

COVERED ELECTRONIC DEVICES RECYCLING GRANT PROGRAM GUIDELINES

*FY 2023 Grant Cycle
(October 1, 2022 thru September 30, 2023)*



West Virginia Department of Environmental Protection Rehabilitation Environmental Action Plan Recycling Program

It is the policy of the Department of Environmental Protection to provide its facilities, accommodations, services and programs to all persons without regards to sex, race, age, religion, national origin, ancestry, disability, or other protected group status. The Department of Environmental Protection is an Equal Opportunity Employer.

NOTICE:

To alleviate a significant deterrent to WV's electronic recycling programs and to increase the participation in e-cycling efforts, grant recipients are no longer required to collect and recycle cathode-ray tube (CRT) style televisions and monitors at no cost to be eligible for grant funding. Collection of CRTs will be at the discretion of the grant recipient. All other non-CRT televisions and monitors, or any other "CED" device as defined by WV Code are still required to be collected and recycled at no cost to the public as they are not a part of this exemption.

Bidding Requirements:

Grantees shall solicit sealed bids by public notice as a Class II legal advertisement for all purchases that have an estimated cost of \$5,000 or more. This includes the estimated total cost for similar supply orders purchased at various times throughout the grant cycle. Class II legal advertising is also required to obtain Request for Proposals for electronic recycling services (when total costs of services for the entire grant cycle is estimated at \$5,000 or more regardless of the number of separate collection events). Bid packets must be submitted to REAP prior to purchase for approval. If three bids are not received during the advertised period, you must contact REAP for further instructions before proceeding.

Lien Requirements:

Please note that grant funding for equipment purchases over \$1,000 will be required to have a security lien placed upon the equipment. If applicable, equipment to be titled must have WV DEP REAP listed as first lien holder. All equipment will be subject to on-site inspections for a period of five years.

Submittal/Contact Information:

**WEST VIRGINIA DEPARTMENT OF ENVIRONMENTAL PROTECTION
COVERED ELECTRONIC DEVICES
RECYCLING GRANT BOOKLET**

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Submission Information

Application for CED Grant (CED-G)

- A. Application
- B. Estimated Budget Form
- C. Resolution for Application

Final Performance and Accounting Report (CED – R)

- A. Evaluation of Accomplishments and Collection Totals
- B. Expenditures Report – Grant Funds
- C. Expenditures Report – Matching Funds

THIS LEGISLATIVE RULE IS THE FINAL AUTHORITY REGARDING THE COVERED ELECTRONIC DEVICES RECYCLING GRANT PROGRAM.

**TITLE 33
LEGISLATIVE RULE**

**DEPARTMENT OF ENVIRONMENTAL PROTECTION
SERIES 11
COVERED ELECTRONIC DEVICES TAKEBACK AND GRANT PROGRAM
IN PART...**

§33-11-1. General.

1.1. Scope and Purpose – This legislative rule establishes procedures for covered electronic device manufacturers to register their brands with the state and sets out guidelines for municipalities and counties to apply for and receive grants for the purpose of conducting electronic collection events and programs. The funding available for grants is established by the registration fee imposed on all covered electronic device manufacturers that conduct business in West Virginia.

1.2. Authority – West Virginia Code §22-15A-29.

1.3. Filing Date – April 15, 2010.

1.4. Effective Date – April 15, 2010.

§33-11-2. Definitions.

2.1. “Brand” means the name, symbol, logo, trademark, or other information that identifies a product rather than the components of the product.

2.2. “Computer” means a desktop, personal computer or laptop computer, including a computer monitor. Computer does not include a personal digital assistant device, computer peripheral such as a mouse or other similar pointing device, a printer or a detachable keyboard.

2.3. “Consumer” means, for the purpose of this rule, a natural person or resident, corporation, firm, partnership, agency, association, organization or society or any other entity that resides in West Virginia and has legally purchased or is in legal possession of a CED.

2.4. “County” means any county commission or solid waste authority within the state.

2.5. “Covered electronic device (CED)” means a television, computer or video display device with a screen that is greater than four inches measured diagonally. “Covered electronic device” does not include a video display device that is part of a motor vehicle or that is contained within a household appliance or commercial, industrial, or medical equipment.

2.6. “Department” means the Department of Environmental Protection.

2.7. “Manufacturer” means a person that is the brand owner of a covered electronic device or television sold or offered for sale in West Virginia by any means, including transactions conducted through retail sales outlets, catalogs or the internet.

2.8. “Municipality” means a community incorporated through the West Virginia Secretary of State’s Office.

2.9. “Person” means a natural person, corporation, firm, partnership, association or society and the plural as well as the singular.

2.10. “Recyclable Materials” means those materials that would otherwise become solid waste for disposal in a refuse disposal system and which may be collected, separated or processed and returned to the marketplace in the form of raw materials or products.

2.11. “Television” means any telecommunication system device that is designed to receive moving pictures and sound broadcasts over a distance and includes a television tuner or a video display device peripheral to a computer in which the display contains a television tuner.

2.12. “Secretary” means the Secretary of the Department of Environmental Protection.

2.13. “Video display device” means an electronic device with an output surface that displays or is capable of displaying moving graphical images or visual representations of images sequences or pictures that show a number of quickly changing images on a screen to create the illusion of motion. Video display device includes a device that is an integral part of the display and cannot easily be removed from the display by the consumer and that produces the moving images on the screen. A “video display device” may use a cathode-ray tube (CRT), liquid crystal display (LCD), gas plasma, digital light processing, other image projection technology or imaging display technologies.

2.14. Other definitions in West Virginia Code §22-15A-2 are adopted for use, where applicable, in this rule.

§33-11-8. CED Recycling Grant Program.

8.1. CED Recycling Grants are available to counties and municipalities for the purpose of establishing CED recycling or takeback programs, CED collection events, and CED recycling education programs.

8.2. CED Recycling Grants are limited to a maximum amount of \$40,000.

8.3. Applications for CED Recycling Grants shall be submitted to the department on forms prescribed by the department.

8.4. CED Recycling Grants shall be awarded on a tiered matching basis. The first \$20,000 of a grant shall not require the grantee to provide matching funds. Any amount over the first \$20,000 of a grant shall be matched by the grantee on a dollar-to-dollar basis. (Example: A grant in the amount of \$32,000 would require a \$12,000 match from the grantee. The total grant of \$32,000 less \$20,000 equals \$12,000. The grantee would be required to match the \$12,000 for a total project cost of \$44,000).

8.5. All matching funds provided by the grantee shall be actual funds expended from sources other than funds provided by the department. In-kind costs and estimated costs shall not be considered matching costs.

8.6. At least fifty percent of the monies credited to the Covered Electronic Device Takeback Fund in the previous fiscal year shall be used for grants for the current year.

8.7. Applications must be postmarked no later than August 31 for consideration in the next grant period.

§33-11-9. General Conditions Applicable to Grant Applications.

9.1 The following general conditions apply to all applications for funding under the CED Recycling Grant Program:

9.1.1. The project shall be designed to affect a significant and measurable amount of covered electronic devices in the area to be served;

9.1.2. The project shall be designed to involve all or a substantial percentage of the residents located in the project area and should include a plan to provide public education regarding CED recycling.

§33-11-10. Authorized Uses of Grant.

10.1. Authorized use of grant funds in an approved CED recycling program may include the following:

10.1.1. Operational costs incurred in the implementation of the program;

10.1.2. Costs associated with the production and distribution or placement of advertising in newspapers, radio, or elsewhere, such costs being related to the development and implementation of the program;

10.1.3. Purchase of equipment and supplies that will specifically serve to fulfill the program objectives;

10.1.4. Costs associated with promotional items that serve to create public awareness of the program;

10.1.5. Public informational and educational programs that increase public awareness or solicit public support for promoting citizen responsibility toward CED recycling;

10.1.6. Other relevant costs upon approval of the department.

§33-11-11. Unauthorized Uses of a Grant.

11.1. The grantee shall not use a grant to replace funds currently budgeted or used to maintain and operate a CED recycling program during the grant period.

11.2. The grantee shall not use a grant for expenditures not substantially related to CED recycling.

11.3. Grant funds shall not be used for the following:

11.3.1. Land acquisitions;

11.3.2. Office furniture or equipment, or to decorate or renovate an office;

11.3.3. Entertainment costs;

11.3.4. Alcoholic beverages, meals, and gratuities;

11.3.5. Beautification costs;

11.3.6. Any type of lobbying expenses;

11.3.7. Landfill operations or management.

§33-11-12. Departmental Review of Applications.

12.1. The department may reject any and all applications that do not meet eligibility and submission requirements established by the department and this rule.

12.2. If the total request for funding for the year exceeds the amount of funding available for grants, the department may reject applicants that received a CED recycling grant the previous year.

12.3. The department shall review all applications and submit those applications recommended for funding to the Secretary for final approval and awarding.

12.4. Applicants shall be notified in writing of approval or denial of a grant within a reasonable time after award recommendations have been approved by the Secretary.

§33-11-13. Requirements of a Grant Recipient.

13.1. All CED recycling grants are for the twelve-month period beginning the first day of October and ending the last day of September of the following year.

13.2. Grant funds will be disbursed at the time a completed grant agreement and all required documents necessary to initiate the grant are received by the department.

13.3. The grantee shall retain and make available upon request by the department, for a period of five years, all financial records, supporting documents, statistical records, and all other records and data as they relate to the application, acceptance and use of the grant.

13.4. The grantee shall deposit the grant immediately upon receipt in a separate account.

13.5. If, through any cause, the grantee fails to fulfill in a timely and proper manner the obligations imposed in the grant agreement or violates any provision of this rule, the department may terminate the grant and the grantee shall immediately return the grant, in its entirety, to the department.

13.6. The grantee shall comply with all federal, state, and local laws, codes, ordinances, rules and regulations.

13.7. The grantee shall solicit sealed bids, by public notice as a Class II legal advertisement in compliance with the provisions of West Virginia Code §59-3-2, for all purchases that have an estimated cost of five thousand dollars or more. Any attempt to segregate the purchase into sections to circumvent the bidding requirement shall be cause for termination of the grant.

13.8. The grantee shall reimburse the department any amount of the grant used for unauthorized expenditures. Authorized expenditures are those outlined in the budget of the approved application and that have sufficient supporting documentation.

13.9. The grantee shall return any unexpended grant funds remaining at the end of the grant period to the department. If the grantee expends any grant funds after the grant period specified on the grant agreement, those expenditures shall be considered unauthorized.

13.10 The grantee shall submit a final report to the department within 30 days following the last day of the grant period. The report shall contain:

13.10.1 A complete accounting of the grant expended during the period;

13.10.2. Documentation supporting all grant expenditures, including without limitation, invoices, checks, titles and purchase orders;

13.10.3. All bank statements of the grant account;

13.10.4. All bidding information for expenditures costing \$5,000 or greater, including copies of the legal ads, bids received, and authorization to purchase;

13.10.5. An evaluation of the total operating costs and community support for the project;

13.10.6. An evaluation of successes and failures encountered in implementing the original application's work tasks;

13.10.7. Program information as described in section 5.4 of this rule; and

13.10.8. An analysis of the project including: the estimated cost per ton to recycle that volume and the estimated revenue per ton of recycled material.

13.11. The department shall return an incomplete report to the grantee for completion. A grantee shall resubmit a completed report within thirty days of notification that the report is incomplete.

§33-11-14. Department Site Visits.

14.1. The department shall periodically conduct site visits with grantees. These visits shall be conducted to provide assistance, to review progress, to discuss any problems encountered in project implementation, or to review financial compliance and clarify any discrepancies found in the final report.

SUBMISSION INFORMATION

APPLICATION DEADLINE:

Applications must be submitted using the wvOASIS Vendor Self Service Portal located at: <https://prd311.wvoasis.gov/PRDVSS1X1/Advantage4>. The deadline to submit applications is August 31, 2022.

CONTACT INFORMATION:

For questions concerning the application/grant process, contact the West Virginia Department of Environmental Protection's Recycling Unit at (800) 322-5530.