate the overall total costs of conducting the planning effort and the amount of grant funds proposed to be applied towards the total cost of the planning effort.
- (3) Grant applicants that propose to utilize contractual assistance in preparing the plan shall include the name, the contact information, and the primary person(s) of contact for the contractor selected by the applicant and the reasons for the selection of the contractor.

- (4) Unless specifically approved by the Commission, applicants shall be limited to the following grant funding levels:
- (a) For counties, municipalities, regional solid waste management authorities, or multi-county entities whose latest census population is 75,000 or greater, the maximum funding level shall not exceed 50% of the total costs of conducting the planning project.
 - (b) For counties, municipalities, regional solid waste management authorities, or multi-county entities whose latest census population is 25,000 or greater but less than 75,000, the maximum funding level shall not exceed 60% of the total costs of conducting the planning project.
 - (c) For counties, municipalities, regional solid waste management authorities, or multi-county entities whose latest census population is less than 25,000, the maximum funding level shall not exceed 75% of the total costs of conducting the planning project.
 - (d) For counties, municipalities, regional solid waste management authorities, or other multi-county entities that are deemed to be economically disadvantaged communities, the maximum funding level may be up to 90% of the total costs of conducting the planning project. For the purposes of these regulations, an economically disadvantaged community shall be defined as one that meets at least one of the following criteria:
 - (1) The county has an annualized unemployment rate that is 200% of the state unemployment rate as determined by the Mississippi Employment Security Commission's most recently published data, or
 - (2) 30% or more of the population of the county is at or below the federal poverty level, based on data compiled in the most recent federal census.

Local governments applying for funding as economically disadvantaged communities must demonstrate in the grant application that the community meets at least one of these criteria.

- (5) Applications shall be evaluated and ranked with preference for approval based on the following factors:
- (a) Circumstances have occurred where no approved solid waste plan exists for the jurisdictional area of the applicant.
 - (b) The proposed planning project is the result of an order or directive of the Commission on Environmental Quality.

- (c) The level of need of the local planning project is greater than for other proposed projects.
- (d) The applicant has not been previously funded under this grant category.

When funds requested exceed funds available, the ranking factors above may be used to determine which projects are awarded grant funding. However, the Commission, in its discretion, may also apportion available funding to all applicants in a fair and equitable manner when the factors above do not yield clear award preferences. Such apportionment shall be made utilizing the maximum funding percentages of Rule 3.3(B)(4) as guidance.

C. Disapproval of Grant Applications

- (1) The Department may refuse to approve a grant application for any of the following reasons:
 - (a) the Department determines that the planning project is not consistent with these regulations or with State laws or regulations governing the development of a local solid waste management plan;
 - (b) the Department determines that the applicant has failed to provide a complete grant application as per Rules 3.3(B)(1) and/or (2);
 - (c) the applicant is in violation of, or delinquent on any condition of a previously awarded grant by this Department;
 - (d) the applicant has deliberately falsified information submitted as part of the grant application;
 - (e) the Department determines that the applicant has proposed expenditures for grant project activities or components that are unnecessary or that exceed the usual and customary costs for such activities or components;
 - (f) there are insufficient grant funds in the solid waste planning grants fund;
 - (g) the grant application is ranked lower by the Department than other proposals based on the factors described in Rule 3.3(B)(5); and
 - (h) other appropriate factors as determined by the Commission on Environmental Quality.
- (2) Should the Department refuse to approve a grant application for any reason, the applicant may request a hearing before the Commission in accordance with Section 49-17-35, Mississippi Code, Annotated.

D. Conditions of Grant Award

- (1) The grantee shall comply with all applicable procurement and purchasing regulations established pursuant to state law.
- (2) The grantee shall ensure that the development and adoption of the local solid waste management plan shall be conducted in a manner consistent with the applicable state laws and regulations and with the comprehensive planning guidance provided by the Department for the development of a local solid waste management plan.
- (3) Upon completion of the grant project and adoption of the resulting plan, the grantee shall provide three official copies of the local solid waste management plan to the Department for review and consideration. Two of the copies shall be hard copies of the plan and one copy shall be an electronic version. The grantee shall also retain a sufficient number of copies of the plan for its own continual review and implementation.
- (4) At the discretion of the Commission, monies which are unspent after the grant expiration date shall be forfeited back to the solid waste planning grants fund.
- (5) The grantee's matching share, if applicable, shall be expended or committed in proportion to the release of state grant funds.
- (6) A summary report shall be prepared and submitted to the Department with each reimbursement request, detailing the cost of the planning project and a summary of the activity conducted during the payment period.
- (7) The Commission may include other conditions as part of the grant award, which are determined necessary to ensure that the planning provisions of state law and regulations are followed.

APPENDIX

Intergovernmental Review Process

1. If the applicant proposes new facilities for construction and/or use, the following agencies shall be consulted prior to the formal submittal of a grant application concerning the proposed site location and the existence of any known or possible archaeological/cultural sites, endangered wildlife, wetlands, shellfish/coastal program impacts:
 - (a) Mississippi Department of Archives & History (For archaeological/cultural review);
 - (b) Mississippi Natural Heritage Program (For endangered wildlife review);
 - (c) U.S. Army Corps of Engineers (For wetlands review);
 - (d) Mississippi Department of Marine Resources (For shellfish/coastal review - Jackson, Harrison, and Hancock County projects only).
2. Where applicable, a written description of the project plan shall be submitted to the agencies listed in this section with a request for written comments and a determination on any required surveys, permits, or other actions.

Documentation of the applicant's request for comments, and any comments received in response to such request, shall be attached with the grant application, as required in Section B.1.c of these regulations.

Source: Miss. Code Ann. §§ 17-17-1, *et seq.*, 49-2-9(1)(b), 49-17-17(i), 17-17-201, *et seq.*, 17-17-401, *et seq.*, 49-2-1, *et seq.* and 49-17-1, *et seq.*