

## 990 CMR: HAZARDOUS WASTE FACILITY SITE SAFETY COUNCIL

### 990 CMR 9.00: TECHNICAL ASSISTANCE GRANTS

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#### 9.01: Availability

- (1) General. Technical Assistance Grants shall be available to any community which is a proposed host for a hazardous waste facility pursuant to the process established by M.G.L. c. 21D and 990 CMR, and to all Massachusetts communities directly bordering on such host communities.
- (2) Eligibility. Technical Assistance Grants shall be available only under the following circumstances:
  - (a) when a developer has submitted a Notice of Intent which names a specific site and is not willing to utilize the site suggestion process pursuant to 990 CMR 7.00, grants shall become available when the Council determines that the project is feasible and deserving of state assistance;
  - (b) when a developer seeks to utilize the site suggestion process, grants shall become available when the developer files a Project Notification Form pursuant to 990 CMR 10.00.
- (3) Notification. Within seven days of Technical Assistance Grants becoming available pursuant to 990 CMR 9.01, the Executive Secretary shall notify the chief executive officers of both the host community and the abutting communities that Technical Assistance Grants may be requested from the Council to assist said communities in their participation in the siting process. Such notice shall also indicate that the Department and the Executive Office of Communities and Development are available to help in the preparation of applications for Technical Assistance Grants, and that up to \$5,000.00 may be made available to a host community prior to the submission of a formal grant application in accordance with procedures established by 990 CMR 9.04(2).

#### 9.02: Purpose

The Council shall award Technical Assistance Grants for purposes which it deems are intended and likely to facilitate and assist the community's participation in the siting process. The Council may establish a schedule of grant amounts.

#### 9.03: Authority to Apply

The Council shall accept applications for Technical Assistance Grants from the following:

- (1) in the case of a host community, the local assessment committee;
- (2) in the case of an abutting community, the chief executive officer;
- (3) in the case of a joint application by abutting communities, an agency or person authorized in writing by the chief executive officer of each abutting community to act on its behalf in applying for and administering the technical assistance grant funds; or

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### 9.03: continued

(4) in the case of a joint application by abutting communities and a host community, the host community, provided that the host community is authorized in writing by the chief executive officer of each abutting community to act on its behalf in applying for and administering the technical assistance grant funds.

### 9.04: The Application

(1) Content. Except as provided in 990 CMR 9.04(2), an application for a Technical Assistance Grant must be filed with the Council and shall include the following information:

- (a) an opening statement describing the activities that will be engaged in pursuant to M.G.L. c. 21D;
- (b) a work program describing the scope, sequence and timing of major tasks to be undertaken;
- (c) a proposed budget including estimates of staff costs, consultants, engineers, lawyers and other expenses. A narrative supporting the budget shall explain the basis for each estimate and why the product or service is needed;
- (d) a copy of any written authorization to act as an applicant under 990 CMR 9.03(3) or (4).

(2) Advance Funding. An eligible host community may elect to apply for up to five thousand dollars in advance of submission and review of a formal application pursuant to 990 CMR 9.04 (2) and 9.07, provided that any amount so advanced shall be deducted from any future grant award which the Council may authorize. A letter from the local assessment committee shall serve as an application for such advance funding. The Council may also award similar advance funding to abutting communities, if their chief executive officer so requests in a letter to the Council. Any such award to an abutting community shall occur only after a determination by the Council that such community is directly affected by the project and that failure to grant its request will substantially reduce its ability to participate in the siting process.

(3) Filing. Copies of the grant application or advance funding letter shall be filed with the Executive Secretary of the Council, the Division of Community Services, Executive Office of Communities and Development, and the Bureau of Solid Waste Disposal, Department of Environmental Management.

### 9.05: Criteria

(1) In determining whether a Technical Assistance Grant should be awarded the Council shall consider whether:

- (a) the funds will be expended on products or services clearly related to the community's efforts to participate in the siting process;
- (b) the fees for the products and services to be financed by the grant are reasonable;
- (c) the application does not seek to unnecessarily duplicate analyses already conducted;
- (d) the application evidences a plan for cooperative action between host communities and abutting communities;
- (e) the application assists the community or communities most directly affected by the proposed facility;
- (f) sufficient funds are available to the Council, given the needs of all communities participating in the siting process and given the estimated number of Notices of Intent to be submitted to the Council.

(2) In addition to the above criteria, whenever determining whether a request for an additional Technical Assistance Grant is necessary and appropriate, the Council shall also consider whether the funds from previous grants were properly expended for the assistance requested.

### 9.06: Maximum Grant Award

The Council may fund all or part of the assistance requested, up to a maximum of \$15,000 per grant award. Recipient communities may petition the Council for additional grants.

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9.07: Council Action and Notification

The Council shall act on a complete application from an eligible applicant within 30 days after it is received and shall send written notification of its decision on each grant application to the applicant and the developer.

9.08: Contract

Funds shall be awarded as specified in a Technical Assistance Grant contract between the Council and the grant recipient(s).

9.09: Request for Reconsideration of Denied Application

At any time following receipt of notice of denial or partial denial of a Technical Assistance Grant, the local assessment committee of a host community or the chief executive officer of an abutting community may file a written request for reconsideration with the Council.

(1) Content. The request shall contain all the information the applicant desires the Council to consider in reviewing the reconsideration request.

(2) Decision. The Council shall render a decision within 45 days of receipt of a request for reconsideration, and shall send written notification thereof to the applicant and the developer.

REGULATORY AUTHORITY:

990 CMR 9.00: M.G.L. c. 21D, § 4.