



ENVIRONMENTAL PROTECTION DIVISION

Richard E. Dunn, Director

Land Protection Branch

2 Martin Luther King, Jr. Drive
Suite 1054, East Tower
Atlanta, Georgia 30334
404-657-8600

December 1, 2021

Re: HWTF Funding Availability

To: Georgia County Commissions and Local Municipalities

The Georgia Environmental Protection Division (EPD) administers the Hazardous Waste Trust Fund (HWTF), which provides in part for reimbursement of eligible local government costs in the investigation and remediation of solid waste handling facilities listed on the State Hazardous Site Inventory or the Federal National Priorities List. Subparagraph 391-3-19-.09 of the Rules for Hazardous Site Response (Rules) provides additional information regarding eligibility. HWTF appropriations have generally increased and stabilized over the past several years. In addition, HB511, automatically appropriates tipping fees to the HWTF beginning in FY23 and continuing for the next decade.

We are writing to ensure you are aware of the additional funding available for reimbursement to local governments, and to inform you of a recent change to EPD's policy on reimbursement of landfill gas (LFG) remediation costs. LFG remediation and operation & maintenance costs occurring after July 1, 2021 at eligible landfills are generally eligible for reimbursement at 100%. As in the past, work must be conducted in accordance with an approved plan, and routine methane monitoring costs remain ineligible for reimbursement.

I have attached a copy of the HWTF Reimbursement Frequently Asked Questions, which is also available on EPD's website at <https://epd.georgia.gov/about-us/land-protection-branch/land-protection-branch-technical-guidance/solid-waste-technical>. If you have any questions, or need further assistance, please contact your Solid Waste Management Program officer or call David Brownlee of the Response and Remediation Program at (404) 657-8600.

Sincerely,

A handwritten signature in black ink, appearing to read "Jason Metzger", is written over a light blue horizontal line.

Jason Metzger
Program Manager
Response and Remediation Program

Enclosure: Hazardous Waste Trust Fund Local Government Reimbursement FAQs

c: Kathleen Bowen, ACCG - Natural Resources & Environment (via email: kbowen@accg.org)
Thomas Gehl, GMA – Governmental Relations (via email: tgehl@gacities.com)

Section 12-8-95 of the Georgia Hazardous Site Response Act (Act) establishes the Hazardous Waste Trust Fund (HWTF) and provides for reimbursement of eligible local government costs in the investigation and remediation of solid waste handling facilities listed on the State Hazardous Site Inventory or the Federal National Priorities List. Subparagraph [391-3-19-.09](#) of the Rules for Hazardous Site Response (Rules) provides additional information regarding eligibility. The following FAQs are provided for general information, but do not supersede the Act or the Rules. The local government application forms can be found at <https://epd.georgia.gov/hazardous-waste-forms-0>. Please contact the Response and Remediation Program (RRP) at 404-657-8600 with additional questions or suggestions.

1. What is the process for EPD listing a solid waste facility on the Hazardous Site Inventory (HSI)? [At the request of the Permittee, the Solid Waste Management Program \(SWMP\) will contact the Response and Remediation Program \(RRP\) and provide information for potential listing on the HSI after a landfill goes into assessment monitoring. This is usually done on the local government's behalf in order to be eligible for reimbursement from the Hazardous Waste Trust Fund. RRP then scores the site and lists the site if warranted.](#)
2. [Even if reported soil or groundwater concentrations entered into the *Reportable Quantities Screening Method* indicate placement on the HSI can a site elect not to be listed? The statutory exemption for landfills applies to submitting a release notification; however, it does not preclude them from being listed if the Director determines it is necessary. Typically, if a landfill does not want to be listed, they simply don't have the Solid Waste Management Program notify RRP and it doesn't get listed. However, that landfill is not eligible for reimbursement in that scenario.](#)
3. [How are HWTF funds accrued and obligated? EPD collects fees from landfills through the solid waste tipping fees as determined by statute. Historically, these fees went to the General Treasury, along with Hazardous Waste Generator and other fees and penalties, and were then appropriated to the HWTF to pay for program costs, abandoned site cleanups and landfill reimbursements. HB511 \(passed in the FY21 legislative session\) requires tipping fees to be automatically appropriated to the HWTF beginning in FY23 and continuing for the next decade. By statute, 50% of tipping fees that are appropriated to the HWTF are set aside for local government reimbursements. The average amount available for the five-year period of FY17 through FY21 was over \\$3 Million per year. For a full breakdown of fees collected, appropriated, and expended since inception, see the annual HSI publication introduction.](#)
4. [There has been a general perception in the solid waste industry that reimbursement from the HWTF is a "long shot". Is this the case and are reimbursements becoming more regular? Nearly every application received has been paid out upon receipt or the following year for the past several years. As noted in #3, HB511 requires tipping fees to be automatically appropriated to the HWTF for the next decade. Based on historical applications and the funding allocation required by statute, EPD does not expect applications to exceed available funding. When that scenario has occurred in years past, EPD has notified the local government of the approved amount, paid a percentage if possible, and then mailed the final amount once adequate funds were appropriated.](#)
5. [What is the limit of payment per site and does the limit apply to the local government as a whole or per site within their jurisdiction? The maximum is \\$2 million per site. Generally, if the local government was an owner or operator it will be reimbursed 100% for the first](#)

\$500,000 and 50% thereafter until the \$2 million cap is reached. The reimbursement percentages are less if the local government did not own or operate the landfill, but just sent waste to it.

6. What are common (most frequent) errors in HWTF applications?
 - Failure to provide canceled checks or other acceptable proof of payment.
 - Failure to provide sufficiently detailed invoices and/or failure to include subcontractor invoices
 - Failure to submit all required application items for a first-time submittal (e.g., 50-year title abstract)
 - Reimbursement amount requested does not match table/invoices.

7. What are common expenses reimbursed in HWTF applications?
 - Appendix II monitoring for all types of wells.
 - Appendix I monitoring for wells outside of the routine compliance network including delineation wells and off-site wells.
 - Analysis of MNA parameters for all types of wells.
 - Preparation and implementation of Assessment of Corrective Measures (ACM) and/or Corrective Action Plans (CAP).
 - Surface water monitoring outside of routine compliance monitoring.

8. What are common expenses not reimbursed in HWTF applications?
 - Appendix I monitoring of routine compliance well network.
 - Acquisition of property.
 - Preparation of HWTF reimbursement application.
 - Methane monitoring.
 - Routine maintenance of landfill.

9. Are methane remediation costs eligible if conducted under a Corrective Action Plan as a groundwater remediation tool and, if so, is the eligibility the same for in-refuse and out-of-refuse methods? In a related question is addition or enhancement of an existing landfill gas control & collection system eligible for reimbursement? RRP works in conjunction with the SWMP to determine eligibility of landfill gas costs on a site-by-site basis. Prior to July 1, 2021, if the system addressed both landfill gas (LFG) and methane, costs may be reimbursed at 50%, regardless if the system is in-refuse or out-of-refuse (this does not include routine methane monitoring costs). Recognizing that the main driver of groundwater contamination at landfills is typically LFG migration, eligible LFG remedial costs incurred after July 1, 2021 are reimbursable at 100% when conducted in accordance with an approved Plan. Operation and Maintenance costs of approved systems are also generally reimbursable. Reimbursement for enhancement of an existing system would depend on the purpose and necessity of the enhancement but generally yes, at the 100% rate if it occurred after July 1, 2021, and 50% if it occurred prior to July 1, 2021.

10. Can a local government receive funding in advance of conducting the work? Yes, but this is a more complex process, so please contact RRP prior to completing the application. Also, if limited funding is available, the applications for reimbursement take priority over the advance funding requests. The local government must provide a third-party cost estimate and schedule with the Request for Advance. Once approved, 50% of the estimate will be advanced to the

applicant. Once the work is completed, the applicant must submit a Request for Reimbursement showing final costs and including all required documentation. Once approved, EPD will reimburse the remaining expenditures if funds are available. An alternate source of advance funding is the Georgia Environmental Finance Authority. GEFA provides low-interest loans for improvements to water, wastewater, and solid waste systems (gefa.georgia.gov).

11. What is the approximate average EPD review time of an application? Applications are now reviewed as they are received. In years past, reviews occurred at the end of the fiscal year regardless of when they were received. The goal is to have the technical review of the reimbursement completed within 90 days of receipt. The approved applications are then sent to Contracting and a contract is mailed to the local government for execution. Upon receipt of the executed contract, a check is mailed. If funding is not available, the application is held in accordance with FAQ #4 above.
12. What level of backup for costs is required in the application (other than the contractor's invoice and canceled check/proof of payment)? Typically, additional documentation is required when the invoices lack enough specificity for the reviewing compliance officer to determine if the expenses are eligible costs. Usually, the more detailed invoices do not require additional documentation.
13. Other than canceled checks is other proof of payment acceptable in the application? Historically, canceled checks were the preferred method. However, EPD will also accept documentation of electronic ACH payments to contractors. As a last resort, certification statements from the contractor and/or bank are sometimes used when other proof of payment is unavailable for some valid reason. This is a requirement put upon RRP by state auditors. It is not because we don't trust you.
14. HWTF Application Cost Coding Item Descriptions appear to be geared toward Superfund type hazardous sites, rather than Solid Waste Sites. Is a subset list of codes available for Solid Waste sites? There is no other list of codes. The codes are simply to help categorize the type of costs and are more used as a guide for EPD. Many applications are reviewed that do not include the codes. The more detailed the invoices are, the less the need for the code.
15. How long are HWTF applications retained and what is the process for reviewing the files? Currently all HWTF applications are being retained at EPD's Towers location under a revised 40-year schedule. In the future, older records may be sent to records retention according to an approved schedule. It should be noted however, that most HWTF reimbursement records dated prior to 2002 have been destroyed. To review a file, send a request to Towers.FileReview@dnr.ga.gov, including all information related to the site.
16. Are all portions of the application subject to the freedom of information act or can you file some cost backup as proprietary information? This question would need to be answered by the Director's office on a case-by-case basis. The proprietary request would need to come from the local government and not from the contractor preparing the application. We are not aware of a case of proprietary information in an application to this point. Typically, the entire application would be subject to the Georgia Open Records Act.