

IC 13-20-20

Chapter 20. Household Hazardous Waste Grant Program

IC 13-20-20-1

Grants; funding; joint efforts of units and districts

Sec. 1. (a) The department shall provide financial assistance to units and districts through matching grants awarded under this chapter for projects involving the collection, recycling, or disposal of household hazardous waste and conditionally exempt small quantity generator waste.

(b) Grants awarded under this chapter shall be funded:

(1) from the hazardous substances response trust fund established by IC 13-25-4-1 if money is available under IC 13-25-4-4; and

(2) from the solid waste management fund established by IC 13-20-22-2.

(c) Units and districts may join in any combination for the purposes of the following:

(1) Implementing a project.

(2) Applying for a grant under this chapter.

As added by P.L.1-1996, SEC.10. Amended by P.L.237-1999, SEC.3.

IC 13-20-20-2

Awarding grant; grounds

Sec. 2. A grant may be awarded under this chapter to a unit or district that has developed a household hazardous waste or conditionally exempt small quantity generator waste collection, recycling, or disposal project that does the following:

(1) Provides educational literature describing the hazards associated with household hazardous waste and conditionally exempt small quantity generator waste.

(2) Uses a licensed hazardous waste service to:

(A) collect;

(B) handle;

(C) pack;

(D) transport; or

(E) dispose of;

collected household hazardous waste and conditionally exempt small quantity generator waste.

(3) Allows and encourages participation from all households within a designated household hazardous waste or conditionally exempt small quantity generator waste collection area that is specified in the grant application.

As added by P.L.1-1996, SEC.10. Amended by P.L.237-1999, SEC.4.

IC 13-20-20-3

Grant application; forms; contents

Sec. 3. (a) After a grant applicant has developed a plan under

section 2 of this chapter, the applicant may apply for a grant under this chapter on forms prepared and supplied by the department.

(b) A grant application must include the following:

(1) A statement describing a project's scope of activities and objectives that identifies 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 and conditionally exempt small quantity generator waste collection sites.

(3) A description of proposed information and educational activities designed to inform households of the opportunity to participate in the project.

(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 under section 4 of this chapter.

(6) A resolution by the legislative body (as defined in IC 36-1-2-9) of a unit or the board of directors of a district involved in the 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 and conditionally exempt small quantity generator 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 samples of all informational and educational brochures prepared and distributed and data on the household participation rates, waste quantities collected by category, documentation of all costs, and recommendations for project improvements.

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

(i) does not exceed twenty-four (24) months; and

(ii) includes anticipated dates of information and educational activities, waste collection, and 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 or conditionally exempt small quantity generator waste program that includes sources of funding and a 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 hazardous household products.

As added by P.L.1-1996, SEC.10. Amended by P.L.237-1999, SEC.5.

IC 13-20-20-4

Project costs

Sec. 4. (a) Estimated project costs submitted under section 3(b)(5) of this chapter must include the following:

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

(b) Project costs that are ineligible for grant funding may not be used to fulfill a grantee's match requirement. A grantee is responsible for all project costs except the costs funded by a grant.

(c) Ineligible project costs include the following:

- (1) Costs incurred before the approval of a grant.
- (2) Costs incurred more than twenty-four (24) months after a grant has been accepted.
- (3) Costs incurred by a grantee that exceed original estimated eligible project costs indicated in a grant application.
- (4) Other costs that are not specifically related to a project as determined by the department.

(d) Eligible project costs may be:

- (1) used to fulfill the grantee's match requirement; and
- (2) funded by the grant.

(e) Project costs that are not ineligible under subsection (c) are eligible project costs for purposes of subsection (d).

As added by P.L.1-1996, SEC.10. Amended by P.L.237-1999, SEC.6.

IC 13-20-20-5

Amount of grant; matching contributions

Sec. 5. A grant awarded under this chapter:

- (1) may not exceed fifty percent (50%) of the total eligible costs estimated in a grant application; and
- (2) must be matched by an applicant's financial or in kind contributions.

As added by P.L.1-1996, SEC.10.

IC 13-20-20-6

Payment of grant

Sec. 6. (a) When a grantee accepts a grant award, the department shall pay the grantee seventy-five percent (75%) of the grant for the project.

(b) The remaining twenty-five percent (25%) of the grant shall be

paid to the grantee after the:

- (1) grantee submits the final report to the department; and
- (2) department has audited and approved in writing the final expenditures.

As added by P.L.1-1996, SEC.10.

IC 13-20-20-7

Documentation of expenditures; source of funds; unexpended grant money

Sec. 7. (a) A grantee shall submit to the department documentation of all project expenditures within:

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

whichever occurs first.

(b) A grantee shall specify the source of money expended on a project for both ineligible costs and eligible costs.

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

- (1) completed the department's final audit of project expenditures; and
- (2) notified the grantee, in writing, of the unexpended amount.

As added by P.L.1-1996, SEC.10.

IC 13-20-20-8

Priority of grant applications

Sec. 8. (a) In determining the priority of grant applications under this chapter, the department shall first consider an applicant's demonstrated commitment to an annual household hazardous waste or conditionally exempt small quantity generator waste collection, recycling, or disposal project. The department shall consider evidence of the following in making the department's determination under this subsection:

- (1) A resolution by the applicant that the applicable community is committed to undertaking annual action to promote the proper collection, recycling, or disposal of household hazardous waste or conditionally exempt small quantity generator waste.
- (2) An educational project sponsored by the applicant concerning the potential dangers associated with household hazardous waste or conditionally exempt small quantity generator waste, including instructions for the proper methods of handling, storage, recycling, or disposal of household hazardous waste or conditionally exempt small quantity generator waste.
- (3) Sponsorship or participation in other projects that relate to the collection, recycling, or disposal of household hazardous waste or conditionally exempt small quantity generator waste, including projects developed or sponsored by civic organizations or private foundations.

(4) An educational project by the applicant concerning nonhazardous and nontoxic substitutes for hazardous household products.

(b) If the department determines that one (1) or more applicants demonstrate substantially similar commitment levels under subsection (a), the department shall give priority to the application the department received first.

As added by P.L.1-1996, SEC.10. Amended by P.L.237-1999, SEC.7.

IC 13-20-20-9

Application for multiple grants; reapplication by previous recipient

Sec. 9. (a) A unit or district may apply for more than one (1) grant under this chapter.

(b) A previous grant recipient under this chapter may reapply for additional grants within the same year only if money is available to the department after awarding grants to all other eligible applicants.

As added by P.L.1-1996, SEC.10.

IC 13-20-20-10

Exemptions

Sec. 10. (a) A grant applicant may request an exemption from a requirement under this chapter by submitting a written request to the department.

(b) A request filed under this section must contain a detailed description of the basis for a requested exemption.

(c) The department shall review an exemption request with regard to:

- (1) a potential nuisance;
- (2) a hazard to public health or safety; or
- (3) estimated degradation of the environment;

involved in the exemption request.

(d) An exemption granted by the department must:

- (1) be in writing; and
- (2) clearly state the reasons for the exemption.

As added by P.L.1-1996, SEC.10.

IC 13-20-20-11

Termination of grant

Sec. 11. (a) The department may terminate a grant awarded under this chapter if the department determines that there:

- (1) has been no sustained progress in meeting a timetable established in section 3(b)(6)(E) of this chapter;
- (2) is substantial evidence that a grant was obtained by fraud;
- or
- (3) is 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.
As added by P.L.1-1996, SEC.10.

IC 13-20-20-12

Annual report

Sec. 12. (a) Before February 1 of each year, the department shall submit an annual report to the:

- (1) governor;
- (2) legislative council; and
- (3) budget director.

A report submitted under this subsection to the legislative council must be in an electronic format under IC 5-14-6.

(b) The report must contain the following:

- (1) A description of each project funded through grants under this chapter.
- (2) A statement of the total amount of money that the department expends through grants under this chapter during the immediately preceding year.
- (3) An estimate of the amount of money that is required to meet the eligible grant requests for the current year.
- (4) Proposals of recommendations for any changes, in funding or otherwise, to the grant project.

As added by P.L.1-1996, SEC.10. Amended by P.L.28-2004, SEC.123.

IC 13-20-20-13

Rules

Sec. 13. The board may adopt rules under this chapter in accordance with IC 4-22-2 and IC 13-14-9.

As added by P.L.1-1996, SEC.10. Amended by P.L.237-1999, SEC.8.