

ARTICLE 8. HOUSEHOLD HAZARDOUS WASTE GRANTS PROGRAM

NOTE: IC 13-7 was repealed by P.L.1-1996, SECTION 99, effective July 1, 1996.

Rule 1. Purpose

329 IAC 8-1-1 Purpose

Authority: IC 13-7-33

Affected: IC 13-7-33

Sec. 1. The purpose of this program is to provide matching grants for local units of government and solid waste districts to establish a household hazardous waste collection and disposal program. This includes developing education programs to reduce generation of household hazardous waste or reduce quantity of household hazardous waste for disposal; to inform the public of nonhazardous and nontoxic substitutes for household hazardous products; and to promote proper handling, storage, and disposal of household hazardous waste. The department may award a grant under this article to an eligible unit or district that has developed a household hazardous waste collection and disposal program that does the following:

- (1) Provides educational literature describing the hazards associated with household hazardous waste.
- (2) Utilizes a licensed hazardous waste transportation service to collect, handle, pack, transport, and dispose of collected household hazardous waste if collection is part of the project.
- (3) Allows and encourages participation from all households within a designated household hazardous waste collection area that is specified in the grant application.

(Solid Waste Management Board; 329 IAC 8-1-1; filed Aug 27, 1992, 9:00 a.m.: 16 IR 32; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; readopted filed May 14, 2007, 1:53 p.m.: 20070523-IR-329070138BFA)

Rule 2. Definitions

329 IAC 8-2-1 Definitions

Authority: IC 13-7-33

Affected: IC 13-7-33

Sec. 1. The definitions in this rule apply throughout this article. *(Solid Waste Management Board; 329 IAC 8-2-1; filed Aug 27, 1992, 9:00 a.m.: 16 IR 33; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; readopted filed May 14, 2007, 1:53 p.m.: 20070523-IR-329070138BFA)*

329 IAC 8-2-2 "Commissioner" defined

Authority: IC 13-7-33

Affected: IC 13-7-2-11

Sec. 2. "Commissioner" refers to the commissioner of the department of environmental management created under IC 13-7-2-11 *[IC 13-7 was repealed by P.L.1-1996, SECTION 99, effective July 1, 1996.]* *(Solid Waste Management Board; 329 IAC 8-2-2; filed Aug 27, 1992, 9:00 a.m.: 16 IR 33; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; readopted filed May 14, 2007, 1:53 p.m.: 20070523-IR-329070138BFA)*

329 IAC 8-2-3 "District" defined

Authority: IC 13-7-33

Affected: IC 13-9.5-2-1

Sec. 3. "District" refers to a solid waste management district established under IC 13-9.5-2-1 *[IC 13-9.5 was repealed by P.L.1-1996, SECTION 99, effective July 1, 1996.]* *(Solid Waste Management Board; 329 IAC 8-2-3; filed Aug 27, 1992, 9:00 a.m.: 16 IR 33; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; readopted filed May 14, 2007, 1:53 p.m.: 20070523-IR-329070138BFA)*

329 IAC 8-2-4 "Grantee" defined

Authority: IC 13-7-33

Affected: IC 13-7-33

Sec. 4. "Grantee" refers to a person who receives a grant under this article. *(Solid Waste Management Board; 329 IAC 8-2-4; filed Aug 27, 1992, 9:00 a.m.: 16 IR 33; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; readopted filed May 14, 2007, 1:53 p.m.: 20070523-IR-329070138BFA)*

329 IAC 8-2-5 "Household waste" defined

Authority: IC 13-7-33

Affected: IC 13-7-33

Sec. 5. "Household waste" means any material derived from households including single and multiple residences, hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds, and day use recreation areas. *(Solid Waste Management Board; 329 IAC 8-2-5; filed Aug 27, 1992, 9:00 a.m.: 16 IR 33; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; readopted filed May 14, 2007, 1:53 p.m.: 20070523-IR-329070138BFA)*

329 IAC 8-2-6 "Household hazardous waste" defined

Authority: IC 13-7-33

Affected: IC 13-7-33

Sec. 6. "Household hazardous waste" means hazardous waste generated by households that:

- (1) is ignitable, as defined under 40 CFR 261.21;
- (2) is toxic, as defined under 40 CFR 261.24;
- (3) is reactive, as defined under 40 CFR 261.23;
- (4) is corrosive, as defined under 40 CFR 261.22; or
- (5) otherwise poses a threat to human health or the environment.

(Solid Waste Management Board; 329 IAC 8-2-6; filed Aug 27, 1992, 9:00 a.m.: 16 IR 33; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; readopted filed May 14, 2007, 1:53 p.m.: 20070523-IR-329070138BFA)

329 IAC 8-2-7 "Project" defined

Authority: IC 13-7-33

Affected: IC 13-7-33

Sec. 7. "Project" refers to a household hazardous waste collection and disposal project. *(Solid Waste Management Board; 329 IAC 8-2-7; filed Aug 27, 1992, 9:00 a.m.: 16 IR 33; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; readopted filed May 14, 2007, 1:53 p.m.: 20070523-IR-329070138BFA)*

329 IAC 8-2-8 "Unit" defined

Authority: IC 13-7-33

Affected: IC 13-7-33

Sec. 8. "Unit" means county, municipality, or township. *(Solid Waste Management Board; 329 IAC 8-2-8; filed Aug 27, 1992, 9:00 a.m.: 16 IR 33; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; readopted filed May 14, 2007, 1:53 p.m.: 20070523-IR-329070138BFA)*

329 IAC 8-2-9 "Department" defined

Authority: IC 13-7-33

Affected: IC 13-7-33

Sec. 9. "Department" refers to the department of environmental management. *(Solid Waste Management Board; 329 IAC 8-2-9; filed Aug 27, 1992, 9:00 a.m.: 16 IR 33; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; readopted filed May 14, 2007, 1:53 p.m.: 20070523-IR-329070138BFA)*

Rule 3. Grant Application

329 IAC 8-3-1 Grant application

Authority: IC 13-7-33

Affected: IC 16-6-9-2

Sec. 1. The contents of an application for a grant shall include the following:

(1) A statement describing a project's scope of activities and objectives that identifies the persons responsible for project planning, coordination, and implementation.

(2) A map specifying the area to be served by the project that includes the locations of household hazardous waste collection sites.

(3) A description of proposed information and educational activities which describes the hazards associated with household hazardous waste.

(4) A description of safety and security measures that will be implemented during the project.

(5) A budget showing all estimated project costs that includes ineligible project costs and eligible project costs as described in 329 IAC 8-4-1.

(6) A formal resolution by the legislative board, as defined under IC 13-9.5-1-3 [*IC 13-9.5 was repealed by P.L.1-1996, SECTION 99, effective July 1, 1996.*], of a unit or district involved in the grant project that does the following:

(A) Authorizes the project and the grant application.

(B) Expresses the specific intent to carry out all proposed project activities described in the grant application.

(C) Allows department employees to have access to and inspect proposed household hazardous waste collection sites involved in the project.

(D) Commits the applicant to do the following:

(i) Maintain appropriate records that document all expenditures made during the project.

(ii) Submit to the department a final report describing all project activities, achievements, and problems that compares the actual project to the objectives and activities proposed in the grant application, including the following:

(AA) Samples of all informational and educational materials prepared and distributed.

(BB) Data on the household participation rates.

(CC) Waste quantities collected by category.

(DD) Documentation of all costs.

(EE) Recommendations for project improvements.

(E) Contains a timetable for completion of the project that:

(i) does not exceed twelve (12) months; and

(ii) includes anticipated dates of:

(AA) information and educational activities;

(BB) waste collection; and

(CC) submission of final reports.

(F) Commits the applicant to provide all funding required to implement and administer the project, not including the grant award.

(G) Commits the applicant to develop a proposed plan for a permanent household hazardous waste program that includes sources of funding and timetable for implementation.

(H) Commits the applicant to develop a proposed plan for a permanent household hazardous product program designed to educate the public as to nonhazardous and nontoxic substitutes for household hazardous products, as defined under IC 16-6-9-2.

(Solid Waste Management Board; 329 IAC 8-3-1; filed Aug 27, 1992, 9:00 a.m.: 16 IR 33; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; readopted filed May 14, 2007, 1:53 p.m.: 20070523-IR-329070138BFA)

Rule 4. Project Costs

329 IAC 8-4-1 Requirements

Authority: IC 13-7-33

Affected: IC 13-7-33

Sec. 1. (a) An applicant must submit the following information for eligibility:

(1) Estimated project costs submitted to the department must include both eligible and ineligible costs. The ineligible project costs for grant funding may not be used to fulfill a grantee's match requirement. Furthermore, a grantee is responsible for all project costs except the costs funded by the grant.

(2) Ineligible project costs are the following:

(A) Costs incurred before the approval of a grant.

(B) Costs incurred more than twelve (12) months after a grant has been accepted.

(C) Costs incurred by a grantee that exceed original estimated eligible project costs indicated in a grant program application.

(D) Other costs that are not specifically related to a project as determined by the department.

(3) Eligible project costs include the following:

(A) Costs used to fulfill the grantee's match requirements.

(B) Costs funded by the grant.

(b) Project costs that are not ineligible under subsection (a)(2) are eligible project costs for purposes of subsection (a)(3). (*Solid Waste Management Board; 329 IAC 8-4-1; filed Aug 27, 1992, 9:00 a.m.: 16 IR 34; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; readopted filed May 14, 2007, 1:53 p.m.: 20070523-IR-329070138BFA*)

Rule 5. Terms and Conditions

329 IAC 8-5-1 Grants awarded to applicants

Authority: IC 13-7-33

Affected: IC 13-7-33

Sec. 1. Grants will be awarded under the following conditions:

(1) The grant awarded may not exceed fifty percent (50%) of the total eligible costs estimated in a grant application.

(2) The grant must be matched by an applicant's financial or in kind contributions.

(*Solid Waste Management Board; 329 IAC 8-5-1; filed Aug 27, 1992, 9:00 a.m.: 16 IR 34; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; readopted filed May 14, 2007, 1:53 p.m.: 20070523-IR-329070138BFA*)

329 IAC 8-5-2 Acceptance of the grant

Authority: IC 13-7-33

Affected: IC 13-7-33

Sec. 2. Upon acceptance of the grant, the following applies:

(1) The department shall pay the grantee seventy-five percent (75%) of the grant for the project on acceptance.

(2) The remaining twenty-five percent (25%) of the grant shall be paid to the grantee after the grantee submits the following to the department:

(A) Final report of the program.

(B) Final expenditures have been audited and approved in writing from the department.

(*Solid Waste Management Board; 329 IAC 8-5-2; filed Aug 27, 1992, 9:00 a.m.: 16 IR 34; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; readopted filed May 14, 2007, 1:53 p.m.: 20070523-IR-329070138BFA*)

329 IAC 8-5-3 Project expenditures

Authority: IC 13-7-33

Affected: IC 13-7-33

Sec. 3. (a) A grantee shall submit to the department documentation of all project expenditures:

- (1) thirty (30) days after completion of the project;
- (2) twelve (12) months after the grant is awarded; or
- (3) whichever comes first.

(b) A grantee shall specify the source of funds expended on a project by the following ways:

- (1) Ineligible costs.
- (2) Eligible costs.

(c) Unexpended grant money shall be returned to the hazardous substance trust fund within sixty (60) days after the department has done the following:

- (1) Completed the department's final audit of project expenditures.
- (2) Notified the grantee, in writing, of the unexpended amount.

(Solid Waste Management Board; 329 IAC 8-5-3; filed Aug 27, 1992, 9:00 a.m.: 16 IR 35; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; readopted filed May 14, 2007, 1:53 p.m.: 20070523-IR-329070138BFA)

Rule 6. Grant Awards

329 IAC 8-6-1 Grant awards

Authority: IC 13-7-33

Affected: IC 13-7-33

Sec. 1. In reviewing project applications for grant awards, the department may award a grant to an eligible applicant who meets the minimum requirements of 329 IAC 8-1-1 and all other requirements in this article. In determining the priority in granting awards among the applicants, the department shall consider evidence of the following in making the determination:

- (1) A commitment by the applicant to an annual household hazardous waste collection and disposal program, evidenced by a formal resolution by the unit or district to undertake annual action to promote proper collection and disposal of household hazardous waste.
- (2) The project application describes a program that includes an effective program to educate the public of the proper handling, storage, and disposal of household hazardous waste and promotes practices that reduce or eliminate the generation of household hazardous waste.
- (3) The applicant has sponsored or participated in other hazardous waste collection and disposal programs, including those sponsored and/or funded by civic organizations or private foundations.
- (4) The project application provides information on an educational project by the applicant concerning nonhazardous and nontoxic substitutes for household hazardous products.

(Solid Waste Management Board; 329 IAC 8-6-1; filed Aug 27, 1992, 9:00 a.m.: 16 IR 35; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; readopted filed May 14, 2007, 1:53 p.m.: 20070523-IR-329070138BFA)

329 IAC 8-6-2 Priority for grant awards

Authority: IC 13-7-33

Affected: IC 13-7-33

Sec. 2. The department shall place the highest priority for grant awards to the evaluation of the size and expected effectiveness of the education program as established under section 1(2) of this rule. Education programs may target both households and elementary and secondary schools in the area. Innovative approaches to reducing generation of household hazardous waste or reducing the quantity of household hazardous wastes for disposal may be prioritized over approaches that emphasize proper collection and disposal. *(Solid Waste Management Board; 329 IAC 8-6-2; filed Aug 27, 1992, 9:00 a.m.: 16 IR 35; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; readopted filed May 14, 2007, 1:53 p.m.: 20070523-IR-329070138BFA)*

329 IAC 8-6-3 Multiple grant awards

Authority: IC 13-7-33

Affected: IC 13-7-33

Sec. 3. A unit or district may apply for more than one (1) grant within the same calendar year if funds through the department

are available after awarding grants to all other eligible applicants. (*Solid Waste Management Board; 329 IAC 8-6-3; filed Aug 27, 1992, 9:00 a.m.: 16 IR 35; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; readopted filed May 14, 2007, 1:53 p.m.: 20070523-IR-329070138BFA*)

329 IAC 8-6-4 Department procedures

Authority: IC 13-7-33

Affected: IC 13-7-33

Sec. 4. The department shall review all applications submitted by eligible units or districts. The department may establish schedules and procedures for submitting grant applications as long as all eligible units or districts are provided an opportunity to submit an application for available funding during each calendar year. (*Solid Waste Management Board; 329 IAC 8-6-4; filed Aug 27, 1992, 9:00 a.m.: 16 IR 35; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; readopted filed May 14, 2007, 1:53 p.m.: 20070523-IR-329070138BFA*)

Rule 7. Exemptions

329 IAC 8-7-1 Request for exemptions

Authority: IC 13-7-33

Affected: IC 13-7-33

Sec. 1. Applicants may request an exemption from a requirement in this article by submitting a written request to the department with the following information:

- (1) The request must contain a detailed description of the basis for a requested exemption.
- (2) The request shall be reviewed by the department with regard to:
 - (A) a potential nuisance;
 - (B) a hazard to public health or safety; or
 - (C) estimated degradation of the environment.
- (3) An exemption granted by the department must:
 - (A) be in writing; and
 - (B) clearly state the reason for the exemption.

(*Solid Waste Management Board; 329 IAC 8-7-1; filed Aug 27, 1992, 9:00 a.m.: 16 IR 35; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; readopted filed May 14, 2007, 1:53 p.m.: 20070523-IR-329070138BFA*)

329 IAC 8-7-2 Termination

Authority: IC 13-7-33

Affected: IC 13-7-33

Sec. 2. (a) A grant may be terminated if the department determines that there is:

- (1) no sustained progress in meeting a timetable established;
- (2) substantial evidence that a grant was obtained by fraud; or
- (3) substantial evidence of gross abuse or corrupt practices in the administration or implementation of a project.

(b) If the department terminates a grant, the grantee shall return the full amount of the grant received. (*Solid Waste Management Board; 329 IAC 8-7-2; filed Aug 27, 1992, 9:00 a.m.: 16 IR 36; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; readopted filed May 14, 2007, 1:53 p.m.: 20070523-IR-329070138BFA*)

Rule 8. Reservation of Rights

329 IAC 8-8-1 Rights of reservation for applicant

Authority: IC 13-7-33

Affected: IC 13-7-33

Sec. 1. The following rights shall be reserved:

- (1) Nothing in this article prohibits a grantee from requiring more assurances, guarantees, indemnity, or other contractual requirements from any party performing work on the project.
- (2) Nothing in this article affects the department's rights under existing rules to take remedial action including, but not limited to, action for breach of contract against the grantee who fails to carry out obligations under this article.
- (3) Review or approval of any document by or for the department does not relieve the grantee of responsibility to properly develop a household hazardous waste project as required by state statute or rule.
- (4) The department is not responsible for increased costs resulting from defects in the project or other associated documentation.

(Solid Waste Management Board; 329 IAC 8-8-1; filed Aug 27, 1992, 9:00 a.m.: 16 IR 36; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; readopted filed May 14, 2007, 1:53 p.m.: 20070523-IR-329070138BFA)

Rule 9. Rights of Review

329 IAC 8-9-1 Review procedures

Authority: IC 13-7-33

Affected: IC 13-7-33

Sec. 1. A grantee whose application is denied or who objects to any special condition of the grant agreement as defined by this article may request a special review by the commissioner, or the commissioner's designee, whose decision is final. *(Solid Waste Management Board; 329 IAC 8-9-1; filed Aug 27, 1992, 9:00 a.m.: 16 IR 36; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; readopted filed May 14, 2007, 1:53 p.m.: 20070523-IR-329070138BFA)*

*