

FISCAL YEAR 2015-2016

**SCRAP TIRE REGULATORY PROGRAM
SCRAP TIRE CLEANUP GRANT PROGRAM
AND APPLICATION FOR FUNDING**



**Rick Snyder, Governor
Dan Wyant, Director**

**Office of Waste Management and Radiological Protection
Michigan Department of Environmental Quality**

**DEQ Internet Web site address: <http://www.michigan.gov/deq>
Application Deadline: **October 30, 2015****

EQP 5138(2) (Rev 08/2015)

**Michigan Department of Environmental Quality
Office of Waste Management and Radiological Protection**

Scrap Tire Cleanup Grant Program

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The Michigan Department of Environmental Quality shall not discriminate against any individual or group on the basis of race, sex, religion, age, national origin, color, marital status, disability, or political beliefs. Questions or concerns should be directed to the DEQ, Office of Human Resources, P.O. Box 30473, Lansing, Michigan 48909.

Michigan Department of Environmental Quality
Office of Waste Management and Radiological Protection
Fiscal Year 2015-2016
SCRAP TIRE CLEANUP GRANT PROGRAM

INTRODUCTION

Section 16908(2)(c) of Part 169, Scrap Tires, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA), requires that the Scrap Tire Regulatory Fund shall be used: “For the cleanup or collection of abandoned scrap tires¹ and scrap tires at collection sites. The department shall give priority to funding activities under this subdivision at collection sites in which the scrap tires were accumulated prior to January 1, 1991, and to collection sites that pose an imminent threat to public health, safety, welfare, or the environment. For collection sites that have accumulated tires after January 1, 1991, a lien, in favor of the state up to the value of the cleanup grant amount and any increase in the value of the property as a result of the cleanup of the property with grant funds, shall be placed on the property that is affected by the removal of the tires as provided in Section 16908b. Before making a grant under this subdivision, the department shall consider the extent to which the making of the grant would contribute to the achievement of a balanced distribution of grants under this subdivision throughout the state. If a grant is awarded under this subdivision for collecting scrap tires at a community cleanup site, the tires shall be removed from the community cleanup site by the time specified in the grant contract.”

The Michigan Department of Environment Quality (DEQ) is now accepting applications for funding the cleanup and collection of scrap tires from eligible publicly- and privately-owned sites. Application for funds shall be made on forms provided by the DEQ. An application form is included in this application package for your use.

Submission of a complete application does not guarantee that the applicant will receive a Scrap Tire Cleanup Grant (Grant).

PLEASE NOTE, NO WORK SHOULD TAKE PLACE AND NO CLEANUP DAY-RESIDENT DROP-OFF SHOULD BE SCHEDULED UNTIL AFTER A FULLY EXECUTED GRANT CONTRACT IS IN PLACE. NO WORK CAN BE REIMBURSED RETROACTIVELY OR BEYOND AWARDED GRANT AMOUNTS.

Eligibility Criteria All Applicants

Applicants must meet the following:

1. The applicant possesses eligible scrap tires, which include abandoned scrap tires and scrap tires at a collection site.

The following are NOT eligible scrap tires:

- Property with less than 500 tires that are not abandoned.

¹Section 16901(1)(a) of Part 169 states: “Abandoned scrap tires’ means an accumulation of scrap tires on property where the property owner is not responsible in whole or in part for the accumulation of the scrap tires. For the purposes of this subdivision, an owner who purchased or willingly took possession of an existing scrap tire collection site shall be considered by the department to be responsible in whole or in part for the accumulation of the scrap tires.”

- A retailer with less than 1,500 tires that are not abandoned.
 - An automotive recycler with less than 2,500 tires that are not abandoned.
 - A commercial contractor whose property has less than 150 cubic yards of tire chips that are not abandoned.
2. The applicant submits a **complete** application, as described below in the section titled “Required Application Components,” that has been postmarked by the application deadline.
 3. The applicant **HAS NOT** received Grant Program funds previously for the complete removal of tires from the site(s).
 4. The applicant will contract with a Michigan-based scrap tire processor, if needed, that meets the conditions listed in the Scrap Tire Processor Conditions, page 10 of this application package. If the applicant is a county or other local unit of government, the Michigan-based scrap tire processor shall be selected through the local unit of government’s competitive bid process in order to ensure the most cost-effective use of Grant funds.
 5. The applicant has submitted proof of property ownership (only a warranty deed or land contract will be accepted as proof of property ownership) **of the site where the scrap tires are located**. If the applicant is a governmental entity, a nonprofit entity, or an approved scrap tire material end-user, as defined in Part 169, Section 16901(k), who wishes to remove scrap tires from private property, documentation of legal authority to remove the scrap tires from a private site (e.g. local ordinance, court order, or written permission from all parties with ownership interest in the property) must be provided.
 6. Eligible tire sites must be located in Michigan.
 7. The applicant or a current or previous owner/operator of the site is NOT in litigation (meaning from the time of referral for escalated enforcement action until any fines/penalties are paid) with the State or another public entity concerning compliance with Part 169 or other state or local public health or environmental protection requirements (unless the litigation has been resolved against the applicant or a current or previous owner/operator, all penalties/fines have been paid, and the applicant agrees to sign a binding agreement, as part of the Grant contract, that prohibits the applicant from taking new tires at the site until the site is brought into full compliance with Part 169 or other law that was the subject of litigation).
 8. If the applicant or a current or previous owner/operator of the site has been sentenced for a criminal violation concerning the site, the terms of such sentence must be completed including payment of all penalties and damages unless the DEQ has been consulted and has agreed to the terms of a probation order that envisions the use of Grant funds to clean up the site. Written documentation from the DEQ’s, Office of Waste Management and Radiological Protection (OWMRP) District Supervisor that the DEQ has been consulted and agrees with the probation terms must be submitted with this application. The applicant must be complying with the terms of such a probation order. If the applicant or current or previous owner/operator of the site has a civil judgment against them, all penalties must be paid. Payment of court penalties will not be a prerequisite for eligibility if the applicant is a local unit of government applying to clean up a site that is under litigation.
 9. All existing financial assurance for the site must be utilized before Grant funds can be expended for the site.
 10. For sites that have accumulated tires after 1991, a lien, in favor of the State up to the value of the cleanup costs and for any increase in property value as a result of any Grant-funded cleanup, shall be placed by the DEQ on the property that is affected by the removal of the tires, as provided in Section 16908b of Part 169. Copies of the lien placement forms are included in this application package for informational purposes only. The liens would be filed at the time a Grant contract is awarded to a successful applicant.

Eligibility Criteria-Cleanup Day-Resident Drop-Off

1. **Do Not Schedule Event Date Prior To April 1, 2016.**
2. Applicant must be a local unit of government (county, township, city, or village) or nonprofit organization and will be referred to as the “entity.”
3. An entity is eligible for a Grant of up to \$3,000.00 for a cleanup day or resident drop-off day. The DEQ may limit the total number of cleanup day Grants issued each year based on the priorities listed above and the amount of funding available.
4. A community cleanup site is a site owned by a local unit of government or nonprofit organization that has received a scrap tire cleanup grant and uses this site for the purposes of collecting scrap tires from residents as part of a community cleanup day or resident drop off.
5. **Entities in the same area are encouraged to consolidate their cleanup days** or schedule cleanup days during the same week to facilitate collection. Each entity can briefly store (maximum of one week) all the collected scrap tires at a community cleanup site to coordinate regional pickups by the hauler.
6. The scrap tires must be disposed of as soon as possible. The entity cannot maintain piles of over 500 scrap tires without registering as a collection site and meeting all requirements under Part 169. A community cleanup site is not considered a collection site as long as the scrap tires are disposed of as soon as possible (within one week).
7. The entity has a choice on whether or not to charge a fee to residents for tire recycling according to the type and number of scrap tires in order to cover costs. **The DEQ will reimburse the actual costs incurred at a rate of \$1,000 per dropped trailer for the first 500 tires. Then there would be \$2/PTE reimbursement over 500 tires up to a maximum of \$2,000/trailer.** The applicant may not profit from this Grant activity.
8. Participants dropping off scrap tires **MUST BE RESIDENTS** of the entity, and this must be verified by the entity through participant showing proper identification.
9. The entity will limit the number of scrap tires brought by a resident to 10 scrap tires (this is the number of tires anyone can haul without a scrap tire hauler registration without the tires having to be their “own” tires).
10. Commercial businesses may **NOT** bring tires to the cleanup event. The event is limited to household and residential scrap tires **ONLY**.
11. The entity must advertise the eligibility criteria, cost (if any), date, and hours of the cleanup/drop-off day.
12. It is recommended that the entity encourage the resident to call for an appointment with the entity and give an estimate of the number of scrap tires they will be bringing so the entity will have an idea of the number of scrap tires to expect at the cleanup day.
13. The entity must keep track of how many scrap tires were collected and report this number to the DEQ for reimbursement, along with supporting documentation, including proof of payment and scrap tire transportation records.
14. The entity must have the scrap tires disposed of as quickly as possible, preferably the same day as cleanup day or next business day, unless collecting tires to coordinate a regional pickup by the hauler. **The maximum time tires can be at a community cleanup site is one week.**

15. The entity must contract with a registered Michigan scrap tire hauler who must take scrap tires to a legal destination. To assist applicants in selecting a registered scrap tire hauler, the DEQ maintains a list of registered Michigan-based scrap tire haulers on the internet at http://www.michigan.gov/documents/deq/deq-whmd-stp-commercial-haulers_231619_7.pdf
16. The entity will coordinate with the hauler on the date of the cleanup day.
17. The entity can hold a scrap tire drop-off day in conjunction with a regular community cleanup day. However, the Grant would cover the cost to remove scrap tires only. Costs for the disposal of other recyclable materials **WOULD HAVE TO BE COVERED BY THE ENTITY.**
18. The entity will be responsible for providing labor (volunteer or paid) to coordinate loading of the scrap tires. **Labor costs are NOT covered by the Grant.**
19. The entity must encourage residents to dispose of tires properly in the future, such as when buying new tires, instead of taking the scrap tires home, paying the disposal fee at the tire retailer. Otherwise, taxpayers are supporting the removal of scrap tires. The DEQ has developed a flyer educating participants on why scrap tires should not be stored at home and will provide a copy that the entity can reproduce.

Eligibility Criteria for Annual Community (Resident Drop-off) Collection Site

Convenient and economical disposal of scrap tires is essential in the fight to prevent illegal dumping. For this reason, entities may wish to establish a Collection Site of their own. This site may be grant eligible if all criteria are met. This would be allowed in hopes that the increased awareness of a proper disposal option will decrease the need for small site cleanups. **This type of grant is available for countywide drop offs only.**

1. **Do Not Schedule Event Date Prior To April 1, 2016.**
2. Applicant must be a local unit of government (county, township, city, or village) and will be referred to as the "entity."
3. This grant provides for the collection of up to 12,000 PTE.
4. An established contract must be in place with a licensed hauler for a period of 12 months. The contract must outline specific criteria for notification of when the hauler will make pick-ups. The entity has a choice on whether or not to charge a fee to residents for tire recycling according to the type and number of scrap tires in order to cover costs. **The DEQ will reimburse the actual costs incurred at a rate of \$1,000 per dropped trailer for the first 500 tires. Then there would be \$2/PTE reimbursement over 500 tires up to a maximum of \$2,000/trailer.**
5. The site must be located in a fenced and gated area under control of the entity.
6. No more than 500 tires may be stored in an outdoor storage pile or all tires must be in road worthy storage trailers; otherwise bonding pursuant to Part 169 will be required, at the expense of the entity.
7. The entity will be required to complete the Collection Site Registration process. The \$200.00 registration fee may be requested as part of the reimbursement under the grant if the grant is awarded and a request for such should be indicated in the application narrative, if sought.
8. Participants dropping off scrap tires **MUST BE RESIDENTS** of the entity, and this must be verified by the entity through participant showing proper identification.
9. Commercial businesses may **NOT** bring tires to the cleanup event. The event is limited to household and residential scrap tires **ONLY.**

10. The entity must advertise the eligibility criteria, cost (if any), date, and hours of the community collection site. This must include drop off availability of at least one day per month.
11. The entity must keep track of how many scrap tires were collected and report this number to the DEQ for reimbursement, along with supporting documentation, including proof of payment and scrap tire transportation records.

Eligibility Criteria-Cleanup Days for Small Accumulations of Scrap Tires or Scrap Tires Dumped on Public Lands

1. **Do Not Schedule Event Date Prior To April 1, 2016.**
2. Site contains abandoned scrap tires on state and federal land or small piles of 500-1,000 scrap tires on privately held land. There must be at least 500 scrap tires to be removed. The entity must estimate the number of scrap tires and number of locations to be cleaned up and include this information in the Grant application.
3. An entity is eligible for a one-time Grant of up to \$5,000.00 to clean up small accumulations of scrap tires or scrap tires dumped on public lands.
4. There must be one individual/community/entity that coordinates the cleanup day.
5. If the entity is a county, they may elect to aggregate applications in their geographic area and set up a community cleanup site for consolidation of these smaller accumulations of scrap tires, in order to simplify paperwork and the collection of these scrap tires. If a community cleanup site is established, the county will ensure that the scrap tires are legally transported to the community cleanup site and removed from the community cleanup site to a legal destination as quickly as possible, but scrap tires may not be left at the community cleanup site for more than one week.
6. Entity must contract with a registered Michigan scrap tire hauler who must take the scrap tires to a legal destination.
7. The hauler will leave a trailer or other enclosed container for collection of scrap tires and then pick up the scrap tires within two weeks.
8. The scrap tires must be disposed of as soon as possible. The entity cannot maintain piles of over 500 scrap tires without registering as a collection site and meeting all requirements under Part 169. A community cleanup site is not considered a collection site as long as the scrap tires are disposed of as soon as possible (within one week).
9. The entity will be responsible for providing labor (volunteer or paid) to coordinate loading of the trailer. The entity must remove the scrap tires from state/federal lands and leave them at a consolidation point for easier tire removal by the hauler. Labor costs are not covered by the Grant.
10. The entity must keep track of how many scrap tires are collected and report this number to the DEQ for reimbursement, along with supporting documentation.
11. **The DEQ will reimburse the actual costs incurred at a rate of \$1,000 per dropped trailer for the first 500 tires. Then there would be \$2/PTE reimbursement over 500 tires up to a maximum of \$2,000/trailer and up to a maximum of \$5,000 per entity.**
12. In areas where dumping appears to occur frequently, the entity will target that area for anti-dumping enforcement and provide a written commitment to do so as part of the Grant application.

Eligibility Criteria-Roadside Cleanup

1. **Do Not Schedule Event Date Prior To April 1, 2016.**
2. The entity with jurisdiction over the roadway is eligible to apply for a Grant. Entities would be allowed to apply for a Grant for scrap tires they have already picked up. Abandoned scrap tires must be removed from road right-of-ways.
3. An entity is eligible for a one-time Grant of up to a maximum of \$2,000.00 for roadside cleanup. The DEQ may limit the total number of roadside cleanup Grants issued each year based on the priorities listed above and the amount of funding available.
4. Different entities in same area are encouraged to consolidate their roadside cleanup days or schedule cleanup days during the same week to facilitate collection.
5. The scrap tires must be disposed of as soon as possible. The entity cannot maintain piles of over 500 scrap tires without registering as a collection site and meeting all requirements under Part 169. A community cleanup site is not considered a collection site as long as the scrap tires are disposed of as soon as possible (within one week).
6. Entity must contract with a registered Michigan scrap tire hauler who must take the scrap tires to a legal destination.
7. The entity will be responsible for providing labor (volunteer or paid) to coordinate loading of the trailer. The entity must remove the scrap tires from the roadside and leave them at a consolidation point for easier tire removal by the hauler. **Labor costs are not covered by the Grant.**
8. The entity must keep track of how many scrap tires are collected and report this number to the DEQ for reimbursement, along with supporting documentation.
9. **The DEQ will reimburse the actual costs incurred at a rate of \$1,000 per dropped trailer for the first 500 tires. Then there would be \$2/PTE reimbursement over 500 tires up to a maximum of \$2,000/trailer.**
10. In areas where dumping appears to occur frequently, the entity will target that area for anti-dumping enforcement and provide a written commitment to do so as part of the Grant application.

Cleanup of Buried Scrap Tires

Cleanup of scrap tires that were buried as a result of fire suppression activities will be allowed under the Grant Program but is considered a lower priority than cleaning up tires that are above the ground surface. The person or entity having ownership or legal access to the property where the scrap tires are buried is eligible to apply for a Grant to clean up these scrap tires. **The DEQ will reimburse the actual costs incurred at a rate of \$1,000 per dropped trailer for the first 500 tires. Then there would be \$2/PTE reimbursement over 500 tires up to a maximum of \$2,000/trailer.** If the scrap tires are found to be exceptionally dirty, the DEQ must be contacted for further instructions.

Transportation Costs

Additional transportation costs may be considered for sites located in the northern Lower Peninsula or Upper Peninsula. **These costs should be requested and justified in the narrative portion of the application** and must be agreed to and approved by the DEQ.

APPLICATION PROCESS AND EVALUATION CRITERIA

Required Application Components

To be considered complete, an application must include all of the components listed below **and the “Applicant Signatory” on page 2 of the application MUST be signed**. Incomplete responses may result in a determination that the application is incomplete and, therefore, not eligible for funding.

- Application for funding form EQP 5138 (Rev 08/2015), including general Project Information, Cleanup Site Information, applicant signature, and all information indicated in Project Narrative Requirements.
- Proof of property ownership of the property containing the scrap tires (**only a warranty deed, quit claim deed or land contract will be accepted as proof of property ownership**). If the applicant is a governmental entity, nonprofit entity, or an approved scrap tire material end-user, as defined in Part 169, Section 16901(k), who wishes to remove scrap tires from private property, documentation of legal authority to remove the scrap tires from a private site (e.g., local ordinance, court order, or written permission from all parties with ownership interest in the property) must be provided.
- For each collection site with tires accumulated prior to January 1, 1991, a copy of the 1991 Scrap Tire Collection Site Registration (if a copy is on file with the DEQ, indicate this on the form) or, for those sites that were not legally registered in 1991, other information documenting the number of scrap tires on the site that were accumulated prior to January 1, 1991 (e.g., documentation from RMD District Office files, local citations, records, etc.).
- For any abandoned scrap tires, documentation they were abandoned at the collection site. This requirement applies to pre-1991 scrap tires and post-1991 scrap tires.

Application Submission Information

- The application and all supporting documentation must be postmarked on or before **October 30, 2015**. Applications must be complete and in final form.
- Applications that are incomplete will be deemed ineligible and receive no further consideration for funding.
- The original application form EQP 5138 must be signed as indicated and submitted to:

Scrap Tire Regulatory Program
Office of Waste Management and Radiological Protection
Department of Environmental Quality
P.O. Box 30241
Lansing, Michigan 48909-7741

Overnight mailing address:
Constitution Hall, 4 South
525 West Allegan Street
Lansing, Michigan 48933

Or via email at: DEQ-scraptire@michigan.gov

Information provided in the application must be formatted to correspond with the application instructions. Headings and numbering of responses must be consistent with the headings and numbering used in the instructions. Pages within the application must be numbered. The actual forms, or photocopies of the forms, as found in this application package, must be used.

- A single application form may be submitted to request funding for multiple sites. Please contact DEQ staff at the telephone number listed below to discuss the appropriate process for submitting a single application form for multiple sites.
- All questions regarding application preparation and submission should be directed to staff of the Scrap Tire Regulatory Program (Program) at 517-284-6588.

Evaluation Criteria

The cleanup of scrap tire sites must be prioritized due to the limited amount of available funding under Part 169. Generally, the DEQ Priorities will be (1) to continue removal of tires from collection sites and accumulations of abandoned scrap tires; (2) to complete Cleanup Days/Roadside Cleanups; and (3) cleanup of scrap tires that were buried as a result of fire suppression activities. Each application will be evaluated by DEQ staff using criteria as follows. (**NOTE:** The following descriptions are brief and designed to provide a general explanation of the criteria that will be considered and the typical components of those criteria.) The order of the listed criteria is not intended to indicate relative weight placed on individual criteria.

- Number of scrap tires abandoned pre-1991. The reliability of information submitted to confirm that the scrap tires at the collection site actually existed prior to 1991 will be critical (see “Required Application Components”).
- Actual or potential impacts to public health, the environment, and natural resources such as fire hazard posed, potential for air contamination from any fire, risk from mosquito-transmitted diseases, safety/injury potential, and potential for chemicals or chemical by-products resulting from a tire fire to reach groundwater or surface water. At a minimum, location to residentially zoned areas will be used in evaluating this criterion and proximity to surface water bodies and groundwater, forest, public/private water supply wells/sources, and wellhead delineation areas will be major factors in evaluating this criterion.
- Actual or potential involvement of site in urban renewal/economic development activities. Involvement in such efforts and effects on property values and aesthetics (blight conditions) are some components that will be considered in this evaluation. No formal plan is necessary.
- Efforts to comply with Part 169 and efforts to remove tires by the tire site owner or local government using their own funds, in-kind services, etc.
- Effectiveness of the proposed removal program and Grant funding in addressing the needs of the site.
- If a judgment, including a fine or penalty (civil or criminal), has been rendered by a court under the NREPA against the applicant or a current or previous owner/operator of the site in favor of the state, the degree to which the applicant proposes to remove more than one passenger tire per the approved per tire reimbursement authorized by the Grant.
- Local government applications for cleanup of a site may be given higher consideration.
- Higher priority will be given to applicants who propose to use the tires for purposes other than tire-derived fuel usage (i.e., for use in modified asphalt, molded rubber products, extruded rubber products, and aggregate replacement materials).

Application Review Process

The following is the process that will be used to select scrap tire sites for funding assistance:

- For property with 100,000 scrap tires or more, applications for funding will be reviewed and prioritized by a review committee based on the evaluation criteria indicated above. The review committee will consist of the DEQ’s, OWMRP staff, and the DEQ’s OWMRP District staff.

- For property with less than 100,000 scrap tires, applications for funding will be reviewed and prioritized by the DEQ's OWMRP staff.
- Applications for Cleanup Day (resident drop-off), small accumulations of tires dumped on public lands, roadside cleanup, or cleanup of buried tires will be reviewed and prioritized by the DEQ's OWMRP staff.
- The DEQ may limit the total number of cleanup day and roadside cleanup Grants issued each year based on the priorities listed above and the amount of funding available.
- The final prioritized listings will be approved by the Chief of OWMRP and may also require State Administrative Board approval before Grant contracts are awarded.
- Applicants will be notified in writing of the decision regarding their applications. Evaluation information concerning an application will be available upon request.
- The DEQ reserves the right to issue press releases regarding approved applicants during the Grant cleanup and upon cleanup of selected sites.

Contract Requirements for Approved Applicants

Approved applicants will be required to enter into a standard contractual agreement with the DEQ. There will be limited opportunities for negotiation prior to entry of a Grant contract. Opportunities to modify a signed contract will also be limited.

The original application becomes part of the Grant contract. The contract will stipulate a project period during which the project must be completed and all expenditures must be made. Successful applicants (Grantees) must be prepared to agree to the following minimum contract conditions:

- All projects funded must be completed by August 31, 2016.
- Taxpayer Identification Number (TIN) or Social Security Number (SSN) will be required on the Grant contract. All funds and payments are made through the State's MAIN database that requires either a TIN or SSN.
- Grants are paid through a reimbursement process. Reimbursement requests submitted to the DEQ must include proof of payment to the processor for work completed. Examples of acceptable proof of payment include cancelled checks, ACH or wire transfer confirmations, and bank statements. Under extenuating circumstances, the Grantee may assign Grant payments to the processor. **This type of payment arrangement must be requested in writing and approved in advance by the DEQ. The scrap tire processor must also agree to this assignment of payment.**
- The Grantee acknowledges that it is a crime to knowingly and willingly file false information with the State for the purpose of obtaining this contract or any payment under the contract and that any such filing may subject the Grantee, its agents, and/or employees to criminal and civil prosecution and/or termination of the Grant.
- The Grantee and all contractors, subcontractors, etc., must operate in compliance with all applicable laws and the Grant contract. Certain provisions contained in the Grant contract may preclude various entities from receiving Grant funds. These provisions include, but are not limited to the following:

Conflict of Interest

No government employee, or member of the legislative, judicial, or executive branches, or member of the Grantee's Board of Directors, its employees, partner agencies, or their families shall benefit financially from any part of this contract.

Debarment and Suspension

By signing this contract, the Grantee certifies to the best of its knowledge and belief that it, its agents, and its subcontractors:

- (1) Are not presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from covered transactions by any federal department or the State.
- (2) Have not within a three-year period preceding this contract been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, state, or local) transaction or contract under a public transaction, as defined in 45 CFR 1185; violation of federal or state antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property.
- (3) Are not presently indicted or otherwise criminally or civilly charged by a government entity (federal, state, or local) with commission of any of the offenses enumerated in subsection (2).
- (4) Have not within a three-year period preceding this contract had one or more public transactions (federal, state, or local) terminated for cause or default.
- (5) Will comply with all applicable requirements of all other state or federal laws, executive orders, regulations, and policies governing this program.

Actual transportation and processing costs are eligible for reimbursement according to the processor's option; however, **The DEQ will reimburse the actual costs incurred at a rate of \$1,000 per dropped trailer for the first 500 tires. Then there would be \$2/PTE reimbursement over 500 tires up to a maximum of \$2,000/trailer.. If the tires are found to be exceptionally dirty, or the site contains more than 10% of the tires on rims, you must contact the DEQ for further instructions.** Additional transportation costs may be considered for sites located in the northern Lower Peninsula or Upper Peninsula. **These costs must be requested and justified in the narrative portion of the application and must be agreed to and approved by the DEQ.**

- For sites with tires accumulated after 1991, applicants must agree to the placement of liens, in favor of the State up to the value of the cleanup costs and for any increase in the property value as a result of any Grant-funded cleanup, on the property that is affected by the removal of the tires. A copy of the lien placement forms is included in this application for informational purposes only. Please do NOT fill out or submit the lien placement forms. The liens would be filed by the DEQ at the time a Grant contract is awarded to a successful applicant.

Scrap Tire Cleanup Program

Scrap Tire Processor Conditions

To assist applicants in selecting appropriate scrap tire processors, when needed, the DEQ will develop and maintain a list of registered Michigan-based scrap tire processors who have expressed an interest and willingness to participate in the cleanup program. Prior to issuance of a contract for Grant funds to clean up tires, the Grantee will need to demonstrate to the DEQ that the selected processor(s) meet the following conditions:

- The processor is authorized to do business in and is located in the State of Michigan and must possess all the required permits, registrations, and/or licenses required by law. The processor must demonstrate the capability to process the scrap tires that will be removed from the site(s) covered by the Grant contract.
- The processor has agreed with the Grantee to process the tires and transport the processed tires to the approved end-user.
- The processor has a contract(s) with the scrap tire material user(s) that will receive the processed tires. This user contract must indicate that the user will accept an amount of processed scrap tire material equal to or greater than the number of tires to be removed from the Grant sites(s).
- The processor will use and properly complete the Scrap Tire Reimbursement Manifest form (EQP 5138) provided by the DEQ to the Grantee when accepting and transporting the scrap tires.
- The processor will notify the Grantee of any changes that would make the processor unable to meet all of these conditions or those of the Grant contract.
- If the processor receives scrap tires that have excessive soil or dirt within the load, or over 10% of the tires with rims, they must contact the DEQ for further instructions.

The Grantee is hereby given notice that the contract will require the Grantee, all contractors, subcontractors, agents, and employees, including processors, to be in compliance with Part 169 and other applicable laws and to not be in litigation with the DEQ regarding Part 169 or other applicable laws in order to maintain the contract. In addition, the processor may be subject to inspections by the DEQ to ensure compliance with Part 169 and the Grant contract. The Grantee shall provide notice to the processor of these requirements.

Scrap Tire Cleanup Program

Scrap Tire Hauler Conditions

To assist applicants in selecting appropriate scrap tire haulers, when needed, the DEQ will develop and maintain a list of registered Michigan-based scrap tire haulers. Prior to issuance of a contract for Grant funds to clean up tires, the Grantee will need to demonstrate to the DEQ that the selected hauler(s) meet the following conditions:

- The hauler is authorized to do business in, is located in the State of Michigan, and must possess all the required permits, registrations, and/or licenses required by law. The hauler must demonstrate the capability to haul the scrap tires that will be removed from the site(s) covered by the Grant contract.
- The hauler has agreed with the Grantee to transport the scrap tires to the approved location: registered collection site (indicate the Michigan Scrap Tire Collection Site Registration Number); disposal area licensed under Part 115, Solid Waste Management, of the NREPA; scrap tire processor; and end-user or scrap tire retailer. NOTE: Section 16902 of Part 169 states that a person shall deliver a scrap tire only to, and only with the consent of the owner or operator of a collection site registered under Section 16904, a location that has legally accumulated scrap tires below the regulatory threshold as qualifying as a collection site (exempt site), a disposal area licensed under Part 115 (**WHOLE TIRES MAY NOT BE DISPOSED OF IN A LANDFILL**), an end-user, a scrap tire processor, or a retailer, that is in compliance with Part 169.
- The hauler will use and properly complete the Scrap Tire Reimbursement Manifest Form (EQP 5138) provided by the DEQ to the Grantee when accepting and transporting the scrap tires.
- The hauler will notify the Grantee of any changes that would make the hauler unable to meet all of these conditions or those of the Grant contract.
- If the hauler receives scrap tires that have excessive soil or dirt within the load, or over 10% of the tires with rims, they must contact the DEQ for further instructions.

The Grantee is hereby given notice that the contract will require the Grantee, all contractors, subcontractors, agents, and employees, including haulers, to be in compliance with Part 169 and other applicable laws and to not be in litigation with the DEQ regarding Part 169 or other applicable laws in order to maintain the contract. In addition, the hauler may be subject to inspections by the DEQ to ensure compliance with Part 169 and the Grant contract. The Grantee shall provide notice to the hauler of these requirements.

DRAFT 16908b(4) LIEN

[Margin must be 2.5 inches from the top of the page, at least .5 inch from sides and bottom, and the font size must be at least 10 point.]

LIEN PLACEMENT

First Party: State of Michigan
Department of Environmental Quality
Office of Waste Management and Radiological Protection
P.O. Box 30241
Lansing, Michigan 48909-7741

Second Party: [insert name and address]

Site ID No.: [insert]

NOTICE OF CLAIM OF INTEREST IN REAL PROPERTY

District: [insert]

Notice is hereby given that the State of Michigan, Department of Environmental (DEQ), holds a statutory lien interest as provided for under Section 16908b(4) of Part 169, Scrap Tires, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA), for unpaid costs incurred by the State of Michigan for the cleanup of scrap tires accumulated after January 1, 1991, that increase the market value of the following property located in the city of [insert], [insert] County, Michigan, described as:

[Insert Legal Description]

Table with 3 columns: Document Date, Assessment Number, Costs. Each cell contains [insert].

Therefore, pursuant to Part 169 of the NREPA, the State of Michigan has a lawful claim against the above-described real property situated in [insert] County, in favor of the State of Michigan, DEQ, Office of Waste Management and Radiological Protection (OWMRP). The actual amount of the lien is dependent upon the total increase in market value attributable to State of Michigan-funded response activities, but the amount shall not exceed the amount of unpaid past costs incurred by the State of Michigan at the time of reimbursement. The lien claimed hereunder has priority over all other liens or encumbrances that are or have been recorded upon the property.

STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY

Steven Sliver, Chief, Solid Waste Section
Office of Waste Management and Radiological Protection

Page 1
Assessment No. [Insert]
Parcel ID No. [Insert]

STATE OF MICHIGAN, COUNTY OF INGHAM

The foregoing instrument was acknowledged before me this [insert day] day of [insert month], [insert year], by Steven Sliver, Chief, Solid Waste Section, OWMRP, DEQ, an authorized representative, on behalf of the DEQ.

Prepared by: [Insert],OWMRP, DEQ
P.O. Box 30241
Lansing, Michigan 48909-7741

Notary Public-State of Michigan
County of _____
Acting in the County of _____
My Commission Expires _____

DRAFT 16908b(i) LIEN

[Margin must be 2.5 inches from the top of the page, at least .5 inch from sides and bottom, and the font size must be at least 10 point.]

LIEN PLACEMENT

First Party: State of Michigan
Department of Environmental Quality
Office of Waste Management and Radiological Protection
P.O. Box 30241
Lansing, Michigan 48909-7741

Second Party: **[Insert name and address]**

Site ID No.: **[Insert]**

NOTICE OF CLAIM OF INTEREST IN REAL PROPERTY

District: **[Insert]**

Notice is hereby given that the State of Michigan, Department of Environmental Quality (DEQ), claims a statutory interest under Section 16908b(1) of Part 169, Scrap Tires, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, against the following property situated in the **[Insert Township/City], [Insert County]**, Michigan, described as:

[Insert Legal description]

Document Date	Assessment Number	Amount
[Insert]	[Insert]	[\$[Insert]]

The above-referenced amount represents the response activity costs incurred by the State of Michigan as of **[Insert date]**, at the above-referenced property. The amount of the statutory lien may include additional response activity costs, damage assessment costs, and any and all interest authorized to be recovered under state and federal law. This statutory lien in favor of the State of Michigan, DEQ, Office of Waste Management and Radiological Protection (OWMRP), exists and continues until the liability for such costs and damages is satisfied or becomes unenforceable through the operation of the statute of limitations as provided for under Section 16908b of Part 169.

STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY

Steven Sliver, Chief, Solid Waste Section
Office of Waste Management and Radiological Protection

STATE OF MICHIGAN, COUNTY OF INGHAM

The foregoing instrument was acknowledged before me this **[insert day]** day of **[insert month]**, **[insert year]**, by Steven Sliver, Chief, Solid Waste Section, OWMRP, DEQ, an authorized representative, on behalf of the DEQ.

Prepared by: **[insert]**, OWMRP, DEQ
P.O. Box 30241
Lansing, Michigan 48909-7741

Notary Public – State of Michigan
County of _____
Acting in the County of _____
My Commission Expires _____



SCRAP TIRE CLEANUP GRANT PROGRAM APPLICATION FOR FISCAL YEAR 2015-2016 PROJECT NARRATIVE REQUIREMENTS

Completion of this application is required to apply for funding under the Scrap Tire Cleanup Grant Program under Part 169, Scrap Tires, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended.

FOR ADDITIONAL INFORMATION, CONTACT THE MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ), OFFICE OF WASTE MANAGEMENT AND RADIOLOGICAL PROTECTION, SOLID WASTE SECTION, AT 517-284-6588.

INFORMATION: All of the items below must be included in a written project narrative for this application to be considered complete.

1. General description of site and site location (attach photo of site[s], if available).
2. Attach proof of number of scrap tires abandoned and scrap tires collected on site prior to January 1, 1991, or indicate if proof is on file with the DEQ.
3. Description of the scrap tire site's potential to adversely affect the environment, public health, or urban renewal efforts including, but not limited to the following:
 - a. Proximity of the site to a source of water for public/private water supply (e.g., Type I – community water supply system, Type II – noncommunity water supply system, surface water, or groundwater).
 - b. Proximity of the site to a designated wellhead delineation area.
 - c. Proximity of the site to surface water (including wetlands and drainage ditches). Name of the surface water.
 - d. Proximity of the site to forested areas.
 - e. Proximity of the site to a residential community.
 - f. Size of residential community (population/area).
 - g. Accessibility to the site (i.e., fenced, enclosed in other ways, or openly exposed to the public).
 - h. Effect of the site on the community.
 - i. Economic need of the community for funding assistance.
 - j. Describe any current or future urban development efforts for the area.
4. Degree of community support for cleanup (e.g., in-kind services, cleanup efforts, financial support). Indicate whether the efforts are part of a formal plan for development.
5. For applicants for cleanup days for small accumulations of scrap tires or scrap tires dumped on public lands or roadside cleanups, in areas where dumping appears to occur frequently, a written commitment to target that area for anti-dumping enforcement.
6. Describe any cleanup efforts on the part of the applicant to date including number of tires removed.
7. If applicant intends to remove more than one passenger tire for the per tire reimbursement amount, please indicate how this will be accomplished and the proposed number of tires to be removed.
8. If the site is located in the northern Lower Peninsula or Upper Peninsula, please describe the reasons, if any, additional transportation costs will be incurred and the request for any additional funds needed to offset these costs. Additional transportation costs must be agreed to and approved by the DEQ.
9. Explain any extenuating circumstances that necessitate Grantee assignment of payments to the processor. Include a request for such assignment and written agreement from the processor to this assignment.



MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF WASTE MANAGEMENT AND RADIOLOGICAL PROTECTION

FOR STATE USE ONLY

Date Received

Application Number

**SCRAP TIRE CLEANUP GRANT PROGRAM APPLICATION FOR FUNDING
FOR FISCAL YEAR 2015-2016**

Completion of this application is required for funding under the Scrap Tire Cleanup Grant Program, Part 169, Scrap Tires, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended.

For additional information, contact the Michigan Department of Environmental Quality, Office of Waste Management and Radiological Protection, Solid Waste Section, at 517-284-6588.

SECTION I – PROJECT INFORMATION

APPLICANT INFORMATION

Applicant's Name		Applicant Type	
Street Address		<input type="checkbox"/> Private (PR)	<input type="checkbox"/> County (CO)
City, State, Zip Code		<input type="checkbox"/> Township (TN)	<input type="checkbox"/> Village (VG)
		<input type="checkbox"/> City (CI)	<input type="checkbox"/> State (ST) <input type="checkbox"/> Nonprofit (N)
Applicant Contact Person's Name		Project Type	
Applicant Contact Person's E-mail		<input type="checkbox"/> Collection Site	<input type="checkbox"/> Abandoned Tires
Contact Person's Area Code and Telephone Number		<input type="checkbox"/> Cleanup Day	<input type="checkbox"/> Roadside Cleanup
		<input type="checkbox"/> Buried Tires	
If awarded a grant, would you be requesting an assignment of payment to the processor? You must include a letter requesting assignment of payment and processor agreement to accept.			
<input type="checkbox"/> Yes <input type="checkbox"/> No			

PROJECT DESCRIPTION SUMMARY

Number of Tires to be Collected/Transported		Legal Destination to Which the Hauler will Transport the Scrap Tires	
Passenger: _____ Truck: _____ Oversize: _____ Rims: _____			
Scrap Tire Processor Name (Processor identified in a Grant Contract must meet the conditions on page 10 of this application).		Processor Site Registration Number	
Name of Registered Hauler Transporting the Scrap Tires			
Hauler Name	Hauler Registration Number	Expiration Date	
		H-	
Additional collection and transportation costs/agreements not covered by Contract under the Scrap Tire Cleanup Grant Program shall be the responsibility of the applicant.			
Has site received funds previously? <input type="checkbox"/> Yes <input type="checkbox"/> Full <input type="checkbox"/> Partial Funding <input type="checkbox"/> No		Transportation Costs Requested for northern Lower Peninsula or Upper Peninsula: \$	

SECTION II – CLEANUP SITE INFORMATION

SCRAP TIRE SITE/COMMUNITY DROP-OFF LOCATION PROPERTY OWNER

Scrap Tire Property Owner's Name			Area Code and Telephone Number
Street Address			
City	State	ZIP Code	County
Documentation of Property Ownership (check one and attach a copy) <input type="checkbox"/> Warranty Deed <input type="checkbox"/> Quit Claim Deed <input type="checkbox"/> Land Contract			
<input type="checkbox"/> Governmental Agency Authorization for removal of tires from private site is attached (e.g., authorization may consist of legal authority, written approval, etc.)			
Does the site have existing financial assurance? <input type="checkbox"/> Yes <input type="checkbox"/> No			
If Yes, does applicant agree to use existing financial assurance prior to using Grant funds? <input type="checkbox"/> Yes <input type="checkbox"/> No			



**SCRAP TIRE CLEANUP GRANT PROGRAM APPLICATION FOR FISCAL YEAR 2015-2016
SECTION II – CLEANUP SITE INFORMATION (CONTINUED)**

CLEANUP PROPERTY\COMMUNITY DROP-OFF PROPERTY LOCATION AND DESCRIPTION

Address		Acreage of Tire Storage Area (Attach Site Map)	
City and County	State MI	ZIP Code	Retail Operation (Check One) <input type="checkbox"/> Yes <input type="checkbox"/> No
Legal Description of Property, Including Section, Township, and Range (Attach Additional Pages if Necessary)			
Number of Scrap Tires Currently Stored on Site		Number of Scrap Tires Abandoned or Accumulated (Check One) <input type="checkbox"/> Abandoned pre-1991 _____ <input type="checkbox"/> Accumulated pre-1991 _____ <input type="checkbox"/> Abandoned post-1991 _____ <input type="checkbox"/> Accumulated post-1991 _____	
For sites with tires accumulated after 1991, does the applicant agree to the placement of a lien, in favor of the State up to the value of the grant amount, on the property that is affected by the removal of the tires? <input type="checkbox"/> Yes <input type="checkbox"/> No			
Registration Numbers of All Registered Haulers Delivering Tires to This Site During Previous Year and Number Delivered by Each Hauler (Attach additional pages if necessary.)			
Registration Number and Number of Scrap Tires Delivered		Registration Number and Number of Scrap Tires Delivered	
Description of Processing Operation, if any (required for any site with 100,000 tires or more)			
Type of By-Product Produced (i.e., Fuel, Crumb, Retreads, etc.)		Annual Amount of Materials Marketed (Number of Tires or Tons)	

LOCAL FIRE DEPARTMENT COVERING COLLECTION SITE

Fire Department Name		Area Code and Telephone Number	
Street Address	City	State MI	ZIP Code
Waiver of Storage Requirement (check one) <input type="checkbox"/> Yes (Attach copy of waiver) <input type="checkbox"/> No			

APPLICANT SIGNATORY

I, the undersigned applicant, swear and affirm, **UNDER PENALTY OF LAW**, that the statements contained herein are true and correct and that the removal, transportation, storage, and disposal of scrap tires will be performed in accordance with the requirements of Part 169. I certify under penalty of law that the information contained on this form, to the best of my knowledge and belief, is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of a fine and imprisonment for knowing violations.

PRINT NAME _____

SIGNATURE _____ DATE _____

GOVERNMENTAL AGENCY COMMITMENT STATEMENT

The _____ (Governmental Agency) recognizes the public health and environmental concerns associated with scrap tire dumping and acknowledges the existence of Part 169, Scrap Tires, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended. Our enforcement/regulatory agency(ies) acknowledge and commit to enforcing these provisions to prevent future illegal accumulations of scrap tires within our jurisdiction.

Authorized Signature for Governmental Agency and Title _____ Date _____

RETURN THIS COMPLETED APPLICATION ALONG WITH PROJECT NARRATIVE TO:

Street Address:
SCRAP TIRE REGULATORY PROGRAM
OWMRP
DEPARTMENT OF ENVIRONMENTAL QUALITY
525 WEST ALLEGAN STREET, 4th Floor South
LANSING, MI 48933

Mailing Address:
SCRAP TIRE REGULATORY PROGRAM
OWMRP
DEPARTMENT OF ENVIRONMENTAL QUALITY
P.O. BOX 30241
LANSING, MI 48909-7741

Email Address:
Deq-scraptire@michigan.gov