

NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY

TITLE 133 - LITTER REDUCTION AND RECYCLING  
GRANT PROGRAM

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EFFECTIVE DATE:  
JANUARY 11, 2012

LITTER REDUCTION AND RECYCLING GRANT PROGRAM  
STATE OF NEBRASKA  
DEPARTMENT OF ENVIRONMENTAL QUALITY

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Title 133 - NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY

Chapter 1 - DEFINITIONS

001 "Applicant" means a person, organization, state or local government unit or agency, or any other public or private, profit or non-profit entities applying for a grant from the fund pursuant to these regulations.

002 "Application" means an application for a grant from the Litter Reduction and Recycling Fund on a form prescribed by the Department.

003 "Citizen Advisory Committee" means a committee appointed by the Director to make grant funding recommendations to the Director.

004 "Community recycling programs" means programs which recycle post-consumer wastes or programs which recycle wastes generated by industry for which there are no generally recognized markets; and which benefit a Nebraska community or communities by removing wastes from the solid waste stream or by preventing their entrance thereto.

005 "Community source separation programs" means programs which separate for the purpose of recycling post-consumer wastes before such wastes enter the solid waste stream.

006 "Council" means the Nebraska Environmental Quality Council.

007 "Department" means the Nebraska Department of Environmental Quality.

008 "Director" means the Director of the Nebraska Department of Environmental Quality.

009 "Equipment" means all personal property and fixed assets other than land and buildings purchased by a grantee with grant funding to carry out activities approved by the Department.

010 "Fund" means the Litter Reduction and Recycling Fund.

011 "Grant" means funds allocated by the Director from the fund under conditions as prescribed by the Department.

012 "Grantee" means the person, organization, state or local government unit or agency, or other public or private, profit or non-profit entity receiving funds or equipment to carry out a program approved by the Department based on the application and grant award.

013 "Litter" means all waste materials susceptible to being dropped, deposited, discarded or otherwise disposed of by any person upon any property in the State, but not including the

wastes of primary processes of farming or manufacturing. Waste material as used in this section shall mean any material appearing in a place or in a context not associated with that material's function or origin.

014 "Matching cash" means cash expenditures for products or services directly related to the program.

015 "Matching in-kind" means services, materials, labor or other items provided that are directly related to the program.

016 "Program" means a project or plan incorporated in a grant application.

017 "Public Use Area" means any place or area in the state that is used or held out for use by the public, whether owned or operated by public or private interests.

018 "Recycling" means the process of separating, cleaning, treating, and reconstituting waste or other discarded materials for the purpose of recovering and reusing the resources contained therein.

019 "Source Separation" means separation by the public from their general refuse of recyclable material.

Enabling Legislation: Neb. Rev. Stat.  81-1549 (Reissue 1987)

Legal Citation: Title 133, Ch. 1, Nebraska Department of Environmental Quality

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Chapter 2 - PURPOSE

001 The purpose of these regulations is to govern application for and use of grant funds from the Litter Reduction and Recycling Fund, as mandated by the Nebraska Litter Reduction and Recycling Act of 1979 (Neb. Rev. Stat. ¶ 1536 to 1564, incl., as amended)

Enabling Legislation: Neb. Rev. Stat. ¶ 81-1549 (Reissue 1987)

Legal Citation: Title 133, Ch. 2, Nebraska Department of Environmental Quality

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Chapter 3 - APPLICABILITY

001 Funds shall be used in a program in one or more of the following three areas pursuant to the Litter Reduction and Recycling Act. Applicants need not limit themselves to these suggested projects, but are required to stay within the three general categories.

001.01 Public education, motivation and participation:

001.01A The distribution of informative materials relating to litter reduction and recycling;

001.01B The organization and operation of cleanup drives using volunteer help; and

001.01C The development and implementation of anti-litter programs.

001.02 Cleanup of public use areas within the State:

001.02A Subsidies to pay personnel employed by cities or counties to pick up litter;

001.02B Programs aimed at increasing the use of youth and unemployed persons in seasonal and part-time litter pickup programs;

001.02C Work-release litter pickup programs;

001.02D Surveys of amounts and composition of litter and rates of littering; and

001.02E Research and development in the fields of litter reduction, removal and disposal, including the evaluation of behavioral science techniques in litter control and the development of new equipment, and to implement such research and development when appropriate.

001.03 New or improved community recycling and source separation programs:

001.03A Expansion of existing or creation of new community recycling centers;

001.03B Expansion of existing or creation of new source separation programs;

001.03C Research, evaluation and development of markets for the materials

and products recovered in source separation and recycling programs; and

001.03D Technical assistance on matters related to recycling and source separation including information and consultation on available technology, operating procedures, organizational arrangements, markets for materials and products recovered in recycling and source separation, transportation alternatives and publicity techniques.

Enabling Legislation: Neb. Rev. Stat. ¶ 81-1549, 81-1561 (Reissue 1987)

Legal Citation: Title 133, Ch. 3, Nebraska Department of Environmental Quality

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Chapter 4 - GENERAL REQUIREMENTS

001 Grant Period/Expenditure of Funds. The grant period shall be a set period of time designated by the Director based on activities approved for grant funding. All grant funding must be encumbered during the grant period. Funds encumbered during the grant period must be expended within 45 days after the end of the grant period. Funds not encumbered during such time will revert back to the fund. It will be the grantee's responsibility to return unexpended funds within the time period designated by the Department.

002 Earned Interest or Dividends. Any and all interest or dividends earned by grant funds is considered a part of the grant and is subject to the same restrictions and requirements as grant funds.

Enabling Legislation: Neb. Rev. Stat. § 81-1562 (Reissue 1987)

Legal Citation: Title 133, Ch. 4, Nebraska Department of Environmental Quality

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Chapter 5 - APPLICATION PROCEDURES

001 Application Deadlines. Litter Reduction and Recycling grant applications shall be submitted to the Department by deadline dates established by the Department. A separate application shall be required for each grant request.

002 Application Address. All applications shall be submitted to the Lincoln office of the Nebraska Department of Environmental Quality, Integrated Waste Management Section at the address stated on the application form.

003 Application Form. A grant application shall be submitted on a form provided by the Department. A separate application shall be required for each grant requested. The application shall include a line item budget(s) and other information as requested by the Department.

004 Policy Compliance. The applicant shall provide the Department with a statement of compliance with State Affirmative Action requirements and a copy of its Drug Free Workplace Policy

Enabling Legislation: Neb. Rev. Stat. §81-1549, 81-1562 (Reissue 1987)

Legal Citation: Title 133, Ch. 5, Nebraska Department of Environmental Quality

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Chapter 6 - METHOD OF GRANT AWARDS

001 Application Ranking. Grant applications will be ranked by Department staff and the Citizen Advisory Committee upon the request of the Director and based on points established in the Program Priority System as authorized by Chapter 8.

002 Allocate Funds. The Director shall allocate the grant funds for a specific dollar amount to be used only for approved activities.

003 Notification. The Department shall provide, in writing, notification of grant award or denial to the applicant.

004 Partial Funding. In the event that a grant is awarded in an amount less than requested by the applicant, such a grant shall be conditional and subject to revocation by the Department if the applicant shall fail to submit to the Department, within 30 days after notice of the award, a revised line-item budget and, if requested by the Department, a revised work plan.

004.01 The revised budget and work plan must be within the scope of the original application.

004.02 Revised budgets and work plans must be approved by the Department.

004.03 The Department may include special conditions with a partial funding award.

004.04 Revocation of a conditional grant shall be made by the Department, in writing, if requirements of this section are not satisfied.

005 Redistribution of Funds. In the event that an applicant awarded funding is unable to accept the grant award, or having accepted, returns it to the Department due to inability to perform proposed grant activities, the Director may award grant funding to an alternate applicant from the same funding cycle or the award may be returned to the fund.

006 Application Rejection. Applications may be rejected by the Department, as a result of, but not limited to, any of the following reasons:

006.01 Failure to submit a complete application by the deadline established by the Department.

006.02 Falsification or misrepresentation of information.

006.03 Failure to comply with pertinent regulations.

006.04 Identical activities funded by other grant funds for the same general time period.

007 Disbursement of Grant Funds. Funds shall be disbursed to the grantee in one lump-sum payment after notification of award.

Enabling Legislation: Neb. Rev. Stat. 81-1549, 81-1565 (Reissue 1987)

Legal Citation: Title 133, Ch. 6, Nebraska Department of Environmental Quality

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Chapter 7 - GRANT CONDITIONS AND PENALTIES

001 Conditions. Grantees shall comply with grant conditions as specified by the Department. These conditions include, but are not limited to, the following:

001.01 Compliance with all requirements as stated in these regulations;

001.02 Compliance with audit requirements of the Department;

001.03 Maintenance of adequate and accurate records;

001.04 Completion of program activities within the grant period;

001.05 Submission of reports according to established deadlines; and

001.06 Expenditure of grant funds as approved by the Department.

002 Penalties. Penalties may result from a violation of these regulations or of specific grant conditions. Penalties imposed by the Director may include, but are not limited to, withdrawal of grant funds, reimbursement of improperly expended funds, forfeiture of grant-funded property, ineligibility for future funding, or any combination of the above.

Enabling Legislation: Neb. Rev. Stat. § 81-1549 (Reissue 1987)

Legal Citation: Title 133, Ch. 7, Nebraska Department of Environmental Quality

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Chapter 8 - PROGRAM PRIORITY SYSTEM

001 A Program Priority System developed by the Department will be used by the Citizen Advisory Committee and Department staff in developing funding recommendations for the Director. Each element in the Program Priority System will be given a numerical score by which to rank each application. This ranking will be used to determine priority applications for funding.

Enabling Legislation: Neb. Rev. Stat. § 81-1565 (Reissue 1987)

Legal Citation: Title 133, Ch. 8, Nebraska Department of Environmental Quality

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Chapter 9 - UNAUTHORIZED USE OF GRANT FUNDS

001 Items for which grant funds will not be authorized shall include, but not be limited to, the following:

001.01 Production of general anti-litter or recycling films or other items generally available from public sources;

001.02 Any project, item of equipment or promotional program except those approved by the Department;

001.03 Consultant fees other than those approved by the Department;

001.04 Reimbursement to employees for travel and other expenses greater than those rates and conditions of reimbursement approved for Department employees; except that this prohibition does not prevent grantees with other sources of income from supplementing the Departmental rate of reimbursement from the other sources of income; and

001.05 Any expenditure not related to litter reduction or recycling.

Enabling Legislation: Neb. Rev. Stat. ¶ 81-1549, 81-1565 (Reissue 1987)

Legal Citation: Title 133, Ch. 9, Nebraska Department of Environmental Quality

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### Chapter 10 - GENERAL ACCOUNTABILITY

001 Performance Reports. Grantees shall submit quarterly performance reports on or before dates designated by the Department.

002 Report Form. The Department shall provide a copy of the performance reporting form to be used for reporting purposes. Each grantee's performance report shall include, but not be limited to, the following:

002.01 A Comprehensive line-item expenditure report of all grant funds including any interest or dividends earned on grant funds and all other funding utilized to carry out the program;

002.02 Summary of accomplishments addressing those objectives and goals stated in the approved application;

002.03 An inventory of all equipment purchased with grant funding including the following information, if applicable: the model name and/or number, serial number, cost of purchase, date of purchase, and copies of purchase receipts; and

002.04 Any additional information required by the Department.

003 Financial Records. Grantees shall maintain financial records and copies of all receipts and relevant documents for expenditures of grant funds, matching cash and in-kind, and interest or dividends earned on grant funds.

004 Audits. Grantees are liable to audit by the Department or its agents. Audits may include, but are not limited to, on-site inspections and review of financial records and relevant documents relating to the grant-funded program.

005 Program and/or Budget Modifications. If a grantee wishes to modify a program and/or the expenditures of grant funds or interest or dividends earned on the grant funds, the grantee must submit a written request to the Department. The request must include a revised work plan and/or a revised comprehensive line-item budget with an explanation of why the grantee is unable to utilize funding as previously approved by the Department. The Department will approve or deny any grantee's proposed program and budget modifications.

005.01 Program and/or budget modifications must be within the scope of the originally approved application.

005.02 All modifications must be approved by the Department prior to initiating changes.

006 Recognition of Department. Grantees are required to recognize grant funding from the Department on all published materials and news releases related to their grant-funded program or activities. If required by the Department, grantees shall provide a project sign in a form designated by the Department at site locations.

Enabling Legislation: Neb. Rev. Stat. § 81-1549, 81-1563 (Reissue 1987)

Legal Citation: Title 133, Ch. 10, Nebraska Department of Environmental Quality

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### Chapter 11 - EQUIPMENT

001 Equipment Usage. Equipment purchased, in whole or in part, with grant funds shall be used only for purposes approved by the Department during its expected service life.

002 Expected Service Life. The expected service life of equipment shall be determined by the Department.

003 Inventory. Equipment purchased, in whole or in part, with grant funds is subject to reporting and inventory maintenance as follows:

003.01 After the conclusion of the designated grant period, it is the grantee's responsibility to maintain a listing of all equipment purchased with grant funds and respond to Department requests for progress reports or annual updates on the status of the equipment during its expected service life.

004 Equipment Lien. The Department maintains first lien status on all equipment purchased, in whole or in part, with grant funds for the expected service life of the equipment.

005 Equipment Maintenance. The grantee is responsible for all necessary and reasonable maintenance of grant-funded equipment and may be held liable by the Department for any loss, damage, neglect or unreasonable deterioration of the equipment during its expected service life.

006 Equipment Disposition. The Department shall approve the disposition of equipment purchased, in whole or in part, with grant funds during its expected service life.

006.01 Funds realized from the approved sale of equipment purchased with grant funds shall revert back to the fund in an amount congruent with the grant-funded percentage of the equipment's original cost.

006.02 Any grant-funded equipment which is no longer being used by the grantee for the approved purposes and intent for which it was obtained, may be redistributed by the Department to another eligible grantee. The Department will announce the availability of the equipment and when equipment redistribution grant applications will be accepted. Equipment redistribution shall adhere to the following guidelines:

006.02A The Department shall redistribute the equipment based on the ranking of applications on the Program Priority System and the applicants' compliance with eligibility requirements.

006.02B Grantees awarded redistributed equipment shall maintain a listing of all equipment obtained through the Department's redistribution process and respond to Department requests for progress reports or updates on the status of the equipment during its expected service life.

Enabling Legislation: Neb. Rev. Stat. ¶ 81-1549, 81-1563 (Reissue 1987)

Legal Citation: Title 133, Ch. 11, Nebraska Department of Environmental Quality

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Chapter 12 - SEVERABILITY; APPEALS; AMENDMENT AND REPEAL; AND EFFECTIVE DATE

001 Severability. If any clause, paragraph, subsection, or section of these regulations shall be held invalid, it shall conclusively be presumed that the Environmental Quality Council would have enacted the remainder of these regulations not directly related to such clause, paragraph, subsection or section.

002 Appeals. Any appeal from any final order or final determination of the Director shall be pursuant to  81-1509.

003 Amendment and Repeal. These rules and regulations shall be amended or repealed pursuant to the Rules of Practice and Procedures of the Department of Environmental Quality. These procedures shall conform in all respects to Neb. Rev. Stat.  84-901 thru 84-920.

004 Effective Date. These rules and regulations shall become effective five (5) days after filing by the Secretary of State.

Enabling Legislation: Neb. Rev. Stat.  81-1509; 84-901 thru 84-920; 81-1505 (18)

Legal Citation: Title 133, Ch. 12, Nebraska Department of Environmental Quality