Integrated Solid Waste Management Reimbursement Criteria

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What is the Integrated Solid Waste Management Program?

The Integrated Solid Waste Management (ISWM) Program was established in Senate File 0038 during the 2006 legislative session. Senate File 0038 added § 35-11-1902 through § 35-11-1904 to Article 5 of the Environmental Quality Act. The legislation requires that local governments prepare and maintain ISWM plans and provides partial reimbursement for plan preparation costs. ISWM plans need to address a period of not less than 20 years. Plans must be submitted to the DEQ by July 1, 2009, and must be reviewed, revised as necessary, and resubmitted to the DEQ every 10 years.

This legislation was supported by the Wyoming Solid Waste and Recycling Association (WSWRA) and the Citizens' Advisory Group on Solid Waste (CAG). These organizations have been studying solid waste issues in earnest since early in 2004. ISWM planning was recommended to help local governments identify and implement cost effective waste management alternatives. Public participation is recognized as an important component of the planning process. Planners are strongly urged to solicit public participation as soon as possible so that publicly acceptable waste management objectives can be established. Waste management alternatives that help achieve local objectives can then be included in an economic analysis and considered for implementation.

What is the purpose of this document?

The purpose of this document is to answer questions and provide information about how local governments can apply for reimbursement under Article 5, § 35-11-1902 through § 3511-1904 of the Environmental Quality Act. To read Senate File 0038, please visit the Wyoming Legislature's web page at http://legisweb.state.wy.us. For more information on reimbursement or solid waste management in general, please visit the Department of Environmental Quality (DEQ) web site at http://www.deq.state.wy.us and the Wyoming Solid Waste and Recycling Association (WSWRA) web site at http://www.wswra.com.

Who is required to prepare a plan?

Plans must be prepared by the permitted operators of all municipal solid waste landfills owned by municipal government entities. If the permitted operator of the municipal solid waste landfill is a nongovernmental entity, the county is responsible for preparing a plan.

Why are local governments being asked to prepare ISWM Plans?

As the complexity of solid waste management grows, it becomes clear that solid waste practices of the past and present need to be revisited and updated from time to time. The required ISWM plans will equip communities with information necessary to make reasonable choices concerning their solid waste programs. Local governments may receive partial reimbursement from the State to study local and regional solutions.

How much financial assistance might a local governmental entity receive?

Applicants might receive:

- **Up to** 50% of eligible costs for one entity planning alone; or
- **Up to** 70% of eligible costs for two entities planning together:
- **Up to** 90% of eligible costs for three or more entities planning together.

When is reimbursement available?

Reimbursement is available for work performed and submitted at four different stages:

Stage One:	Letter of Intent	July 31, 2007
Stage Two:	Economic Analysis	October 1, 2008
Stage Three:	Draft Plan	February 2, 2008
Stage Four:	Final Plans	July 1, 2009

Will funds be provided in advance?

No, funds will only be distributed as a reimbursement for actual work performed.

What funding options are available to local governments?

Local governments may choose to seek funding from the State Land and Investment Board (SLIB) or from conventional lending institutions.

How will the reimbursement application process work?

Local government entities will need to submit reimbursement requests, with supporting documents, to DEQ following completion of each of the four stages described above. DEQ will review work performed for completeness and provide comments should additional information be necessary. Upon review and approval by DEQ, the level of eligible reimbursement shall be determined and reimbursement will be recommended for approval by the director of the DEQ.

What reimbursement criteria will DEQ evaluate?

The economic analysis will be reviewed thoroughly to ensure that full cost accounting is employed and all costs associated with solid waste management are included. Reasonable alternatives will need to be fully explored. ISWM plans will be reviewed for statutory completeness. Plans addressing all statutory requirements will be considered eligible for reimbursement.

What types of activities and expenses will be considered eligible for reimbursement?

Reimbursements are for time and materials only; therefore, payment will only be made for work actually performed at the rates/costs identified. The lead entity must establish and maintain a procedure for time and cost accounting that assures that direct labor hours and authorized direct costs are properly charged. These records need to be available to the DEQ for audit for a period of three (3) years after completion of the work. Invoices need to be submitted to the DEQ in an itemized spreadsheet format that delineates all claimed costs. Invoices need to provide adequate detail to account for all services rendered. Please remember to include detail for all items, such as mileage, per diem charges, and non-labor costs.

Customary expenses required for plan preparation will be eligible for reimbursement, including:

- Meetings between consultants and government entities responsible for generating ISWM plans;
- Work performed by consultants to compile information necessary in the planning process;
- Time spent compiling the information into local and regional plans;
- Travel expenses incurred for site visits, planning meetings, and public outreach;
- Review of existing site information;
- Meetings with DEQ & planning partners to discuss the scope of work;
- Preparation of plan documents.

Costs associated with the following items are <u>NOT</u> eligible for reimbursement:

- All non-cash costs except:
    - Labor, materials, equipment, and services provided by the applicant, and used for project purposes, valued at reasonable, actual cost;
    - Labor, materials, equipment, and services provided to the applicant by others, at no cost to the applicant, used for project purposes and valued at reasonable, actual cost;
- Costs for preparation or presentation of grant or loan applications for any source of funding, excluding this ISWM Reimbursement Request;
- Costs for transportation, meals and lodging incurred anywhere away from the site of the project or DEQ offices;
- Costs for furnishings;
- Legal Fees;
- Costs related to issuance of bonds;
- Costs to establish and form special districts or joint powers boards;
- Costs to select consultants or contractors;
- Contingency costs;

- Contractor work delays due to labor disputes or work stoppages;
- Markup or handling charges for any non-labor costs will not be reimbursed. All overhead costs associated with negotiating subcontracts, managing subcontractors, insurance, purchase and storage of materials or supplies, etc., should be included in direct labor rates.

Revision to the criteria on reimbursements:

Reimbursement for the actual cost of communication items such as postage, photocopies, report covers, telephone, etc., is preferred. However, a "Communication Fee" no greater than 2.5% may be charged for these items if these costs are not included in standard billing rates. The fee should be a standard billing practice of the consultant and be assessed on labor charges only.

The following mileage reimbursement standards apply to passenger cars, light trucks (3/4 ton or less) and sport-utility vehicles (SUV's):

- *The Internal Revenue Service (IRS) mileage reimbursement rate applicable at the time work is conducted or;*
- *A vehicle use fee of no more than $80 per day, whichever is greater.*

Consultants and their clients may agree to higher vehicle charges, but reimbursement for the above noted vehicles will be limited to the amount cited above.

What input do I have during the reimbursement process?

DEQ will review reimbursement requests and provide a reimbursement recommendation to the DEQ Director. You will receive a copy of this recommendation. Plans will be reviewed for completeness. If the DEQ determines that a plan is not complete, the DEQ will provide a written statement identifying the elements which are not included in the plan. Upon addressing the incomplete elements, you may resubmit the plan for subsequent review. If the DEQ reimbursement recommendation is less than the amount you have requested, we will provide you with comments and you will be given an opportunity to submit comments and/or request a meeting to provide input before a final reimbursement determination is made.

What will come of all this work?

Upon completion of the Integrated Solid Waste Management Plans, communities will be equipped with detailed information concerning their operations and the operations of others in their region. This will allow for informed decisions to be made to improve local practices and possibly lower community costs for solid waste disposal through the implementation of select options. Communities are encouraged to select the options they determine are best for their citizens. Plans must be submitted for public review prior to submission to the DEQ.

ISWM planning commonly identifies economies of scale which can be achieved through regional waste management strategies. Small local landfills are frequently closed and replaced by transfer facilities that transport waste to a more cost effective regional landfill. In general, local services are improved, disposal becomes more cost effective and recycling increases.