

Interlocal Agreement

This Agreement, entered into this 23rd day of June, 1997 by and between the Board of County Commissioners of Nassau County, Florida (hereinafter referred to as the COUNTY) and the City of Callahan (hereinafter referred to as the CITY).

WHEREAS, the statewide goals of the Solid Waste Management Act of 1988 (hereinafter referred to as the "Act") are to plan for and regulate in the most economically feasible, cost-effective and environmentally safe manner the storage, collection, transport, separation, processing, recycling and disposal of solid waste in order to protect the public safety, health and welfare; enhance the environment for the people of this state; and recover resources which have the potential for further usefulness; and include:

To establish and maintain a cooperative state program of planning and technical and financial assistance for solid waste management; and require counties and municipalities, to adequately plan and provide efficient, environmentally acceptable solid waste management; and

To promote the reduction, recycling, reuse or treatment of solid waste in lieu of disposal of such wastes; and encourage counties and municipalities to utilize all means reasonable available to promote efficient and proper methods of managing solid waste and to promote the economical recovery of material and energy resources from solid waste; and

To promote the education of the general public and the training of solid waste professionals to reduce the production of solid waste, to ensure proper disposal of solid waste, and to encourage recycling; and

To encourage the development of waste reduction and the recycling as a means of managing solid waste, conserving resources, and supplying energy through planning, grants, technical assistance and

A CERTIFIED TRUE COPY

J. Moxley, Jr. Clerk by Bradley, Jr.
EX-OFFICIO, Clerk to the Board of County Comm.
Nassau County, Florida. *Finno*

other incentives; and

To require counties to develop and implement recycling programs within their jurisdictions to return valuable materials to productive use, to conserve energy and natural resources, and to protect capacity at solid waste management facilities.

WHEREAS, the Act requires that said recycling programs be initiated by July 1, 1989; and

WHEREAS, the Act requires the amount of solid waste that would be disposed of in the absence of municipal solid waste recycling efforts undertaken within the County and the municipalities within its boundaries is reduced by at least thirty percent (30%) by the end of 1997; and

WHEREAS, the Act encourages counties and municipalities to form cooperative arrangements for implementing solid waste recycling and education programs; and

WHEREAS, the Act created the Solid Waste Management Trust Fund to provide grants to assist counties and municipalities in the operation of solid waste management recycling and education programs; and

WHEREAS, no local government match monies are required for the incentive portion of the recycling and education grants if the municipalities representing seventy-five (75) percent of the incorporated population of the County apply jointly with the County, to the Florida Department of Environmental Protection (FDEP), for these incentive grants; and

WHEREAS, in order to apply jointly for the incentive grants the County and the municipalities must enter into interlocal agreements that determine how the grant funds, if awarded, shall be used; and

WHEREAS, grant applications submitted to FDEP must include copies of the interlocal agreements between the County and the participating municipalities; and

WHEREAS, the participation and cooperation of the County and the City are essential to the successful award of the incentive portion of the recycling and education grants and the development and implementation of a successful recycling and education program in Nassau County; and

WHEREAS, it is the desire of the County and the City that the County apply to FDEP on behalf of the City and residents of the City and the unincorporated area of the County for the incentive portion of the recycling and education grants.

NOW THEREFORE, the County and the City hereto mutually agree as follows:

1. This agreement shall be effective from the date it is filed with the Clerk of the Circuit Court of Nassau County and shall remain in effect until September 30, 1998.
2. The City shall cooperate with the County to the fullest extent practical in providing information necessary to:
 - (a) complete the grant applications in accordance with the requirements of s.403.7095(6), F.S.;
 - (b) develop a recycling program to be implemented within the County (incorporated and unincorporated areas); and
 - (c) prepare the County's annual report to FDEP on solid waste management and recycling activities as required by s.403.706(7), F.S.
3. The County shall prepare and submit the joint application for recycling and education grants to FDEP on behalf of the County and the City during the period covered by this Agreement and by the application deadlines established by FDEP.
4. The County shall, by October 1, 1997, and each year thereafter, report to FDEP the annual solid waste management and recycling activities for the duration of the period

covered by this Agreement.

5. The monies related to the incentive portion of the recycling and education grants awarded to the County by FDEP shall be forwarded to the City within thirty (30) days of receipt.
6. The solid waste recycling and education grants provided to the County and City by FDEP may be used for any of the following purposes:
 - (a) Capital costs which include equipment purchases, solid waste scales, facility construction and other such costs approved by FDEP as part of the grant agreement;
 - (b) Temporary operating subsidies, provided that the applicant must demonstrate that such a use is necessary for the success of the recycling program, and must show how the subsidy will benefit the program and provide reasonable assurances that the program will be able to operate without a subsidy from this grant program.
 - (c) Assistance in recycling paper, glass, plastic, construction and demolition debris, white goods, and metals and in composting organic materials;
 - (d) Promotion of recycling, volume reduction, proper disposal of solid waste and market development for recyclable materials;
 - (e) Up to thirty percent (30%) of the grant funds may be used for planning studies to assess the feasibility and success of the recycling and education programs;
 - (f) Grant monies shall not be used for duplicating existing private and public recycling programs unless the applicant demonstrates that such existing programs cannot be integrated into the planned recycling program.
7. The City shall provide to the County a written account of expenditures from the grant award used for implementation of the recycling and education program within the City. Documentation of expenses will be provided to the County in sufficient detail to meet applicable FDEP requirements for the grant award.
8. The City staff shall develop a recycling plan for their

respective jurisdiction and present the plan to the City governing body for approval prior to August 1, 1997. The City shall submit the recycling plan to the County within five (5) days of adoption or approval for inclusion into the County recycling plan. The City recycling plan shall be developed in accordance with applicable FDEP guidelines.

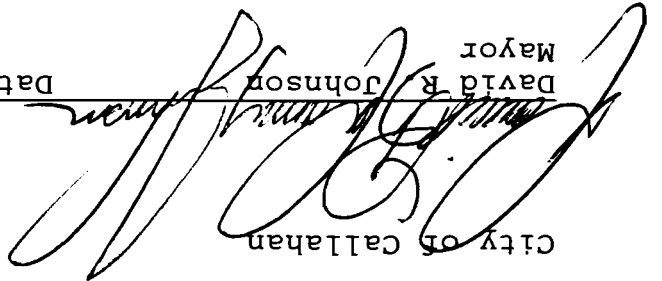
9. The County staff shall develop a recycling plan for the unincorporated areas of the County and present the plan to the County governing body for approval prior to August 1, 1997. The County staff shall prepare a County-wide (incorporated and unincorporated areas) recycling plan which includes the City recycling plan and obtain approval of the County-wide recycling plan from the County governing body by August 15, 1997. The approved recycling plan shall be submitted by the County to FDEP by September 1, 1997. The County recycling plan shall be developed in accordance with applicable FDEP guidelines.
10. The County shall continue to operate and maintain a weight scale at its solid waste management facility in accordance with s.403.706(18), F.S.
11. The County and the City shall be responsible for the costs and expenses incurred in the implementation of the recycling and education program within their respective jurisdictions. However, the County and the City will cooperate to the fullest extent to promote an effective County-wide program to meet applicable FDEP requirements.
12. Provided that the City shall have received all grant distributions in a timely and proper manner to which it may be entitled pursuant to Paragraph 5 hereunder, to the fullest extent permitted by law, the County and the City each agree to hold each other harmless as to the full and faithful performance of this Agreement, the application, development, implementation and operation of any grant program in furtherance of the Act and applied for and received pursuant to this Agreement. To the fullest extent permitted by law the County and the City each agree to indemnify the other part for

any errors, omission, negligence, malfeasance, misfeasance, or nonfeasance, including the payment of any courts costs and attorneys fees, incurred as a result of any joint recycling and education programs implemented pursuant to this Agreement. As "grantee" for similar status under any grant secured pursuant to this Agreement of the Act, the County agrees to timely and properly comply with all operating and reporting requirements of the grant.

13. Upon receipt by the County of any information, directives, grant operating procedures, other correspondence concerning furtherance of this Agreement, the County shall within ten (10) working days forward copies hereof to the City in the manner provided for notice in this Agreement. Likewise, the County shall in the manner provided for notice in this Agreement afford the City thirty (30) days notice of the need for the City to provide any responses, reports, or accounting required of the City pursuant to this Agreement (or grant or contract) obtained as a direct or indirect result of this Agreement. Periodic notices shall be given to the City by the County in the manner provided for notice hereunder of any required periodic reports or accountings (e.g. weekly, monthly, quarterly, semi-annually) of operations due to the County or any other governmental entity. All notices shall include any requirements as to substantive content of such information.

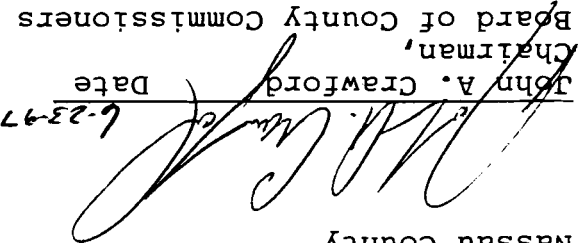
WITNESS our hands and seals the date first above written:

City of Callahan


David R. Johnson
Mayor

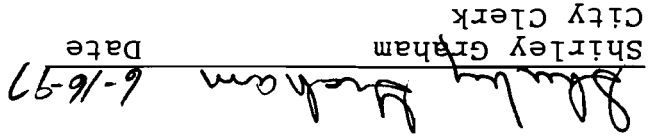
Date 6-16-97

Nassau County


John A. Crawford
Chairman,
Board of County Commissioners

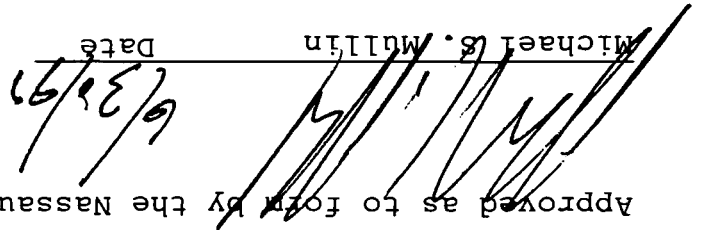
Date 6-23-97

Attest:


Shirley Graham
City Clerk

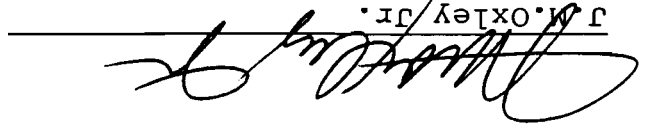
Date 6-16-97

Approved as to form by the Nassau County Attorney


Michael S. Mullin

Date 6/30/97

J. M. Oxley, Jr.
Ex-Officio Clerk



RULE 62-716
SOLID WASTE GRANTS PROGRAM RULE

- 62-716.100 Intent.
- 62-716.200 Definitions.
- 62-716.310 Disbursement of Funds.
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- 62-716.400 Specific Recycling and Education Grant Application and Matching Requirements.
- 62-716.410 Recycling and Education Grant Eligibility Requirements.
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- 62-176.610 Allocation of Waste Tire Grant Funds.
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- 62-716.700 Litter Control and Prevention Grants.
- 62-716.800 Small County Landfill Closure Grant Requirements.
- 62-716.850 Small County Landfill Closure Reimbursement Grant Requirements.
- 62-716.900 Forms.

62-716.100 Intent. The intent of this rule is to establish procedures for disbursement of recycling and education grants, small county grants, and waste tire grants, litter control and prevention grants, and small county landfill closure grants to local governments for recycling and solid waste education in accordance with the intent of the Legislature, and to assist local governments in meeting the requirements of the Solid Waste Management Act. Specific Authority 403.704, 403.7095, FS. Laws Implemented 403.706, 403.7095, FS. History - New 5-16-89, Formerly 17-716.100, Amended 11-16-94.

62-716.200 Definitions. In addition to applicable definitions in Rule 62-701.200, F.A.C., the following words, phrases, or terms as used in this rule, unless the context indicates otherwise, shall have the following meaning:

- (1) "Department" means the Florida Department of Environmental Protection.
- (2) "Grants, base portions" means that part of the recycling and education grants equaling 25 percent of the total available in any given grant period.
- (3) "Grants, incentive portions" means that part of the

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recycling and education grants equaling 75 percent of the total available in any given grant period.

(4) "Local government" means any municipality, county, district, or authority, or any agency thereof, or a combination of two or more of the foregoing when acting jointly in connection with a project, which has jurisdiction over the collection, recycling, disposal or treatment of solid waste.

(5) "Litter" means any garbage, rubbish, trash, refuse, can, bottle, container, paper, lighted or unlighted cigarette or cigar, or flaming or glowing material.

(6) "Littering" means the act of throwing, discarding, placing, depositing, or otherwise disposing of litter improperly along public highways, on public or private lands, or in public waters.

(7) "Matching funds" means funds committed for purposes set forth in this rule in an amount equaling the total recycling and education incentive portions of grants awarded to a local government. Matching funds include budgeted funds, funds in escrow, and funds expended on recycling related program activities, but do not include in-kind contributions.

(8) "Municipal solid waste" includes any solid waste, except for sludge, resulting from the operation of residential, commercial, governmental, or institutional establishments that would normally be collected, processed, and disposed of through a public or private solid waste management service. The term includes yard trash, but does not include solid waste from industrial, mining, or agricultural operations.

(9) "Population" means the most recent population census determination under Section 186.901, F.S.

(10) "Secretary" means the Secretary of the Department of Environmental Protection.

(11) "Operating subsidy" means the use of grant funds for operational expenses of a recycling program, including personnel costs, training costs, rental of facilities, and other similar expenses approved by the Department. Specific Authority 403.704, 403.7095, FS. Laws Implemented 403.706, 403.7095, FS. History - New 5-16-89, Formerly 17-716.200, Amended 11-16-94.

62-716.300 General Grant Application Requirements.

(1) Requests for funding shall be submitted to the Department on application forms as specified in Rule 62-716.900, F.A.C. Additional copies of grant program application forms may be obtained from any Department district office or Tallahassee headquarters.

(2) Applications received from local governments which have not returned to the Department any unexpended or unaccounted-for funds from prior year solid waste grants shall be rejected by the Department. Applications from local governments which have not met their obligations under the terms of any previous grant agreements for funds under this

rule shall also be rejected by the Department.
 Specific Authority 403.704, 403.7095, FS.
 Laws Implemented 403.706, 403.7095, FS.
 History - New 5-16-89, Formerly 17-716.300, Amended 11-16-94.

62-716.310 Disbursement of Funds.

(1) Upon receipt and approval of the grant application, the Department shall determine the exact amount of the grant award and prepare a grant agreement.

(2) The grant agreement will be forwarded to the applicant to be signed by a local government representative and submitted to the Department.

(3) Unless a grant advance has been requested by the applicant grant funds shall be reimbursed on a monthly or quarterly basis for each year.

(4) The Department has the right to terminate a grant award and demand refund of grant funds for non-compliance with the terms of the award or these rules resulting in the Department declaring the local government ineligible for further participation in the program until the local government complies with the terms of the grant award.
 Specific Authority 403.704, 403.7095, FS.
 Laws Implemented 403.706, 403.7095, FS.
 History - New 5-16-89, Amended 7-14-91, Formerly 17-716.310, Amended 11-16-94.

62-716.320 Grant Recordkeeping. Each recipient of grant funds shall maintain accurate records of all expenditures of grant funds, including matching funds if applicable, and shall assure that these records are available at all reasonable times for inspection, review or audit by Department personnel. Records shall be kept for at least three years.

Specific Authority 403.704, 403.7095, FS.
 Laws Implemented 403.706, 403.7095, FS.
 History - New 5-16-89, Formerly 17-716.320, Amended 11-16-94.

62-716.400 Specific Recycling and Education Grant Application and Matching Requirements.

(1) The Department will provide grant application form 62-716.900(1) to all counties and to municipalities with populations greater than 50,000 by May of each year.

(2) All counties, and all municipalities with populations greater than 50,000, are eligible to apply for base portions and incentive portions of recycling and education grants. Municipalities with populations of 50,000 or less are not eligible to apply for grants individually, but are eligible to apply for incentive portions of recycling and education grants jointly with counties under an interlocal agreement.

(3) Grant application Form 62-716.900(1) is divided into two parts. Part 1 is due no later than July 1 of each year. Part 2 is due no later than October 1 of each year. Upon receipt and approval of Part 1, the Department shall

determine the amount of the grant award and prepare a grant agreement. Payment of grant awards will be contingent upon receipt and approval of Part 2.

(4) The following applicants shall provide matching funds for the incentive portions of recycling and education grants:

(a) Municipalities with greater than 50,000 population applying individually;

(b) Counties with greater than 30,000 population in the unincorporated areas applying individually; and

(c) Counties with greater than 30,000 population in the unincorporated areas applying jointly with municipalities which have less than seventy-five percent of the remaining population in the incorporated areas of the county after deducting the municipalities which are not applying jointly with the county and which individually have more than twenty-five percent of the total population in the incorporated areas.

(5) Applicants required to provide matching funds shall demonstrate to the Department that:

(a) They have, within the same fiscal year as the application is submitted, spent funds at least equal to twice the incentive grant amount for the same projects for which the grants will be used (including the amount that would be their match, and the amount to be reimbursed by the grant);

(b) They have, within the same fiscal year as the application is submitted, spent funds at least equal to the incentive grant amount, and agree before receiving any grant funds that such funds will be used for the same projects for which the grant will be used;

(c) They have an available source of unencumbered revenue equal to the annual incentive grant amount, or have budgeted or pledged to spend an amount equal to the annual incentive grant amount, and shall agree before receiving any grant that such funds will be used for the same projects for which the grant will be used. Such demonstration shall include a binding resolution, appropriation or ordinance by the governing board of the local government; or

(d) They have spent less than the incentive grant amount for the same projects for which the grant will be used, and have encumbered the remainder as provided in paragraph (c) of this subsection.

(6) All local governments applying jointly shall enter into an interlocal agreement that describes how the funds will be disbursed and used. Any agency or authority created by interlocal agreement for solid waste management or recycling purposes is eligible to apply for grants. The applicant shall submit all required documents in place of the local governments which are party to the agreement. Such applications and submittals shall be equivalent to those required if each local government were applying individually. Interlocal agreements between counties do not affect the matching fund requirements. When an agency or authority applies, or when two or more counties apply jointly, the

amount of matching funds required shall be the same as it would be if each county were applying individually. Specific Authority 403.704, 403.7095, FS. Laws Implemented 403.706, 403.7095, FS. History - New 5-16-89, Amended 7-14-91, Formerly 17-716.400, Amended 11-16-94.

62-716.410 Recycling and Education Grant Eligibility Requirements.

(1) All applications shall include the following information, in addition to any recycling or waste reduction plan required by subsection (2) of this section, unless such information is included in the recycling plan:

(a) A description of the recycling and education projects or planning studies for which grant funds are requested, including any business and accounting plans for such projects or studies;

(b) An estimate of the quantity and type of materials to be collected and recycled under the proposed program, including an explanation of the methods used to estimate this quantity;

(c) A description of all existing or proposed recycling facilities, collection centers, or other related service centers located within the county, including ownership, capacity, type of facility, and approximate service area of such facilities;

(d) A demonstration that the materials to be collected or processed, or both, are not presently being recovered to the extent necessary to meet the goal established in Section 403.706(4), F.S. and would not be recovered, but for the proposed recycling project and a description of the method used to make this determination. This demonstration shall include an explanation of how existing private and public sector recycling programs and efforts will be incorporated into the recycling and education program;

(e) A summary of all costs incurred, or to be incurred, in planning or implementing the recycling and education projects;

(f) A copy of any interlocal agreement entered into between local governments to accomplish the purposes of this rule;

(g) Any contracts or agreements entered into or summaries of contemplated agreements or contracts to develop and implement the recycling or waste reduction program;

(h) The measurable objectives of the education program, and an explanation of how the education program will directly promote the use of existing or planned local recycling or waste reduction projects;

(i) A description of the methods used in evaluating the success of the education and recycling programs; and

(j) A demonstration that grant funds will be used to provide for recycling those materials specified in Section 403.706(2), F.S., for both single-family and multi-family dwellings.

(2) The grant application shall include a recycling or waste reduction plan for the entire population of the county (incorporated and unincorporated), containing at least the following information:

(a) An explanation of the manner in which the recycling or waste reduction program will be implemented;

(b) A timetable for the continued development and implementation of the recycling or waste reduction program;

(c) The estimated percentage of the population participating in various types of recycling activities;

(d) The percent reduction each year in municipal solid waste disposed of at solid waste disposal facilities as a result of public and private recycling programs, including the success rates, perceived reasons for failure or success, and the public and private sector recycling activities which are ongoing and most successful;

(e) A description of the type and the weight of solid waste generated within the applicant's service areas and the general type and the weight of solid waste that is expected to be generated within the service areas in the 20-year period following the date of the grant application;

(f) An identification and description of the facilities where solid waste is being disposed of or processed, the remaining available permitted capacity of such facilities, any planned increases in the capacity of such facilities, and the anticipated effect of recycling programs on the type and size of such facilities;

(g) An explanation of how existing or anticipated solid waste reduction or recycling will affect the type and size of any planned or existing solid waste management facilities in the affected service areas;

(h) A description and evaluation of solid waste that is being or could be recycled, including, but not limited to:

1. The type and weight of solid waste or materials which would otherwise become solid waste that is being or could be recycled by the public and private sector, giving consideration to the following materials: glass, aluminum, steel and bimetallic materials, office paper, yard trash, newsprint, corrugated paper, and plastics;

2. The anticipated and available markets or uses for materials collected through recycling programs; and

3. The estimated costs of and revenue from operating and maintaining existing and proposed recycling programs. This does not include specific costs and revenues from privately operated recycling programs, but a summary of such costs and revenues is required if the applicant intends to provide funding for such programs;

(i) A description of any recycling activities implemented or existing prior to July 1, 1989;

(j) For those local governments whose comprehensive plans required by Chapter 163, F.S., have been submitted at the time of application, an explanation of how the recycling program relates to the future land use elements; sanitary sewer, solid waste, drainage, potable water, and natural

ground water aquifer recharge elements; intergovernmental coordination elements; and capital improvements elements;

(k) A description of how all special wastes will be managed; and
(1) A description of the progress made toward developing a composting program for organic materials such as yard waste, food waste, and paper waste that would otherwise be disposed of in a landfill.
Specific Authority 403.704, 403.7095, FS.
Laws Implemented 403.706, 403.7095, FS.
History - New 5-16-89, Amended 7-14-91, Formerly 17-716.410, Amended 11-16-94.

62-716.420 Recycling and Education Grant Special Requirements.

(1) The Department shall not approve an education grant unless a local public or private recycling project is planned or under way and the proposed education project directly promotes the success of the recycling project.

(2) After July 1, 1989, no county or municipality shall receive a recycling or education grant unless each solid waste disposal facility owned or operated by the county or municipality has weight scales, as required by Section 403.706(18), F.S.

(3) After January 1, 1990, no local government shall receive a recycling or education grant unless the operator of each solid waste management facility owned or operated by it has completed an operator training course approved by the Department, as required by Section 403.716, F.S.
Specific Authority 403.704, 403.7095, FS.
Laws Implemented 403.706, 403.7095, FS.
History - New 5-16-89, Formerly 17-716.420, Amended 11-16-94, 2-20-96.

62-716.430 Use of Recycling and Education Grant Funds.

(1) Solid waste recycling grants shall be used to provide funding for recycling program capital costs, which include equipment purchases, solid waste scales, facility construction and other such costs approved by the Department as part of the grant agreement.

(a) Recycling grant funds may also be used for operating subsidies, provided that the applicant shall demonstrate that such a use is necessary for the success of the recycling program, and shall show how the subsidy will benefit the program. The applicant shall also provide reasonable assurance that the program will be able to operate without a subsidy from this grant program if the grant program were to end.

(b) Recycling grant funds shall be used for projects to assist local governments in recycling paper, glass, plastic, construction and demolition debris, white goods, and metals and in composting and recycling the organic material component of municipal solid waste.

(c) Recycling grant funds shall not be used for programs

which do not involve recycling, even if such programs result in a reduction in the amount of solid waste being disposed.
(2) Solid waste education grant funds shall be used to promote recycling, volume or waste reduction, proper disposal of solid wastes, and market development for recyclable materials. Up to 30 percent of education grant funds may be used for planning studies to assess the feasibility and success of the recycling and education programs.

(3) All existing public and private recycling infrastructure shall be fully used to the extent possible when planning and implementing the local government recycling program. Funds shall not be used for duplicating existing private and public recycling programs unless the applicant demonstrates that such existing programs cannot be integrated into the planned recycling program.
Specific Authority 403.704, 403.7095, FS.
Laws Implemented 403.706, 403.7095, FS.
History - New 5-16-89, Formerly 17-716.430, Amended 11-16-94.

62-716.440 Allocation of Recycling and Education Grant Funds.

(1) Twenty-five percent of the funds available for recycling and education grants shall be distributed as base portions of grants to all eligible counties and to eligible municipalities with greater than 50,000 population. The base portion of grants shall be awarded in equal amounts to all eligible applicants according to the provisions of section 403.7095, F.S. The total base grant amount shall be determined by dividing the recycling and education base portions by the total number of eligible applicants. For purposes of this subsection, eligible applicants include counties and municipalities regardless of whether they apply jointly or individually.

(2) Seventy-five percent of the funds available for recycling and education grants shall be distributed as incentive portions of grants based on the populations of the eligible applicants. In all cases, the incentive portions of grants shall be distributed based proportionately on the total population of each county and the municipalities within the counties applying jointly during a grant period. The total incentive grant amount will be determined by dividing the available funds by the total population of all applicants, and multiplying this amount by the population of each eligible applicant. Counties shall be credited only with the population of the unincorporated areas and municipalities shall be credited with the total population in their incorporated area. Counties and municipalities applying jointly shall receive one incentive grant based on their combined populations.
Specific Authority 403.704, 403.7095, FS.
Laws Implemented 403.706, 403.7095, FS.
History - New 5-16-89, Formerly 17-716.440.

62-716.450 Solid Waste Annual Reports. By October 1,

1989, and each year thereafter, each county shall submit a report to the Department concerning its annual solid waste management program and recycling activities. A county which has submitted a recycling and education grant application which meets all the requirements of Rule 62-716.410(2), F.A.C., shall not be required to submit an annual report. The annual report by the county shall include:

- (1) A description of the public education program on recycling;
 - (2) The amount and type of solid waste disposed of at solid waste disposal facilities, including yard trash, white goods, construction and demolition debris, tires, and unseparated solid waste;
 - (3) The amount and type of materials from the solid waste stream that were recycled;
 - (4) The estimated percentage of the population participating in various types of recycling activities instituted;
 - (5) The percent reduction of municipal solid waste disposed of at solid waste disposal facilities in the previous year;
 - (6) A description of the recycling activities attempted, their success rates, the perceived reasons for failure or success, and the public and private sector recycling activities which are ongoing and most successful; and
 - (7) A description of any recycling activities implemented or existing prior to July 1, 1989;
- Specific Authority 403.704, 403.7095, FS.
Laws Implemented 403.706, 403.7095, FS.
History - New 5-16-89, Formerly 17-716.450.

62-716.500 Specific Small County Grant Application Requirements.

- (1) All counties with a total population of fewer than 50,000 are eligible for annual grants of \$50,000, pursuant to Section 403.7095(7), F.S.
 - (2) The Department shall provide each eligible county with application Form 62-716.900(2) by June 1, 1989, and each year thereafter through 1996.
 - (3) No later than August 1 of each year, each eligible county applying for a grant shall submit to the Department for approval a complete application.
- Specific Authority 403.704, 403.7095, FS.
Laws Implemented 403.7095, FS.
History - New 5-16-89, Formerly 17-716.500, Amended 11-16-94.

62-716.510 Use of Small County Grant Funds. Counties shall have operational weight scales at all solid waste disposal facilities in accordance with Section 403.7095(7), F.S., before grant funds may be used for any other purpose. A county shall use the grants authorized by Rule 62-716.500, F.A.C., for purchasing or repairing solid waste weight scales, annual solid waste management program operating costs, planning, construction, and maintenance of solid waste

management facilities or recycling facilities, solid waste management education for employees or the public, or recycling demonstration projects.
Specific Authority 403.704, 403.7095, FS.
Laws Implemented 403.7095, FS.
History - New 5-16-89, Formerly 17-716.510.

62-716.600 Specific Waste Tire Grant Application Requirements.

- (1) The Department shall provide each county with an application Form 62-716.900(3) by May 1 of each year.
 - (2) Completed applications for the second year grant program shall be submitted to the Department for approval on July 1, 1991, and each year thereafter.
- Specific Authority 403.704, 403.7095, 403.719, FS.
Laws Implemented 403.7095, 403.716, FS.
History - New 5-16-89, Amended 7-14-91, Formerly 17-716.600, Amended 11-16-94.

62-716.610 Allocation of Waste Tire Grant Funds.

- (1) No later than May 25, 1989, the Department shall determine the first year grant funds available for waste tire grants from the waste tire account of the Solid Waste Management Trust Fund. Each year thereafter, the Department shall determine the amount of funds available no later than May 1.
 - (2) Each eligible county shall receive a pro-rata share, based on total incorporated and unincorporated population, of the funds in the waste tire account. Counties should consider the advantages of a regional program prior to receiving grant approval.
 - (3) Upon request, the Department shall provide technical assistance to a county or group of counties desiring assistance in applying for waste tire grants or choosing a method of waste tire management which would be an eligible use of the grant funds.
 - (4) Each applicant for a waste tire grant shall submit an annual report to the department accounting for the use of such grant. The report shall be submitted along with the grant application and shall summarize the expenditures of funds from the previous grant year. The report may be in whatever form is convenient for the applicant.
- Specific Authority 403.704, 403.7095, 403.716, FS.
Laws Implemented 403.7095, 403.716, FS.
History - New 5-16-89, Formerly 17-716.610, Amended 11-16-94.

62-716.620 Use of Waste Tire Grant Funds.

- (1) Counties shall use the waste tire grants authorized by this rule, individually or collectively, to:
 - (a) Construct or operate, or contract for the construction or operation of, a waste tire processing facility and equipment purchases therefor;
 - (b) Contract for a waste tire processing facility service within or outside the county or state;

- (c) Remove or contract for the removal of waste tires from the county, region, or state;
 - (d) Perform or contract for the performance of research designed to facilitate waste tire recycling and to operate recycling and education programs;
 - (e) Establish waste tire collection centers at solid waste disposal facilities or waste tire processing facilities;
 - (f) Provide incentives for establishing or expanding privately operated waste tire collection centers for the public;
 - (g) Abate and provide mosquito control relating to waste tire sites, other tire piles, and other waste debris sites in the county identified by local mosquito control agencies as mosquito breeding areas;
 - (h) Perform, or contract for the performance of, enforcement and prevention activities to prevent the illegal transportation and disposal of waste tires and other solid waste, and
 - (1) Purchase materials and products made from waste tires that are collected and recycled within this state.
 - (2) Up to five percent of a county's grant may be used for administrative costs and planning or research studies to assess the feasibility of eligible projects within a county, or to assess the feasibility of establishing a regional waste tire program.
 - (3) Counties with populations less than 50,000 may use waste tire grants for any purpose related to solid waste management.
- Specific Authority 403.704, 403.7095, 403.719, FS.
 Laws Implemented 403.7095, 403.719, FS.
 History - New 5-16-89, Formerly 17-716.620, Amended 11-16-94, 2-20-96.

62-716.700 Litter Control and Prevention Grants.

- (1) The Department will provide grant application Form 62-716.900(4) to all counties by May 1 of each year.
- (2) No later than August 1 of each year, each county applying for a grant shall submit to the Department for approval a complete application.
- (3) One-third of the funds available for litter control and prevention grants will be distributed in equal amounts to all counties with a total population fewer than 50,000 which submit complete applications.
- (4) The remaining two-thirds of the funds available for litter control and prevention grants will be distributed in equal amounts to all counties with a total population greater than 50,000 which submit complete applications.
- (5) Litter control and prevention grants shall be used by recipients to establish local comprehensive government litter control and prevention programs which are coordinated and capable of having statewide identity and grassroots community support.
- (6) Existing public and private programs shall be

- used to implement the local litter control and prevention program before any new program will be approved. Funds shall not be used for duplicating existing public and private litter control and prevention programs unless the applicant demonstrates that such existing programs cannot be integrated into the planned litter control and prevention program.
 - (7) Grantees may use up to one-hundred percent of the grant award for operating costs associated with education and prevention programs listed in sections 10 and 11 of the grant application. These costs may include rent, telephone, utilities, salaries and benefits, postage, office equipment and supplies, program material and marketing.
 - (8) Grantees may use up to thirty-five percent of the grant award for operating costs for projects to assist local governments with the removal of litter and debris. The remainder of the award not spent on removal shall be used to fund educational and prevention programs.
- Specific Authority 403.704, FS.
 Laws Implemented 403.4131, FS.
 History - New 11-16-94, Amended 2-20-96.

62-716.800 Small County Landfill Closure Grant Requirements.

- (1) Small County Landfill Closure grants shall be used to assist small counties with the labor and construction costs for the proper closure of public landfills in accordance with the requirements of Chapter 62-701, F.A.C. Such costs include construction quality assurance and quality control, site preparation, and monitoring well installation, but do not include costs of design, permitting, financing, hydrogeological studies, ground water monitoring and analysis, or long-term care. Grant funds shall be used only for expenditures incurred after the grant agreement is signed.
- (2) All counties with a total population of fewer than 50,000 are eligible to apply for a landfill closure grant for each landfill which meets the following criteria:
 - (a) The landfill is owned by the county applying for the grant or a municipality in that county, or the landfill is owned by a non-governmental entity but is leased by the county applying for the grant, or by a municipality in that county, and was operated by that county or municipality;
 - (b) The landfill is a Class I or Class II landfill that received municipal solid waste between January 1, 1987 and January 1, 1994 and ceased receiving municipal solid waste by January 1, 1994. Class III landfills will be considered eligible if it can be shown that they accepted municipal solid waste during these same time periods; and
 - (c) A closure permit for the landfill has been issued by the Department, or a closure plan for the landfill has been approved by the Department as part of a Consent Order.
- (3) By November 16, 1994, unless otherwise provided in subsection (10) of this section, eligible counties shall submit to the Department a completed grant application on

Form 62-716.900(5) and a copy of the Department-approved closure cost estimate, as specified in Rule 62-701.630, F.A.C., that has been signed and sealed by the engineer of record. All closure cost estimates must have been completed or updated after January 1, 1994.

(4) As part of the application, a county shall demonstrate that it has contributed or will contribute a total share of at least \$22 per capita per county towards the cost of landfill closure. This contribution may be paid either with county funds, in-kind services, or a combination of the two. The contribution must be related to the closure estimate is based upon, and must also be related to closure conditions in the closure permit or approved closure plan.

(a) The county's contribution may include design and engineering costs of closure, as well as labor and actual construction costs. Funds from any other grants issued by the Department pursuant to this chapter may not be used as part of this contribution.

(b) In-kind services include design, labor, and construction services rendered by county employees, as well as the use of county-owned equipment to perform these services. The amount of contribution shall be the reasonable market value of these services.

(c) The amount of contribution shall be documented by the county based upon payroll records and, for in-kind services, a financial statement from the county's chief financial officer estimating the reasonable market value of these services.

(d) The county's contribution may be pro-rated over a calendar year. However, this contribution shall be at least \$5.50 per capita for each quarter that grant funds are requested.

(5) No later than December 16, 1994, unless otherwise provided in subsection (10) of this section, the Department shall determine the grant funds available for each of the participating counties and prepare grant agreements. The amount of each grant shall be based on the eligible costs in the closure cost estimate minus the greater of either the amount the applicant has actually contributed to the landfill closure or \$22 per capita, as determined pursuant to subsection (4) of this section.

(6) The amount of grant funds awarded is contingent upon the availability of funds for these grants. Since it is possible that sufficient funds will not be available to fully close all eligible landfills, and since the Department finds that fully closing some landfills will better protect the public health and environment than will partially closing all eligible landfills, the Department will prioritize those landfills based upon the threat posed to public health and the environment. Grant funds will be awarded in order of priority. The Department shall consider the following criteria when prioritizing landfills for closure:

(a) The size of the landfill;
(b) The proximity of the landfill to populated areas and drinking water sources;

(c) The immediate threat to the environment posed by existing documented ground water contamination;

(d) The degree to which the landfill has already been partially closed, and the impact of this partial closure on leachate and gas generation; and

(e) The likelihood that the landfill will be closed without Department funding.

(7) Unless a grant advance has been requested by the applicant, grant funds shall be reimbursed on a quarterly basis contingent upon receipt of quarterly reports from the applicant for actual costs incurred in the closure construction.

(a) Quarterly reports shall include a summary of all costs incurred during closure, including those costs contributed by the county in accordance with subsection (4) of this section.

(b) Actual receipts need not be submitted with each quarterly report. However, the county shall retain all receipts and make them available to Department personnel at reasonable times.

(8) Each eligible landfill shall be closed, and a certification of closure construction completion submitted to the Department, no later than one year after the grant agreement has been signed. The final grant payment will be made after the Department has inspected the closure construction and affirms that the site has been closed as specified in Rule 62-701.610(6), F.A.C.

(9) This grant does not relieve the county of its obligation to comply with the financial assurance requirements established in Chapter 62-701, F.A.C.

(10) Any county may apply for a landfill closure grant after November 16, 1994, if the landfill is owned by a non-governmental entity but is leased by the county applying for the grant, or by a municipality in that county, and was operated by that county or municipality prior to January 1, 1994. The application must be filed by April 10, 1995 in accordance with the provisions of subsection (3) of this section. The Department will review the application by May 10, 1995 in accordance with the provisions of subsection (5) of this section. In addition to the other requirements of this section, the county or municipality must demonstrate that it has access to the landfill and permission from the property owner to complete the closure of the landfill. Specific Authority 403.704, FS. Laws Implemented Chapter 94-157, Section 26, at 2083A, Laws of Florida. History - New 11-16-94, Amended 4-10-95.

62-716.850 Small County Landfill Closure Reimbursement Grant Requirements.
(1) Small county landfill closure reimbursement grants

shall be used to reimburse small counties for the labor and construction costs previously incurred for the proper closure of public landfills in accordance with the requirements of Chapter 62-701, F.A.C. Such costs include construction quality assurance and quality control, site preparation, and monitoring well installation, but do not include costs of design, permitting, financing, hydrogeological studies, ground water monitoring and analysis, or long-term care.

(2) All counties with a total population of fewer than 50,000 are eligible to apply for a landfill closure reimbursement grant for landfills which meet the following criteria:

(a) The landfill is owned by the county applying for the grant or a municipality in that county, or the landfill is owned by another but was operated and closed by that county or municipality;

(b) The landfill is a Class I or Class II landfill that received municipal solid waste between January 1, 1987 and January 1, 1994 and ceased receiving municipal solid waste by January 1, 1994. Class III landfills will be considered eligible if it can be shown that they accepted municipal solid waste during these same time periods;

(c) A closure permit for the landfill has been issued by the Department, or a closure plan for the landfill has been approved by the Department as part of a Consent Order; and

(d) Landfill closure was substantially completed prior to June 1, 1995, using local government funds not including any grants from the Department. If Department grant funds were used for part of the closure costs; the amount of those grants will be subtracted from the final grant awarded under this section.

(3) By February 20, 1996, eligible counties shall submit to the Department a completed grant application on Form 62-716.900(6). Counties with more than one qualifying landfill, including landfills owned by municipalities, shall include all such landfills in the application; acreage estimates and grant awards will be based on the total area closed at all such landfills. The application shall include documentation that each landfill was substantially closed in accordance with a Department closure permit or Consent Order, the population estimate for the county for the year the landfill closure was substantially completed as determined under Section 186.901, F.S., less the state inmate population for that year (for counties with multiple qualifying landfills, the population estimate shall be the average of the population estimates for each year in which a landfill was closed), and the total acreage of each landfill which received final cover as specified in the permit or Consent Order. The total acreage estimate shall be signed and sealed by a professional engineer. If any landfill has been substantially closed but has not completed final closure, the applicant shall explain any delays and include a timetable for completion.

(4) The Department finds that, because of the inherent difficulties in determining the exact amount a county has spent on past landfill closure, the differing costs associated with varying methodologies used in closing landfills, and the different accounting and recordkeeping practices among the counties, it is not practical to attempt to reimburse counties for the actual amounts spent on landfill closure. Therefore, based on a review of the data associated with the small county landfills closed prior to June 1, 1995, data relating to closure plans funded pursuant to Rule 62-716.800, F.A.C., and other available information relating to closure costs, the Department has determined that the average cost of closing such landfills is \$75,000 per acre, and that it is appropriate and equitable to base grant awards on this average cost.

(5) During Fiscal Year 1995-1996, and each year thereafter that funds are authorized for this program, the Department shall use the following procedure to determine a cost figure and a grant amount for each applicant:

(a) A cost figure for each eligible applicant shall be calculated by multiplying the number of acres closed by \$75,000. During the first year that a county applies for a grant under this program, this cost figure shall be adjusted by subtracting \$22 per capita and any Department grant funds used for closure as provided in paragraph (2)(d) of this section.

(b) The Department anticipates that insufficient grant money will be available in any one fiscal year to fully reimburse eligible applicants for closure costs. Therefore, grant awards for each eligible applicant shall be calculated as follows: $(TG/TA (\$75,000 - (\$22 \times TP))) \times CC$, or total grant money available / (total eligible acres closed $\times (\$75,000 - \22 per capita for all eligible counties)) \times applicant's adjusted calculated cost figure. However, in no event shall a county receive more than \$1,000,000 in grant funds in Fiscal Year 1995-96, nor shall any county receive more than its calculated cost figure in total grant awards.

(c) In those cases where an applicant has provided a reasonable estimate of the actual costs of closing the landfill, the total grant amount shall not exceed this estimated cost.

(6) The Department shall determine the grant funds available for each eligible county and prepare grant agreements. Eligible counties which have substantially closed their landfills, but which have not completed closure, may receive and sign grant agreements; however, no grant funds will be disbursed to such counties until closure has been completed and a letter of concurrence has been issued by the Department in accordance with Rule 62-701.610(6), F.A.C. Specific Authority 403.704, FS. Laws Implemented Chapter 95-429, Section 5, at 1364A, Laws of Florida.

History - New 2-20-96

62-716.900 Forms. The forms and instructions used by the Department in the Recycling Grant Program are adopted and incorporated by reference in this section. The forms are listed by rule number, which is also the form number, and with the subject title. Copies of forms may be obtained by writing to the Administrator, Solid Waste Section, Bureau of Solid and Hazardous Waste, Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400.

- (1) Solid Waste Recycling and Education Grant Application, effective 11-16-94.
 - (2) Small County Solid Waste Grant Application, effective 11-16-94.
 - (3) Waste Tire Grant Application, effective 2-20-96.
 - (4) Litter Control and Prevention Grant application, effective 11-16-94.
 - (5) Small County Landfill Closure Grant Application, effective 11-16-94.
 - (6) Small County Landfill Closure Reimbursement Grant Application, effective 2-20-96.
- Specific Authority 120.53(1), 403.061, FS.
Laws Implemented 120.53(1), 120.55, 403.0875, 403.7095, FS.
History - New 5-16-89, Amended 7-14-91, Formerly 17-716.900, Amended 11-16-94, 2-20-96.