

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. Basic information can be found at <https://epd.georgia.gov/local-govt-lf-cleanup-reimbursement> including a link to the application forms which 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 permitted solid waste facility on the Hazardous Site Inventory (HSI)? [If routine monitoring has detected contamination statistically above regulatory standards, the site enters assessment monitoring, and the Permittee may request that EPD evaluate the site for potential listing on the HSI. EPD enters the concentrations into the Reportable Quantities Screening Method, scores the site, and lists the site if warranted. Listing on the HSI is the first, required step for a local government to be eligible for reimbursement from the Hazardous Waste Trust Fund.](#)
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? [No, once the concentrations have been entered and the site is scored, it is up to the Director to determine if listing is warranted. There is a statutory exemption for landfills which applies to submitting a release notification; therefore, if a landfill does not want to be listed, they simply don't contact EPD and ask for the site to be evaluated. However, the landfill in that scenario is not eligible for reimbursement; sites must be listed on the HSI to receive reimbursement.](#)
3. Are unpermitted landfills eligible for reimbursement? [Yes, unpermitted landfills are eligible for reimbursement provided they are listed on the HSI. They are subject to the reimbursement limits explained in Question #6. However, nearly all costs related to investigation and cleanup of unpermitted landfills are eligible since they are not subject to routine post-closure care requirements. In most cases, corrective action at unpermitted landfills will be conducted in accordance with the Rules for Hazardous Site Response and managed by EPD's Response and Remediation Program.](#)
4. How are HWTF funds accrued and obligated? [The statute describes the fund sources including solid waste tipping fees of \\$0.75/ton paid by landfills, fees paid by hazardous waste generators, and fines collected for violations. As a result of HB 511 and the subsequent constitutional amendment, beginning in FY 23 and continuing for 10 years, the funds collected are directly appropriated to the HWTF and EPD. By statute, 50% of tipping fees that are appropriated to the HWTF are set aside for local government reimbursements. The funding available for local governments is expected to be approximately \\$5 million annually through FY2033. For a full breakdown of fees collected, appropriated, and expended since inception, see the annual \[HSI\]\(#\) publication introduction and for details on recent spending, see our Annual \[HWTF\]\(#\) report.](#)
5. 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 in the following year for the past several years. Based on the current HWTF levels, historical applications, and the funding allocation required by statute, EPD expects to be able to meet all requests.](#)

6. 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**, so if a government is responsible for more than one site, they may be reimbursed up to \$2 million on each. 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 is designated as a responsible party by EPD at a site where it sent waste but was not an owner or operator. If multiple governments are involved in a site, then the \$2 million cap is shared among all eligible parties.
7. What are the 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.
8. 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.
9. 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.
10. 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? EPD determines the 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, 50% of costs were eligible for reimbursement, regardless of if the system is in-refuse or out-of-refuse. Recognizing that the main driver of groundwater contamination at landfills is typically LFG migration, 100% of LFG remedial costs incurred after July 1, 2021, may be eligible when conducted in accordance with an approved Plan. Operation and Maintenance costs of approved systems are also generally reimbursable (this does not include routine methane monitoring costs). Reimbursement for enhancement of an existing system would depend on the purpose and necessity of the enhancement but generally yes, 100% eligible if it occurred after July 1, 2021, and 50% if it occurred prior to July 1, 2021. Please note that the percentage and reimbursement limits referenced in FAQ #6 still apply.

11. Can a local government receive funding in advance of conducting the work? Yes, but this is a more complex process, so please contact EPD's Response and Remediation Program prior to completing the application. 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 expenditure, 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).
12. What is the approximate average EPD review time of an application? Reimbursement applications are reviewed as they are received, and the goal is to have the technical review completed within 90 days of receipt. The approved applications are then sent to finance and a contract is mailed to the local government for execution. Upon receipt of the executed contract, a check is mailed.
13. What is required to demonstrate whether a cost is eligible for reimbursement? Typically, the contractor's invoice is sufficient if it is specific and itemized. Additional documentation may be required when the invoices lack enough specificity for EPD to determine if the expenses are eligible costs.
14. What is required to document proof of payment by the local government? EPD accepts canceled checks and documentation of electronic ACH payments to contractors. As a last resort, certification statements from the contractor and/or bank are sometimes accepted when other proof of payment is unavailable for a valid reason.
15. 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? The codes are mostly an internal guide for EPD to help categorize the type of costs, there is not a specific subset for solid waste. Many applications are reviewed that do not include the codes. The more detailed the invoices are, the less the need for the code.
16. How long are HWTF applications retained and what is the process for reviewing the files? Most HWTF reimbursement records prior to 2002 have been destroyed. The retention schedule has been revised and all HWTF applications since that time are being retained on a 40-year schedule. To review a file, send a request to Towers.FileReview@dnr.ga.gov, including the address for the site and note that you want to review the HWTF reimbursement records.
17. Are all portions of the application subject to the freedom of information act or can you file some cost backup as proprietary information? Typically, the entire application is subject to the Georgia Open Records Act, and we have not yet had a case of proprietary information in an application. If the local government believes there is proprietary information in their application, they should follow the process outlined in the forms found at epd.georgia.gov/confidential-information.
18. Can Local Government Reimbursement applications be submitted online? It is not recommended due to limitations in the Georgia EPD Online System ([GEOS](http://geos.epd.ga.gov)). EPD prefers that local governments submit an electronic PDF application to response.remediation@dnr.ga.gov for our review.