

Anti-Litter Control Program Expenditures and Documentation

KRS 224.43-345 requires the cleanup of litter along public roads three (3) times per year and city streets two (2) times per year. Less than two (2) cubic yards of waste located in a consolidated area is litter.

A “public road cleanup” is defined in 401 KAR 49:080 as “the cleanup of litter along a number of public road miles equivalent to one-third (1/3) of the total public road miles in the solid waste management area, excluding total city street miles in accordance with KRS 224.43-345(1)(g)(4).”

A “city street cleanup” is defined in 401 KAR 49:080 as “the cleanup of litter along a number of city street miles equivalent to one-half (1/2) of a city’s total street miles in accordance with KRS 224.43-345(1)(g)(4).”

A “public road” is defined in KRS 224.43-500 as “**any city, county, state, federal, or limited access street, highway, or turnpike, including bridges and bridge approaches.**”

KRS 224.43-500 and KRS 224.43-505 established a grant funding source to assist counties and cities with anti-litter control programs and for litter cleanup of public roads required by KRS 224.43-345.

Litter abatement grant funding is to be used for “direct expenses” associated with anti-litter control programs and for litter cleanup of public roads. **“Direct expenses” is defined in 401 KAR 49:080 to include “staff time, supplies, contract costs, expenditures related to the operation of equipment, actual disposal costs incurred, and activities, including education, focusing on litter prevention and litter cleanup along public roadways.** Direct expenses do not include the purchase of a motor vehicle or lease of a motor vehicle when the lease includes a purchase option.”

Per 401 KAR 49:080, **it shall be the responsibility of the anti-litter control program grant funding recipient to determine compliance with the “direct expenses” requirement.** Grant recipients should be prepared to demonstrate that litter grant funding was used for “direct expenses” as defined in 401 KAR 49:080 as referred to above.

Counties shall report all anti-litter control program activities, including documenting all “direct expenses,” on “Anti-Litter Control Program Annual Report Form,” DEP 8061, and submit that completed form to the cabinet by March 1 of each year as required in 401 KAR 49:080.

Counties shall submit the signed “Certification of Use of Anti-Litter Control Program Grant Funding,” DEP 0059, to the cabinet by March 1 of each year as required by 401 KAR 49:080.

Incorporated cities shall report all anti-litter control program activities, including documenting all “direct expenses,” on “Anti-Litter Control Program Annual Report Form,” DEP 8061, and submit that completed form to the cabinet by February 1 of each year as required in 401 KAR 49:080.

Incorporated cities shall submit the signed “Certification of Use of Anti-Litter Control Program Grant Funding,” DEP 0059, to the cabinet by February 1 of each year as required by 401 KAR 49:080.

Per 401 KAR 49:080 Section 4(6), it shall be the responsibility of the anti-litter control program grant funding recipient to keep documentation related to grant activities, including grant expenditure documentation, for at least three (3) years.

Per 401 KAR 49:080 Section 4(8), anti-litter control program grant funding not spent in the calendar year it is received shall be returned to the cabinet by April 15 of the following year.

All DEP Forms referred to in this document are available for download at <http://eec.ky.gov/RLA>.