

LCB File No. R176-05

**PROPOSED REGULATION OF THE
STATE ENVIRONMENTAL COMMISSION**

Petition 2005-09

AUTHORITY: NRS 444.560 and 444A.110

New language is italicized and bolded; ~~[language to be deleted is in brackets and bolded]~~.

Chapter 444A of the NAC is hereby amended by adding thereto a new section to read as follows:

Section 1 Applications for grants: Solicitation; submission; contents.

1. The Division may solicit applications for grants to enhance solid waste management systems and promote solid waste recycling and the efficient use of resources. The Division may establish deadlines for applications by giving public notice of the availability of grants and the deadlines. An application received after 5:00 p.m. on the last business day of the application period will be returned to the applicant.

2. An application for a grant may be submitted to the Division by:

- (a) A Nevada municipality;*
- (b) An educational institution; or*
- (c) A nonprofit organization.*

3. An application for a grant must be submitted in the format described in the Division's solicitation and must include:

(a) A one-page cover letter that includes the project title, project summary, amount requested, the applicant's organization name, contact name, address, phone and fax numbers, and e-mail address.

(b) A description of the managerial and technical ability of the applicant to carry out the proposed project and any assistance by a consultant that is anticipated;

(c) A proposed schedule, including starting and ending dates of the project;

(d) A work plan that describes the principal tasks of the project and includes a description of the background, goals, deliverables and the need for the project;

(e) Criteria according to which the success of the project will be measured;

(f) A budget, on a form provided by the Division; and

(g) Any other information requested by the Division in the solicitation.

Chapter 444A of the NAC is hereby amended by adding thereto a new section to read as follows:

Section 2 Applications for grants: Determination of eligibility and adequacy; action by Division; correction of deficiencies. (NRS 444A.110)

1. The Division shall review each application to determine:

- (a) The eligibility of the applicant;*
- (b) The eligibility of the proposal specified in the application;*
- (c) The eligibility of the costs specified in the application; and*

- (d) *The adequacy of the supporting documentation.*
- 2. *Proposals designed to enhance solid waste management systems or promote solid waste recycling and the efficient use of resources are eligible.*
- 3. *The costs to achieve the purposes identified in subsection 2 are eligible for the grant program.*
- 4. *Documentation is considered adequate if it fulfills the format requirements of subsection 3 of Section 1 and enables the Division to:*
 - (a) *Determine whether the proposal is feasible;*
 - (b) *Determine whether the applicant has the managerial and technical ability and experience to carry out the proposal; and*
 - (c) *Evaluate the proposal pursuant to Section 3.*
- 5. *If the Division determines that the documentation in an application is inadequate, the Division may notify the applicant of deficiencies and permit the applicant to correct the application within 30 days after receiving notice of the deficiencies.*

Chapter 444A of the NAC is hereby amended by adding thereto a new section to read as follows:

Section 3 Applications for grants: Evaluation of final application. (NRS 444A.110)

- 1. *In evaluating an application, the Division shall consider:*
 - (a) *The goals and policies of the Bureau of Waste Management of the Division of Environmental Protection of the State Department of Conservation and Natural Resources;*
 - (b) *Whether the proposal is consistent with the Nevada State Solid Waste Management Plan and the municipal solid waste management plan in the municipality, or municipalities, in which the project is located;*
 - (c) *If the applicant is a municipality, whether the municipality has a Solid Waste Management Plan that has been updated within the last 5 years;*
 - (d) *Whether the project is likely to improve solid waste management systems within the state or a municipality;*
 - (e) *Whether the project will increase opportunities for recycling and reuse of solid waste;*
 - (f) *Whether the project is likely to increase public awareness of the importance of conserving natural resources or of the reuse, recycling and proper disposal of solid waste;*
 - (g) *Whether the project will promote achievement of the statutory goal to recycle Nevada's solid waste;*
 - (h) *Whether the proposed budget is reasonable for the proposed work plan;*
 - (i) *Whether alternative sources of financial and technical support are available to the applicant;*
 - (j) *Whether the project can be carried out without the financial assistance of the Division;*
 - (k) *The managerial and technical ability of the applicant to carry out the proposed project; and*
 - (l) *Whether the project is likely to require continued financial assistance after the term of the grant.*
- 2. *The Division shall consult a solid waste management authority before awarding a grant for any project within its jurisdiction, and shall allow at least 14 days for the solid waste management authority to provide comments on the grant proposal.*

Chapter 444A of the NAC is hereby amended by adding thereto a new section to read as follows:

Section 4 Awarding of grants. (NRS 444A.110)

1. The Division shall award grants to those proposals that, in the judgment of the Division, best meet the factors set forth in Section 3.

2. The Division shall determine the amount of a grant based on a review of the factors set forth in Section 2 and the amount of money available for grants. The Division may grant multiple awards to a single applicant.

Chapter 444A of the NAC is hereby amended by adding thereto a new section to read as follows:

Section 5 Grant agreements: Entry; contents. (NRS 444A.110)

The Division and the recipient of a grant shall enter into a grant agreement that must:

1. Establish the term of the grant, which may not exceed 2 years unless otherwise determined by the Division;

2. Establish a schedule and terms for the payment of the grant. Unless otherwise determined by the Division, payments shall be made based upon completion of all or some of the tasks identified in the work plan;

3. Provide that the recipient is authorized to enter into contracts to complete the work specified in the agreement;

4. Provide that the recipient shall submit the results of all studies and analyses performed under the agreement to the Division;

5. Provide that any documents, statements or promotional items issued by the recipient that describe the projects or programs funded under the grant must state that funding for the project was provided through a grant from the Nevada Division of Environmental Protection. Before issuance of such documents, statements or promotional items, the grantee shall submit them to the Division for review.

Chapter 444A of the NAC is hereby amended by adding thereto a new section to read as follows:

Section 6 Grants: Cancellation and termination; disbursement; examination of recipient; reimbursement of ineligible costs; return of money not spent. (NRS 444A.110)

1. Unless the Division determines that a variance is justified, the Division shall cancel a grant that is not completed in accordance with its terms and conditions, including time schedules.

2. If the Division determines that a project is no longer beneficial, it may, upon its own initiative or at the request of a recipient of a grant, terminate the grant 30 days after giving notice of the termination to the recipient. The Division may order a recipient to stop spending money received as a grant, effective the date the notice of termination is issued.

3. The Division shall disburse the money for grants in accordance with the schedule for payments set forth in the grant agreement.

4. If the books, records, documents and accounting procedures and practices of a recipient of a grant are relevant to the grant, they are subject to examination at any time by Division and other appropriate state officers. The recipient shall reimburse the Division for any costs that have been paid which, in the opinion of the Division, are ineligible.

5. If the Division has made payments to the recipient before completion of the project, the applicant shall, upon completion of the project, cancellation of the grant or termination of a project, return to the Division any money that has not been spent, in accordance with the procedure set forth in the grant agreement.