

310 CMR: DEPARTMENT OF ENVIRONMENTAL PROTECTION

310 CMR 35.00: HOUSEHOLD HAZARDOUS WASTE GRANT PROGRAM

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35.01: Authority and Purpose

310 CMR 35.00 is promulgated pursuant to the authority granted by M.G.L. c. 21A, § 2(28) and by that portion of St. 1985, c. 140, § 2, line item 2200-0300 which provides for grants to cities, towns, and regional planning agencies for the safe collection and disposal of household hazardous waste.

310 CMR 35.00 is intended to apply to grants for household hazardous waste collection events held between September 1, 1985 and December 31, 1986, inclusive; provided however, that the award of grants for events scheduled to be held or held after June 30, 1986 is contingent upon the availability of funds and the continued authorization of the grant program pursuant to the fiscal year 1987 budget.

35.02: Definitions

As used throughout 310 CMR 35.00, the following terms shall have the following meanings, unless the context clearly indicates otherwise.

Act means that portion of St. 1985, c. 140, § 2, line item 2200-0300 which provides for grants to cities, towns, and regional planning agencies for the safe collection and disposal of household hazardous waste.

Applicant means an eligible city or town applying for a grant pursuant to 310 CMR 35.00 individually, as part of a group of cities or towns, or through a regional planning agency, as defined in 310 CMR 35.02

Application means a form properly completed by an applicant, with all supporting documentation.

35.02: continued

DEM means the Department of Environmental Management.

DEQE means the Department of Environmental Quality Engineering

Designated Regional Planning Agency means a regional planning agency, as defined in 310 CMR 35.02, which has been designated to provide technical and contract procurement assistance services to applicants or grantees pursuant to 310 CMR 35.12.

Eligible Program Cost means the amount paid to a licensed hazardous waste transporter for the collection, transportation, storage, and treatment or disposal of household hazardous waste.

Estimated Program Expense means the amount that DEQE estimates will be paid to a licensed hazardous waste transporter for the collection, transportation, storage, and treatment or disposal of household hazardous waste for any collection event scheduled to be held between April 14, 1986 and December 31, 1986, inclusive. The estimated program expense shall be used as the basis for calculating maximum amount of funding offered to an applicant in the Offer/Acceptance Agreement. The actual amount paid to an applicant as a grant shall be calculated pursuant to 310 CMR 35.15.

Generator means any person, by site, whose act or process produces hazardous waste, or whose act first causes a hazardous waste to become subject to regulation.

Grant Amount means the amount specified in the Offer/Acceptance Agreement and established by DEQE in accordance with 310 CMR 35.00.

Hazardous Waste means a waste, or combination of wastes, which because of its quantity, concentration, or physical, chemical or infectious characteristics may cause, or significantly contribute to an increase in serious irreversible, or incapacitating reversible illness or pose a substantial present or potential hazard to human health, safety, or welfare or to the environment when improperly treated, stored, transported, used or disposed of, or otherwise managed, however, not to include solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permits under section 402 of the Federal Water Pollution Control Act of 1967 as amended, or source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954.

Household Hazardous Waste means any hazardous waste which is generated in the normal course of household activities from single or multiple residences, but not from hotels or motels.

Household Hazardous Waste Collection Event means a program to collect, transport and treat or dispose of household hazardous waste which is sponsored by an applicant and for which the applicant seeks funding pursuant to 310 CMR 35.00.

High School Hazardous Waste means any hazardous waste which is generated, stored, or accumulated in a public high school for use in educational classes or programs and which:

- (a) has served its original purpose or is no longer suitable for its original purpose; or
- (b) is a by-product generated as a result of activities conducted in such educational classes and programs; or
- (c) is in a pure or off-specification form and is intended to be discarded.

Local Match Funds means the matching funds for a household hazardous waste collection event which an applicant must raise and appropriate, or otherwise make available, prior to the award of a grant.

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### 35.02: continued

Offer/Acceptance Agreement means the document which, upon signature of the Commissioner of DEQE and the authorized representative of the grantee, constitutes a binding agreement regarding the terms and conditions of the grant and the obligations of DEQE and the grantee.

Person means any agency or political subdivision of the federal government or Commonwealth, any state, public or private corporation or authority, individual, trust, firm, joint stock company, partnership, association, or other entity, and any officer, employee or agent of said person, and any group of said persons.

Population means the number of individuals in a city or town as established by the 1985 Massachusetts census, if that census is available by February 28, 1986; otherwise the number of individuals in a city or town as established by the 1980 Federal census.

Regional Planning Agency means a regional refuse disposal district established pursuant to the provisions of M.G.L. c. 40, §§ 44A through 44K, or a regional organization established or operating pursuant to any of the following provisions: M.G.L. c. 40B; St. 1963, c. 425; St. 1965, c. 453; St. 1967, c. 332; or St. 1973, c. 561.

### 35.03: Administration of the Grant Program

The responsibilities of the DEQE and the DEM in the administration of the Act and 310 CMR 35.00 shall be as follows.

- (1) DEM shall make all initial determinations and make recommendations to the DEQE concerning the final determinations authorized or required pursuant to 310 CMR 35.00.
- (2) DEQE shall make all final determinations and sign all Offer/Acceptance Agreements or other contracts entered into pursuant to 310 CMR 35.00.

### 35.04: Applications

- (1) Application forms shall be mailed to each city and town of the Commonwealth. Completed application forms shall be submitted to the DEM at the address specified in the form and shall be accompanied by all documentation, assurances, and all other information called for in the form.
- (2) Applications may be submitted for the following household hazardous waste collection events. No other events shall be eligible for funding.
  - (a) Collection events held between September 1, 1985 and April 13, 1986, inclusive; and
  - (b) Collection events scheduled to be held between April 14, 1986 and December 31, 1986, inclusive.
- (3) DEM or DEQE may request that the applicant furnish additional information if such information is deemed necessary for the application to be evaluated. All requests for additional information shall specify when the requested information must be submitted in order for it to be considered with the application.
- (4) An application shall be accepted for review only if it is postmarked, or received by DEM, not more than 60 days after the date that the application form was mailed to the applicant.

### 35.05: Funding Priorities

- (1) Subject to the provisions of 310 CMR 35.05(2), grants shall be awarded to eligible applicants based upon the following six levels of priorities, which are listed below in an order that ranges from the highest to the lowest priority. If an applicant qualifies to be in more than one level of priority, the applicant shall be deemed to be in the highest level for which the applicant qualifies; provided, however, if more than one applicant qualifies for the same level of priority, such applicants shall be ranked in the order level of priority for which they would otherwise qualify.

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### 35.05: continued

- (a) Applicants applying for grants for household hazardous waste collection events held between September 1, 1985 and April 13, 1986, inclusive.
- (b) Applicants which, as of the application deadline, have raised and appropriated, or otherwise made available, local match funds for household hazardous waste collection events scheduled to be held between April 14, 1986 and December 31, 1986, inclusive.
- (c) Applicants applying for grants for household hazardous waste collection events which are designed to serve jointly at least one other municipality.
- (d) Applicants which:
  - 1. have held or are planning to hold their first household hazardous waste collection day event between September 1, 1985 and December 31, 1986, inclusive and
  - 2. are applying for a grant for that event.
- (e) Applicants which have held one or more household hazardous waste collection events prior to September 1, 1985.
- (f) All other applicants.

(2) DEQE reserves the right to award grants in two or more rounds of funding. The first round of funding may be for collection events held or scheduled to be held prior to July 1, 1986. In each round of funding, applications shall be reviewed pursuant to the priorities established in 310 CMR 35.05(1).

### 35.06: Grant Awards

(1) A grant shall be deemed awarded when an Offer/Acceptance Agreement is executed by DEQE and the grantee. DEQE may revise or withdraw its grant offer at any time prior to formal acceptance by the grantee; provided, however, that DEQE reserves the right to withdraw its grant offer at any time and to terminate a grant even after formal acceptance by the grantee if:

- (a) the award of the grant will cause the total of all grants awarded to exceed the total funds available to DEQE for expenditures; or
- (b) the household hazardous waste collection event to be funded is held or scheduled to be held after June 30, 1986 and the authorization for the grant program is not continued in the fiscal year 1987 budget.

(2) The Offer/Acceptance Agreement may include all reasonable conditions which the DEQE deems necessary to ensure that the grant complies with applicable federal, state, and local laws, rules, and regulations.

### 35.07: Payment Method

All grant payments will be made subject to such conditions as are imposed by or pursuant to the Act and 310 CMR 35.00. The payment basis and methods of payment shall be set forth in the Offer/Acceptance Agreement between the grantee and DEQE.

### 35.08: Severability

If any provision of 310 CMR 35.00 or its application to any person is held invalid, such invalidity shall not affect other provisions or applications of 310 CMR 35.00 which can be given effect without the invalid provision or application, and to this end the provisions of 310 CMR 35.00 are declared to be severable.

### 35.10: Grants for Collection Events Held Between April 14, 1986 and December 31, 1986, Inclusive

### 35.11: Applicability, Scope, and Special Definitions

(1) 310 CMR 35.11 through 35.19, cited collectively as 310 CMR 35.10, establish the standards, criteria, and requirements which shall govern applications and grants for household hazardous waste collection events held or scheduled to be held between April 14, 1986 and December 31, 1986, inclusive.



35.11: continued

(2) All applicants, described in 310 CMR 35.11(3)(a), shall comply with the provisions of 310 CMR 35.10. Except as specifically provided elsewhere in 310 CMR 35.10, these applicants are also subject to the general provisions of 310 CMR 35.01 through 35.09.

(3) As used throughout 310 CMR 35.10, the following terms shall have the following meanings, unless the context clearly indicates otherwise.

(a) Applicant means an applicant, as defined by 310 CMR 35.02, which seeks funding for a household hazardous waste collection event held or scheduled to be held between April 14, 1986 and December 31, 1986, inclusive.

(b) Household hazardous waste collection event means a household hazardous waste collection event, as defined by 310 CMR 35.02, which is scheduled to be held within the period prescribed in 310 CMR 35.11(3)(a). The term shall not include a collection event held or scheduled to be held prior to April 14, 1986 or subsequent to December 31, 1986, and no such collection event shall be eligible for funding pursuant to 310 CMR 35.10.

35.12: Services to be Provided by Designated Regional Planning Agencies Pursuant to the Administration of 310 CMR 35.10

(1) To assist with the administration of 310 CMR 35.10, regional planning agencies may be designated and authorized to provide the services described in 310 CMR 35.12(4) to such applicants or grantees as may be assigned to such agency pursuant to 310 CMR 35.12(5). Any applicant or grantee so assigned shall be required to allocate and pay 20% of its local match funds to the designated regional planning agency to which it is assigned.

(2) Any regional planning agency shall be eligible to be considered for designation to provide services pursuant to 310 CMR 35.12. DEQE reserves the right to limit the number of regional planning agencies so designated to ensure that economies of scale are achieved with regard to the services to be provided.

(3) The following criteria are listed in order of the importance they will be given in determining which regional planning agencies to designate:

(a) Qualifications/Resources. Evaluation of this criterion will be based upon the regional planning agency's interest and willingness to provide services pursuant to 310 CMR 35.12; the regional planning agency's available resources and in-kind services; and the designation of a staff person with previous relevant experience and time availability to provide technical and contract procurement services.

(b) Regional Interest. Evaluation of this criterion shall be based upon the number of applicants within the region which apply for grants; the quality and completeness of their applications; and the aggregate population of all such applicants.

(4) DEQE shall execute an agreement in writing with each designated regional planning agency establishing the scope of services to be provided by the regional planning agency. This agreement may authorize or require the designated regional planning agency to:

(a) Sponsor and conduct one or more regional workshops for the applicants or grantees on organizing and conducting household hazardous waste collection events;

(b) Assist applicants or grantees in carrying out the public education events described in 310 CMR 35.17;

(c) Assist applicants or grantees with the selection of a licensed hazardous waste transporter to conduct a household hazardous waste collection event and with the negotiation of a contract agreement for the services to be provided by the transporter;

(d) Receive and expend grant funds on behalf of applicants or grantees pursuant to fiscal accountability requirements which shall be established in the written agreement with DEQE.

(e) Assume, on behalf of applicants or grantees, the record-keeping requirements of 310 CMR 35.19; and

(f) Provide any additional services that may be established or required pursuant to the contract agreement.



35.12: continued

(5) Subject to the provisions of 310 CMR 35.03, DEQE shall assign applicants or grantees to designated regional planning agencies in a manner that will conform as nearly as possible to the boundaries of the regional planning districts, taking into account the need to ensure an equitable distribution of assignments among all designated regional planning agencies. If the regional planning agency which would normally serve an applicant or grantee is not designated pursuant to 310 CMR 35.12, DEQE shall assign that applicant or grantee to the nearest designated regional planning agency, subject to the previous sentence.

35.13: Eligible Applicants

All cities or towns of the Commonwealth shall be considered eligible as applicants pursuant to 310 CMR 35.10; provided, however, that:

- (1) Municipalities having populations of less than 7,000 shall be eligible as grantees only if their household hazardous waste collection event is designed to serve jointly such additional municipalities as necessary to bring the total aggregate municipal population to 12,000 or more.
- (2) Municipalities having populations of between 7,000 and 12,000 must make a good faith attempt to hold a household hazardous waste collection event that is designed to serve jointly at least one other municipality and they shall be eligible as grantees only if they hold such a joint event or they demonstrate to the DEQE that there is no other contiguous municipality with which a joint event could be held.

35.14: Authorization for Applicants to Conduct a Collection Program for High School Hazardous Waste

- (1) In addition to collecting household hazardous waste, an applicant may elect to contract with a licensed hazardous waste transporter for the collection, transportation, storage, and treatment or disposal of high school hazardous waste. The high school hazardous waste so collected shall be removed from the premises of the applicant's public high school or schools by the licensed hazardous waste transporter and shall not be brought by the applicant or its agents to the site of the applicant's household hazardous waste collection event. Any applicant electing to conduct this optional collection program for high school hazardous waste shall be required to comply with 310 CMR 35.17 and with the applicable provisions of M.G.L. c. 21C and 310 CMR 30.000: *Hazardous Waste*.
- (2) The collection of high school hazardous waste is optional and shall be conducted at the full expense of the applicant. The applicant may allocate and use up to 50% of its local match funds for this optional program, but none of the grant funds shall be used for this purpose.

35.15: Grant Amounts and Local Match Requirements

- (1) DEQE shall make final determinations on grant funding based on the priorities in 310 CMR 35.05 and subject to the provisions of 310 CMR 35.03. The grant amount for each applicant which shall be established and calculated pursuant to 310 CMR 35.15(2) through 35.15(5).
- (2) DEQE shall establish and make available to all applicants a schedule of estimated program expenses according to municipal populations and based upon cost data obtained from licensed hazardous waste transporters. This schedule shall be used to establish the maximum amount of grant funding that the Department may offer to an applicant pursuant to an Offer/Acceptance Agreement; provided, however, that in no event shall any grant payment exceed:
  - (a) \$68,000 if the optional collection program for high school hazardous waste has been elected,or

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### 35.15: continued

(b) \$48,000 if the optional collection program for high school hazardous waste has not been elected.

(3) To be eligible to receive the maximum grant amount described in 310 CMR 35.15(2), each applicant shall raise and appropriate, or otherwise make available, local match funds in an amount equal to 50% of the estimated program expense as calculated pursuant to the schedule described in 310 CMR 35.15(2).

(4) Subject to the provisions of 310 CMR 35.15(2), the maximum amount of funding which DEQE may offer to an applicant shall be calculated using a ratio of state monies to local match funds which will ensure that the sum of the state funds and the available local match funds is equal to the estimated program expense. For the purposes of 310 CMR 35.15, available local match funds means the amount of local match funds remaining after adjustments are made, so far as apt, for allocated payments to a designated regional planning agency and/or a high school hazardous waste collection program.

(5) As a condition of receiving a grant, an applicant must provide DEQE with documentation of all eligible program costs incurred and of any payments to a transporter for the collection of high school hazardous waste waste, if that optional program has been elected. The grant payment shall be in an amount equal to 50% of the documented eligible program cost plus an adjustment, so far as apt, for any allocated payment by the applicant to a designated regional planning agency and/or to a transporter for a high school hazardous waste collection; provided, however, that the grant payment shall not exceed the maximum amount offered as described in 310 CMR 35.15(4).

### 35.16: Redetermination of Grant Amounts

(1) DEQE may redetermine and revise the estimated program expense used to calculate the applicant's grant award, if the applicant so requests in writing, and provided that there is clear and convincing evidence that the actual expense of conducting the applicant's household hazardous waste collection event will significantly exceed the estimated program expense.

(2) All requests for redetermination and revision shall be in writing and shall state the reasons for the request and be supported by cost documentation from a licensed hazardous waste transporter. Requests shall be submitted to DEM at the address specified in the application form, and must be received by the DEM not more than 30 days after the applicant has received a grant offer.

(3) If DEQE approves the request, it shall revise the estimated program expense based upon the cost documentation provided by the applicant and such other information deemed appropriate by the DEQE. The amount of the grant and of the local match funds that the applicant must raise and appropriate, or otherwise make available, shall then be established and calculated pursuant to the provisions of 310 CMR 35.15 using the revised estimated program expense as the basis for calculation.

(4) DEQE shall not approve a request for redetermination unless it is satisfied that the redetermination and revision is required to ensure the success of the applicant's household hazardous waste collection event.

### 35.17: Special Conditions for Grant Awards

(1) 310 CMR 35.17(1) through 35.17(3) prescribe the special conditions which applicants satisfy prior to the award of a grant. 310 CMR 35.17(2) prescribes the special conditions which apply to all grants awarded pursuant to 310 CMR 35.10. 310 CMR 35.17(3) contains the additional special conditions which apply to grants when the optional collection program for high school hazardous waste has been elected.

35.17: continued

(2) The following activities shall be the special conditions for the award of a grant pursuant to 310 CMR 35.10.

- (a) A licensed hazardous waste transporter must be used to collect the household hazardous waste. At the time of the collection, the transporter must have an EPA identification number, a valid license from the DEQE for the transport of hazardous waste, and a valid vehicle identification device issued by the DEQE for each vehicle used to transport the collected waste. Compliance with all applicable provisions of 310 CMR 30.000 is required.
- (b) The deadlines for submitting applications and for responding to DEM's or DEQE's requests for additional information or documentation must be met. Failure to comply with this special condition may be considered grounds for declaring an applicant ineligible to receive a grant.
- (c) The local match funds in the amount required by 310 CMR 35.15, or if applicable, 35.16, must be made available to meet program costs.
- (d) A committee of three or more citizens must be established to assume responsibility for organizing and implementing the collection event and for collecting information on the event as may be required by the Offer/Acceptance Agreement or 310 CMR 35.00.
- (e) Two or more public education events or activities must be conducted in accordance with the requirements established by, and subject to the approval of, DEQE pursuant to 310 CMR 35.03.
- (f) A site for the household hazardous waste collection event must be selected and appropriately prepared so that collection activities will not threaten or cause harm to public health or safety or the environment.
- (g) An emergency response plan for the collection event must be developed which shall be submitted, if requested, to DEQE for its approval.
- (h) If the applicant is assigned to a designated regional planning agency, the committee members described in 310 CMR 35.17(2)(d) must attend at least one technical workshop sponsored by that regional planning agency. 20% of the applicant's local match funds must be allocated and paid to the agency. The applicant must also comply with any conditions established in the Offer/Acceptance concerning the activities to be conducted by the agency.

(3) The following activities shall be the special conditions for the award of a grant pursuant to 310 CMR 35.10 for any applicant which elects to conduct the optional program for high school hazardous waste.

- (a) A licensed hazardous waste transporter must be used to collect the household hazardous waste. At the time of the collection, the transporter must have an EPA identification number, a valid license from the DEQE for the transport of hazardous waste, and a valid vehicle identification device issued by the DEQE for each vehicle used to transport the collected waste. Compliance with all applicable provisions of 310 CMR 30.000 is required.
- (b) An inventory of the chemicals in storage and of the chemicals to be collected for disposal must be obtained from the high school. The applicant shall provide the transporter with this inventory prior to the collection of high school hazardous waste.
- (c) A determination must be made of whether the high school is subject to the requirements of 310 CMR 30.000: *Hazardous Waste*. This determination shall be made prior to the collection of any waste from the high school and shall include a determination of:
  1. whether the chemicals to be collected for disposal are hazardous wastes as defined in 310 CMR 30.010 and listed or otherwise described in 310 CMR 30.100; and if so,
  2. whether the high school is a generator of insignificant wastes as described in 310 CMR 30.353, a small quantity generator as defined in 310 CMR 30.351, or a generator of an amount of waste which exceeds the amounts stated for small quantity generators in 310 CMR 30.351.

35.17: continued

(d) The collection, transport, and disposal of the high school hazardous waste shall be conducted in compliance with all applicable provisions of 310 CMR 30.000. Without limiting the generality of the foregoing, all generators must comply with 310 CMR 30.006 through 30.009. Generators of insignificant wastes must comply with 310 CMR 30.353. Small quantity generators must comply with 310 CMR 30.351. All other generators must comply with 310 CMR 30.300.

(e) A workshop for teachers in the school on the safe and efficient use and storage of chemicals must be conducted. The applicant shall require the participation of the licensed hazardous waste transporter in this workshop to provide information concerning hazardous waste management laws and regulations.

(f) A workshop for teachers in the school on safety equipment and on emergency response procedures must be conducted. The applicant shall require the participation of the municipal fire chief, or the civil defense director, or their designees to provide information concerning emergency response.

35.18: Grant Awards and Payment Method

(1) Grant shall be awarded to eligible applicants based upon the funding priorities of 310 CMR 35.05 and subject to 310 CMR 35.06.

(2) All grant payments will be made subject to the provisions of 310 CMR 35.07; provided, however, that DEQE may provide in its grant offer that payment shall be made to the designated regional planning agency on the applicant's behalf.

35.19: Records

(1) The grantee shall establish and maintain books, records, documents, and supporting evidence which fully explain the source, amount, and disposition of all funds used for the household hazardous waste collection event and for the optional collection program for high school hazardous wastes if the grantee elects to conduct that optional program as authorized in 310 CMR 34.14.

(2) The grantee shall require its contractors, including contractors for professional services, to also maintain books, documents, paper, and records which are pertinent to the program.

(3) The grantee and its contractors shall retain all records for a period of at least three years from the date of final grant payment.

(4) The grantee and its contractors shall make records available to Commonwealth personnel at all reasonable times for inspection, copying, and auditing.

(5) The grantee and its contractors shall retain all records relating to disputes until all appeals, litigation, claims, or exceptions have been finally resolved. An automatic extension for unresolved matters shall also be provided.

(6) Once the household hazardous waste collection event has been held, the grantee shall submit to DEM a statement of the amounts of wastes collected by category and of the number of households or individuals from which household hazardous waste was collected.

(7) A designated regional planning agency may agree, pursuant to a contract agreement executed with DEQE, that it will assume the record-keeping requirements of 310 CMR 35.19(1) through 35.19(6) on behalf of applicants and grantees. Compliance by the designated regional planning agency with these requirements shall be deemed compliance by the applicants and grantees.

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### 35.20: Grants for Collection Events Held Between September 1, 1985 and April 13, 1986, Inclusive

#### 35.21: Applicability, Scope, and Special Definitions

- (1) 310 CMR 35.21 through 35.29, cited collectively as 310 CMR 35.20, establish the standards, criteria, and requirements which shall govern applications and grants for household hazardous waste collection events held between September 1, 1985 and April 13, 1986, inclusive.
- (2) All applicants described in 310 CMR 35.21(3)(a) shall comply with the provisions of 310 CMR 35.20. Except as specifically provided elsewhere in 310 CMR 35.20, these applicants are also subject to the general provisions of 310 CMR 35.01 through 35.09.
- (3) As used throughout 310 CMR 35.20, the following terms shall have the following meanings, unless the context clearly indicates otherwise.
  - (a) Applicant means an applicant, as defined by 310 CMR 35.02, which seeks funding for a household hazardous waste collection event held between September 1, 1985 and April 13, 1986, inclusive.
  - (b) Household hazardous waste collection event means a household hazardous waste collection event, as defined by 310 CMR 35.02, which was held within the period prescribed in 310 CMR 35.21(3)(a). The term shall not include a collection event held or scheduled to be held prior to September 1, 1985 or subsequent to April 13, 1986, and no such collection event shall be eligible for funding pursuant to 310 CMR 35.20.

#### 35.22: Eligible Applicants

Any city or town of the Commonwealth which held a household waste collection event, as defined in 310 CMR 35.21(3), shall be considered eligible as applicants pursuant to 310 CMR 35.20.

#### 35.23: Grant Amounts

- (1) DEQE shall make final determinations on grant funding based on the priorities in 310 CMR 35.05 and subject to the provisions of 310 CMR 35.03.
- (2) The amount of each applicant's grant shall be an amount equal to 50% of the eligible program cost, subject to the limitation that in no event shall any grant exceed \$48,000.

#### 35.24: Special Conditions for Grant Awards

- (1) All applicants shall be required to provide as part of its application the following information:
  - (a) A budgetary statement and documentation of all eligible program costs incurred by the applicant in conducting its household hazardous waste collection event.
  - (b) A statement of the amounts of wastes collected by category and of the numbers of households or individuals from which household hazardous waste was collected.
  - (c) A statement of which, if any, of the activities described in 310 CMR 35.17(2) were conducted by the applicant.
- (2) Compliance with the deadlines for submitting applications and for responding to requests from the DEQE or DEM for additional information or documentation shall be a condition for a grant award. Failure to comply with these special conditions may be considered grounds for declaring the applicant ineligible to receive a grant.

#### 35.25: Grant Awards and Payment Method

- (1) Grants shall be awarded to eligible applicants based upon the funding priorities of 310 CMR 35.05, and subject to 310 CMR 35.06.

35.25: continued

- (2) All grant payments will be made subject to the provisions of 310 CMR 35.07.

35.26: Records

- (1) The grantee shall maintain books, records, documents, and supporting evidence which explain the source, amount, and disposition of all funds used for the household hazardous waste collection event.
- (2) The grantee must retain all records for a period of at least three years from the date of final grant payment.
- (3) The grantee shall make records available to Commonwealth personnel at all reasonable times for inspection, copying, and auditing.
- (4) The grantee shall retain all records relating to disputes until all appeals, litigation, claims, or exceptions have been finally resolved.

REGULATORY AUTHORITY

310 CMR 35.00: M.G.L. c. 21A, § 2(28); St. 1985, c. 140, § 2, line item 2200-0300.

NON-TEXT PAGE