

**Allowable Solid Waste and Recovered Resource Program Implementation,
Collection, Transportation, Backhaul and Disposal Costs under the
Consolidated Appropriations Act, 2016**

August 9, 2016

The tables below present lists of example allowable and unallowable tribal solid waste program implementation activities through Fiscal Year 2020 based on the FY 2016 Consolidated Appropriations Act. This table is a resource for Indian Environmental General Assistance Program (GAP) project officers and grantees negotiating solid waste program implementation work plan components and commitments. This table expires on September 30, 2020 unless a replacement table is established prior to that date. Please work with your regional EPA GAP project officer to verify you are using the most up-to-date version.

As with all funding decisions under GAP, project officers are encouraged to work with grantees to consider if the costs of delivering governmental solid waste and recovered materials services are reasonable and consistent with the recipient’s documented program development goals.

Allowable Solid Waste Implementation Activities Under GAP	
Description	Examples
E.4(a) Tribal Waste Management Program Administration	
Program administration generally includes all administrative oversight functions to ensure proper program implementation (e.g., financial management, human resources management, program performance evaluation, scheduling).	Personnel costs for tribal environmental department management and administrative staff who oversee/coordinate waste management programs and workers, including recycling and other source separation projects. Costs associated with <i>oversight of work</i> performed by transfer station, source separation facility and landfill operators are allowable (scheduling, performance reviews, training requirements, program evaluation, tracking revenues/expenditures, administering fee collection system, managing contractors, administering records retention systems, etc.). Common positions funded under this provision include: Administrator; Supervisor; Manager; Coordinator.
E.4(b) Tribal Compliance and Enforcement Programs	
GAP may fund solid waste program implementation activities associated with tribal waste management laws, codes, and/or regulations, such as compliance assurance (including inspections) and enforcement consistent with the extent of their authorities.	Investigating incidents of unauthorized trash disposal violating specific provisions of a tribal waste management law, code, or regulation. Inspecting landfills, transfer stations, recycling centers, or other waste management facility to ensure compliance with tribally promulgated facility design and operating procedures requirements. Inspecting transportation activities to ensure compliance with tribally promulgated requirements. Reviewing compliance reports and records from tribally regulated entities. Inspecting regulated businesses that may have recycling, composting, or other source separation/resource recovery compliance requirements established under tribal law, code, or regulation. Providing compliance assistance to regulated businesses. Issuing violation notices. Following up on citizen complaints related to potential violations of tribal waste management laws, codes, or regulations. Preparing and submitting enforcement orders to tribal courts for subsequent judicial action.
GAP may fund tribes to support compliance with federal requirements, including: (1) compliance assurance (including inspections) under tribal authority at non-hazardous waste disposal facilities to help verify that such facilities are in compliance with 40 C.F.R. Part 257 and/or Part 258;	Conducting inspections and providing compliance assistance to non-hazardous waste disposal facilities and providing results of such inspections to appropriate EPA personnel. (For tribal solid and hazardous waste programs, implementing capacities established under GAP Guidance Section B.7, <i>Establishing Core Legal Capacities</i> , are allowable.)

Allowable Solid Waste Implementation Activities Under GAP

Description	Examples
(2) compliance assistance and inspections to help verify that hazardous waste generators are in compliance with 40 C.F.R. Parts 261 and/or 262;	Conducting inspections and providing compliance assistance to hazardous waste facilities and providing results of such inspections to appropriate EPA personnel.
or (3) compliance assurance (including inspections) to help verify that hazardous waste transporters are in compliance with 49 C.F.R. Parts 172, 173, 178, and 179.	Conducting inspections and providing compliance assistance to hazardous waste transporters and providing results of such inspections to appropriate EPA personnel.
In accordance with a tribally approved Integrated Waste Management Plan (IWMP), tribes may also use GAP funds to conduct community outreach and education programs on solid waste, hazardous waste, source reduction and diversion, and USTs.	Activities to assess community knowledge and interest in source reduction, resource recovery, alternatives for managing household hazardous waste, recycling, composting, and the use of green materials in construction and to promote the use of integrated waste management/resource recovery systems and requirements (e.g., if a tribe establishes a waste diversion goal, anti-littering code, open burning ban, construction and demolition debris management requirements, or systems for collecting mercury containing light bulbs, e-waste, or other source separation programs, GAP may fund education and outreach activities designed to achieve these program objectives). Community cleanup events (including those directed towards the collection of household hazardous waste, e-waste, white goods, etc.) and roadside cleanup events that are designed to inform community members of proper waste management practices, to promote waste reduction/source separation, and influence waste disposal practices. Activities to provide the public with information on environmental compliance requirements, a regulated entity's compliance status, and any history of formal and informal enforcement actions taken to address noncompliance. (For tribal solid and hazardous waste programs, the implementation of capacities established under GAP Guidance Section B.6, <i>Establishing Core Public Participation, Community Involvement, Education, and Communication Capacities</i> , are allowable.)
E.4(c) Activities to Support Solid Waste Management, Resource Recovery, and Resource Conservation	
Facility planning and feasibility studies	Costs associated with determining appropriate size, location, design characteristics, and estimated operating costs for potential solid waste management and/or disposal facilities (e.g., transfer stations, recycling centers, other source separation/ resource recovery facilities).
Expert consultation	Contracting for professional services required to plan and design solid waste management and/or disposal facilities.
Surveys and analysis of market needs	Costs associated with conducting waste stream analysis and potential options for disposition of recovered resources; includes economic modeling of recovered resource markets. Survey and analysis of recovered resource market is necessary to make sure that the prices that could be charged for recovered materials are realistic.
Marketing of recovered resources	Costs associated with establishing voluntary or contractual arrangements with public or private sector organizations willing to accept recovered resources.
Technology assessments	Costs associated with assessing appropriate technologies for recovering resources (separators, compact sorters, crushers, bailers, etc.).
Legal expenses	Costs associated with obtaining legal assistance in designing/reviewing contracts, intergovernmental agreements, tribal laws/codes/regulations, or other legal documents.

Allowable Solid Waste Implementation Activities Under GAP

Description	Examples
Construction feasibility studies	Costs associated with designing appropriate construction plans, including whether the project is viable, identifying feasible options, and developing a business/operating plan.
Source separation projects (activities that are part of a sustainable waste management program designed to increase waste source reduction, recycling, composting, and sustainable materials management)	Source separation supplies and equipment (regulations governing the use, management, and disposition of equipment acquired under a grant are found at 40 CFR 31.32). Activities to provide technical assistance and education to schools, businesses, and other organizations to promote adoption of waste minimization activities in accordance with an IWMP. Conducting voluntary “community clean up events” (typically co-sponsored with schools, businesses, or other organizations) to promote awareness, knowledge, and behavioral changes in accordance with an IWMP.
Fiscal or economic investigations or studies.	Waste management facility economic viability analysis, including costs associated with establishing and implementing an effective pay-for-service system, pay-as-you-throw system, or other fee-collection or cost recovery system.
The purchase, repair, upgrade, and replacement of resource recovery, resource conservation, and source separation supplies and equipment .	<p>Repair, upgrade, and replacement of source separation/ resource recovery supplies and equipment (e.g., vehicles, scales, crushers, shredders, sheds, fencing, containers/bins, and signage). Allowable costs do not extend to regular trash collection program supplies and equipment.</p> <p>Repair, upgrade, and replacement of resource recovery, resource conservation, and source separation supplies and equipment are not the same as routine maintenance, which is a prohibited cost (see below).</p>
The construction, repair, upgrade, and replacement of resource recovery, resource conservation, and source separation facilities .	Recycling centers, compost facilities, household hazardous waste collection facilities, bulk waste/appliance/electronic waste collection facilities, used oil collection stations, source separation elements of a transfer station, and other similar facilities. Due to the general prohibition on use of GAP funds for construction, Section 1.4 of the GAP Guidance establishes a requirement to receive approval from the AIEO Director for all construction activities.
Leading circuit rider, train the trainer, and peer-match programs.	Providing technical assistance to other tribes working to establish effective solid waste management programs.
E.4(d) Cleanup and Closure Activities	
A wide range of cleanup activities are deemed eligible under GAP; see subsections E.4(d)(i), E.4(d)(ii), and E.4(d)(iii) for specific requirements. If funded, cleanup and closure work should include documentation on the amount of waste removed/recycled, the types of wastes removed, and the disposition of the waste. Applicable solid waste regulatory standards for classification of disposal facilities and practices found at 40 C.F.R. Part 257 apply. Cleanup activities must also comply with all applicable closure and post closure criteria found at 40 CFR Part 258.	Abandoned waste removals; abandoned vehicle removals; open dump cleanups and closures. Some cleanup activities may require terms and conditions to ensure proper handling of hazardous waste, including but not limited to practices for packaging, temporary storage, and manifest forms used for identifying the quantity, composition, and the origin, routing, and destination of hazardous waste during its transportation from the point of generation to the point of disposal, treatment, or storage. In accordance with the GAP Guidance, Section E.4(d), AIEO Director approval is required prior to funding cleanup activities (page 31 of 42).

**Allowable Solid Waste Implementation Activities
Under the FY 2016 Consolidated Appropriations Act**

Description	Examples
Collection, transportation, storage, backhaul, and disposal of solid waste and/or recovered resources (recyclables, compost, e-waste, bulk waste, construction debris, light bulbs, batteries, household hazardous waste, etc.).	Door-to-door collection; retrieval of materials from collection stations; transporting materials to waste management and recovered materials processing facilities (such as a tribal transfer station or recycling center); transporting materials to disposal facilities (such as a landfill or incinerator); disposal fees.
Equipment, vehicle, and facility operations and maintenance (including fuel).	Salaries and wages for drivers, technicians, operators, or other workers responsible for conducting facility and service delivery operations (trash/recycling collectors, separators, environmental sanitation engineers, etc.); Staffing costs for crushing cans, baling paper, boxing light bulbs, securing/handling of household hazardous waste, sweeping/cleaning the facility, weighing materials, operating equipment, and driving trucks or other vehicles; and routine scheduled maintenance for vehicles and equipment.
Subsidies for the price of recovered resources.	Payments to incentivize increased participation in the source separation and recovered resource market.
The repair, upgrade, and replacement of municipal solid waste supplies and equipment.	Repairing, upgrading, and replacing regular trash collection program supplies and equipment.
The construction, repair, upgrade, and replacement of municipal solid waste facilities.	Constructing, repairing, upgrading, and replacing regular trash collection program facilities. Due to the general prohibition on use of GAP funds for construction, Section 1.4 of the GAP Guidance establishes a requirement to receive approval from the AIEO Director for all construction activities.

Unallowable Solid Waste Activities Under GAP

Description	Examples
The following unallowable activities fall outside the scope of programs authorized under GAP. Consistent with the authority to fund tribal solid waste program implementation under GAP, EPA applies statutory allowances and prohibitions under the Solid Waste Disposal Act, also known as the Resource Conservation and Recovery Act (RCRA), to GAP funding decisions. In addition, “general costs of government services normally provided to the general public” are prohibited by 2 C.F.R. §225, Appendix B(19)(a)(5): “Cost Principles for State, Local, and Indian Tribal Governments.”	
Acquisition of land or interest in land.	GAP and RCRA do not authorize payments for the acquisition or interest in land.
Other general government expenses described at 2 C.F.R. §225, Appendix B(19)(a)(5): “Cost Principles for State, Local, and Indian Tribal Governments.”	(1) Salaries and expenses of the chief executive of federally-recognized Indian tribal government; (2) Salaries and other expenses of a tribal council; (3) Costs of the judiciary branch of a government; (4) Costs of prosecutorial activities; and (5) Costs of other general types of government services normally provided to the general public.