**Section 870.102 Definitions**

For purposes of this Part, the words and terms used in this Part shall have the meanings below. Words and terms not defined in this Part, if defined in the Environmental Protection Act [415 ILCS 5], shall have the meanings as defined therein. Words and terms not defined in this Part and not defined in the Environmental Protection Act [415 ILCS 5] shall have the meaning as defined in the Solid Waste Planning and Recycling Act [415 ILCS 15].

"Act" or "Environmental Protections Act" means the Environmental Protection Act at 415 ILCS 5.

"Advertising" means costs for advertising related to grant activities. Public notices, newspaper advertisements, and consultant procurement costs are typically included in the advertising category.

*"Agency" means the Environmental Protection Agency established by the Environmental Protection Act.* (Section 3.01 of the Act)

"Allowable costs" means allocable project costs of the grantee that are reasonable and necessary. These may include, but are not limited to:

Costs of salaries, benefits, and expendable material incurred by the grantee for the project, except as provided in 35 Ill. Adm. Code 871.601(b)(7);

Professional and consultant services;

Project feasibility and engineering reports; and

Materials acquired, consumed, or expended specifically for the project.

"Amortization" means the prorating of appropriate other direct costs over a useful life, and the subsequent submittal of the prorated cost to the Agency for reimbursement.

"An accounting" means a compilation of documentation to establish, substantiate and justify the nature and extent of the charges for which the grantee is requesting reimbursement.

"Applicant" means the unit of local government that is applying for a municipal waste planning or nonhazardous solid or municipal waste enforcement grant under Section 22.15 of the Act.

"Combustion", as applied to municipal waste, means the incineration of municipal waste for either energy recovery or volume reduction.

"Commercial waste", as applied to municipal waste, means nonhazardous waste originating from wholesale, retail, or service establishments such as office buildings, stores, markets, theaters, hotels, motels, and warehouses.

"Composting" *means the biological treatment process by which microorganisms decompose the organic fraction of waste, producing compost.* (Section 3.70 of the Act)

"Computer charges" means expenses related to the lease or rental of computers, printers, and accessories.

"Conference or training registration" means expenses related to registration for conferences, workshops, seminars, and training that are grant-related.

"Construction or demolition debris", as applied to municipal waste, means nonhazardous materials, such as broken concrete, stone, rock, bricks or building or construction debris resulting from construction or demolition activities.

"Content", as applied to municipal waste, means the composition or characterization of that waste.

"Contractor" means the person, as defined in Section 3.26 of the Act, to whom a subagreement is awarded.

"Delegation agreement" means an agreement authorized by Section 4(r) of the Act under which the Agency may delegate inspection, investigation and enforcement authority at nonhazardous solid or municipal waste facilities or sites to a unit of local government.

"Direct labor costs" means expenses for personnel working on grant-related activities that can be directly identified to the grant. These costs may include costs for the applicant's or grantee's direct personnel, in-kind contributions, and fringe benefits, but do not include contractors' costs.

"Direct personnel costs" means expenses for an applicant's or grantee's employees that can be directly identified to the grant. These costs do not include subcontractors' costs.

"Directly identifiable costs" means grant expenses that can be documented and traced to allowable grant activities and are supported by accurate and adequate documentation, such as timesheets, receipts, logs and vouchers.

"Economic assessment" means a study, review, or evaluation of the economic effects of a particular municipal waste management option or combination of options on the study area.

"Environmental assessment" means a study, review, or evaluation of the environmental effects of a particular municipal waste management option or combination of options on the study area.

"Equipment" means items to be purchased for grant activities that individually cost $50 or more and have a useful life of one year or more. These typically include office furniture, computers and printers, calculators and adding machines, and cameras.

"Expensed" means that requests for reimbursement for other direct costs are submitted by the grantee during the year in which the costs were accrued.

"Facilities, projects or programs", as applied to municipal waste management, means existing and proposed sites, operations, activities, and other recommended actions related to municipal waste management planning.

"Fringe benefits" means benefits for the applicant's or grantee's personnel. These may include, but are not limited to, social security, retirement, unemployment insurance, workers' compensation, and health insurance.

"Garbage" means *waste resulting from the handling, processing, preparation, cooking, and consumption of food, and wastes from the handling, processing, storage, and sale of produce.* (Section 3.11 of the Act)

"General household waste", as applied to municipal waste, means nonhazardous solid waste originating in single and multiple-family dwellings.

"Grant agreement" means the written agreement and amendments thereto between the Agency and a grantee in which the terms and conditions governing the grant are stated and agreed to by both parties.

"Grantee" means the unit of local government that has been awarded a grant for municipal waste planning or nonhazardous solid or municipal waste enforcement under Section 22.15 of the Act.

"Implementation", as applied to municipal waste planning, means activities related to the initiation or execution of facilities, projects, or programs included in an adopted waste management plan.

"Indirect Costs" means those costs incurred by an applicant or grantee for a common or joint purpose but benefitting more than one cost objective, and not readily identifiable to the cost objectives specifically benefitted. Procedures for the determination of indirect costs and indirect cost rates are found at 35 Ill. Adm. Code 871.Appendix B.

"Industrial lunchroom or office waste" means non-industrial waste produced in industrial lunchrooms, cafeterias or food-serving functions, or offices.

"In-kind contributions" means goods and services donated to the applicant's or grantee's grant program by a second unrelated party. These goods and services must be contributed to the applicant or grantee and a fair market value must be assigned to these contributions.

"Institutional waste", as applied to municipal waste, means non-industrial waste originating in facilities such as schools, hospitals, correctional facilities, and research institutions.

"Landscape Waste" means *all accumulations of grass or shrubbery cuttings, leaves, tree limbs and other materials accumulated as the result of the care of lawns, shrubbery, vines and trees.* (Section 3.20 of the Act)

"Licensed professional engineer" means an individual currently licensed to practice professional engineering in the State of Illinois.

"Local Solid Waste Disposal Act" or "LSWDA" means the Local Solid Waste Disposal Act at 415 ILCS 10.

"Municipal joint action agency" means a planning or implementation agency formed pursuant to Section 3 of the Intergovernmental Cooperation Act [5 ILCS 220/3] consisting of any two or more municipalities, counties, or combination thereof formed by intergovernmental agreement to provide for efficient and environmentally sound collection, transportation, processing, storage, and disposal of municipal waste.

"Municipal waste" means *garbage, general household, institutional and commercial waste, industrial lunchroom or office waste, landscape waste, and construction or demolition debris.* (Section 3 of the Solid Waste Planning and Recycling Act [415 ILCS 15/3]).

"Municipal waste management plan" means a program designed to manage municipal waste over a 20-year period. Plans shall include an evaluation of the existing municipal waste management system and a set of recommended actions that matches municipal waste management alternatives to applicable portions of the waste stream, and shall be adopted in accordance with the Solid Waste Planning and Recycling Act [415 ILCS 15].

"Municipal waste management planning" means the evaluation of various municipal waste management alternatives, using economic, energy, environmental, political, and technical criteria appropriate to the planning area, for incorporation in a municipal waste management plan to be adopted in accordance with the Solid Waste Planning and Recycling Act [415 ILCS 15].

"Nonhazardous Municipal Waste Planning Grants" or "MWP" Grants means grants issued pursuant to Section 22.15(g) of the Act and Subpart B of this Part.

"Municipal Waste Planning Grants" or "MWP Grants" means grants issued pursuant to Section 22.15(g) of the Act and Subpart B of this Part.

"Nonhazardous Solid Waste or Municipal Waste Enforcement Grants" or "SMWE Grants" means grants issued pursuant to Section 22.15(h) of the Act and Subpart C of this Part.

"Office lease and utility expenses" means expenses for the lease or rental of office space and the concomitant utility expenses such as for heat and electricity.

"Origin", as applied to municipal waste, means the source of that waste, such as the general household, commercial, or institutional sector of the waste stream.

"Other direct costs" means those grant costs that can be directly identified as grant-related. These include travel, equipment, supplies, postage, advertising, computer charges, telecommunications, office lease and utility costs, vehicle charges, printing, and conference and training registration.

"Outputs" means all draft and final reports, documents, plans, and other materials produced for grant program elements. These include Phase I-Needs Assessments and Phase II-Municipal Waste Management Plans adopted in accordance with the provisions of the Solid Waste Planning and Recycling Act [415 ILCS 15].

"Phase I MWP Grant" means a Municipal Waste Needs Assessment Grant issued pursuant to Section 22.15(g) of the Act and 35 Ill. Adm. Code 870.204(b).

"Phase II MWP Grant" means a Municipal Waste Planning Grant issued pursuant to Section 22.15(g) of the Act and 35 Ill. Adm. Code 870.204(c).

"Phase III MWP Grant" means a Municipal Waste Implementation Planning Grant issued pursuant to Section 22.15(g) of the Act and 35 Ill. Adm. Code 870.204(d).

"Postage" means expenses for transmitting mail and packages for grant activities. These typically include regular, certified, express mail, and shipping charges for packages.

"Printing" means expenses related to copying, printing, reproduction, and document preparation.

"Program elements" means all activities, tasks, duties, assignments, functions, or responsibilities to be conducted to complete grant outputs, projects or programs.

"Recycling center" means *a site or facility that accepts only segregated, nonhazardous, nonspecial, homogenous, nonputrescible materials, such as dry paper, glass, cans or plastics, for subsequent use in the secondary materials market.* (Section 3.81 of the Act)

"Recycling program" means facilities, projects, activities, or recommendations included in a municipal waste management plan that comply with the provisions of the Solid Waste Planning and Recycling Act [415 ILCS 15].

"Recycling, reclamation or reuse" means *a method, technique or process designed to remove any contaminant from waste so as to render such waste reusable, or any process by which materials that would otherwise be disposed of or discarded are collected, separated or processed and returned to the economic mainstream in the form of raw materials or products.* (Section 3.30 of the Act)

"Solid Waste" means *waste*. (Section 3.82 of the Act)

"Solid Waste Management Act" means the Solid Waste Management Act at 415 ILCS 20.

"Solid Waste Planning and Recycling Act" or "SWPRA" means the Solid Waste Planning and Recycling Act at 415 ILCS 15.

"Source reduction", as applied to municipal waste, means the design, manufacture, acquisition, purchase, or use of materials or products to reduce the amount or toxicity of municipal waste before it enters the municipal waste stream. This may be accomplished through the redesign of manufacturing processes; redesign of products; changes in consumers' purchasing decisions, use, and disposal habits; and backyard composting.

"State" means the State of Illinois.

"Subagreement" means a written agreement between the grantee and another party, such as a contractor, and any tier of agreement thereunder for the furnishing of services, supplies, or equipment necessary to complete the project for which a grant was awarded, including contracts for personal and professional services and purchase orders.

"Subcontractor progress report" means a summary of a subcontrator's progress in meeting its tasks required under a grantee subagreement. Subcontractor progress reports shall include: the tasks completed during the reporting period; a description of any problems or delays; and a listing of current billing information. Subcontractors shall submit progress reports to grantees for transmittal to the Agency in accordance with the schedule in the grant agreement.

"Supplies" means items to be purchased for grant activities that have an individual cost of less than $50 and a useful life of less than one year and/or are personal (fitted or sized, such as gloves and boots) in nature.

"Telecommunications" means expenses related to telecommunications, such as telephone installation and usage, portable telephones, and pagers.

"Transfer station" means *a site or facility that accepts waste for temporary storage or consolidation and for further transfer to a waste disposal, treatment or storage facility. "Transfer station" includes a site where waste is transferred from:*

*A rail carrier to a motor vehicle or water carrier;*

*A water carrier to a rail carrier or motor vehicle;*

*A motor vehicle to a rail carrier, water carrier or motor vehicle;*

*A rail carrier to a rail carrier, if the waste is removed from a rail car; or*

*A water carrier to a water carrier, if the waste is removed from a vessel.* (Section 3.83 of the Act)

"Travel" means expenses related to the applicant's or grantee's execution of grant-related activities while on travel status. These typically include mileage, transportation, lodging, meals or per diem, and parking.

"Unallowable costs" means costs that exceed the total amount of the grant offer or which are not necessary for completion of the work required by the grant agreement. Such costs include, but are not limited to:

Areawide planning or enforcement not directly related to the project;

Bonus payments not legally required for completion of the project;

Personal injury compensation or damages arising out of the project, whether determined by adjudication, arbitration, negotiation, or otherwise;

Fines and penalties resulting from violations of, or failure to comply with, federal, State or local laws;

Costs outside the scope of the approved planning or enforcement project;

Interest on bonds or any other form of indebtedness required to finance the project costs;

Ordinary operating expenses of local governments, such as salaries and expenses of a mayor, city council members, or city attorney, except as provided in 35 Ill. Adm. Code 871.601(d);

Site acquisition (for example, sanitary landfills and sludge disposals areas);

Costs for which payment has been or will be received under another State or federal assistance program;

Costs of equipment or material procured in violation of any of the 35 Ill. Adm. Code 871 provisions;

Costs of special funds (i.e., industry advancement funds; funds to reimburse bidding costs to unsuccessful offerors, etc.) financed by contractors, contributions in the industry for methods and materials research, public and industry relations, market development, labor-management matters, wage negotiations, jurisdictional disputes, or defraying of all or part of unsuccessful offerors' bidding costs;

Costs under contracts that are incurred after the expiration of the applicable contractual completion date, even if the contractual completion date is subsequently extended by the grantee, unless such extention has been approved by the Agency in accordance with 35 Ill. Adm. Code 871.402;

Personal and professional consultant services costs arising under cost-plus-percentage-of-cost type of agreement (including the multiplier contract where profit is in the multiplier);

Personal and professional consultant services costs when the Agency has been refused access to the books and records of the contractor or the contractor has refused to renegotiate a personal or professional services contract in accordance with 35 Ill. Adm. Code 302; and

Increases in personal and professional consultant services contract fees which are based solely on a percentage of increased costs notwithstanding the contractual liabilities of the grantee under such contract.

"Unit of local government" means a municipality, county, or a municipal joint action agency pursuant to Section 3 of the Intergovernmental Cooperation Act [5 ILCS 220/3], or if the context requires, the member municipalities of such an agency or its territory.

"Vehicle changes" means costs for the lease, rental, purchase or utilization of a vehicle for grant activities. If a vehicle is purchased, only an amortized amount, calculated over a 36 month lifespan, may be reimbursed by the Agency.

"Volume reduction at the source" means source reduction.

"Waste" *means any garbage, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility or other discarded material, including solid, liquid, semi-solid, or contained gaseous material resulting from industrial, commercial, mining and agricultural operations, and from community activities, but does not include solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permits under Section 402 of the federal Water Pollution Control Act, as now or hereafter amended, or source, special nuclear, or by-product materials as defined in the Atomic Energy Act of 1954, as amended (68 U.S.C. 921) or any solid or dissolved materials from any facility subject to the federal Surface Mining Control and Reclamation Act of 1977 (P.L. 95-87) or the rules and regulations thereunder or any law or rule or regulation adopted by the State of Illinois pursuant thereto,* except that for the purposes of this Part, waste does not include hazardous waste. (Section 3.53 of the Act)

"Waste audit" or "Waste stream audit", as applied to municipal waste, means a systematic accounting of materials (inputs) and products or waste (outputs) to identify potential waste reduction or recycling opportunities.

"Waste characterization study", as applied to municipal waste, means a study designed to determine estimates of the composition or characterization of that waste.

"Waste generation", as applied to municipal waste, means the weight or volume of materials and products as they enter the municipal waste stream, and before materials recovery, combustion, or landfilling occur.

"Waste reduction", as applied to municipal waste, means all municipal waste management methods resulting in a reduction of municipal waste requiring final disposal. Municipal waste reduction includes, but is not limited to, source reduction, recycling, composting, and shredding and compaction of municipal waste.

"Waste stream", as applied to municipal waste, means the waste generated by a specific sector as it moves from generation to final handling. A waste stream may include the municipal waste stream components, the total waste stream, or any component thereof.

(Source: Amended at 19 Ill. Reg. 11861, effective August 3, 1995)