

**CHAPTER 76. SOLID WASTE—RESOURCE
RECOVERY DEVELOPMENT**

GENERAL PROVISIONS

- Sec.
76.1. Definitions.
76.2. Scope.

APPLICATIONS

- 76.11. Preapplication conference.
76.12. Applications.
76.13. Public notice of application.

ELIGIBILITY FOR LOAN

- 76.21. General eligibility requirements.
76.22. Eligibility requirements for disposal/processing system loans.
76.23. Eligibility requirements for resource recovery system loans.

ELIGIBILITY FOR GRANT

- 76.31. General eligibility requirements.
76.32. Review guidelines.
76.33. Demonstration project testing and evaluation.
76.34. [Reserved].

PROJECT CHANGES

- 76.41. Department approval requirements.
76.42. [Reserved].
76.43. [Reserved].
76.44. [Reserved].

CONSTRUCTION

- 76.51. Construction requirements.
76.52. [Reserved].

REPORTS

- 76.61. Construction progress reports.
76.62. Report of project expenditures.
76.63. Interim and final reports.

INVENTIONS

- 76.71. License requirements.

REVIEW OF APPLICATIONS

- 76.81. Evaluation.
76.82. Review of Department decision.
76.83. Order of funding projects.
76.84. Expiration of eligibility for loan or grant consideration.

**GRANT AND LOAN DISBURSEMENT
AND LOAN REPAYMENT**

- 76.91. General requirements.
76.92. Schedule of disbursements.
76.93. Loan repayment schedule.
76.94. Withholding of payment.
76.95. Accounting.
76.96. Audits and inspections.

INTEREST RATES

- 76.101. Uniform interest rates.

Authority

The provisions of this Chapter 76 issued under section 6 of the Pennsylvania Solid Waste Resource Recovery Development Act (35 P. S. § 755.6); and section 1920-A of The Administrative Code of 1929 (71 P. S. § 510-20), unless otherwise noted.

Source

The provisions of this Chapter 76 adopted December 13, 1974, effective December 30, 1974, 4 Pa.B. 2529, unless otherwise noted.

Notes of Decisions*Local Authority*

The borough had no power to grant or deny the Department of Environmental Resources solid waste permit which the energy company had sought from the Department. The Department was responsible for administering the issuance of its own permits. The borough erred in denying the conditional use application on the basis that the energy company would not be issued the Department's permit. *Glendon Energy Co. v. Glendon Borough*, 656 A.2d 150 (Pa. Cmwlth. 1995); appeal denied 670 A.2d 644 (Pa. 1995).

GENERAL PROVISIONS**§ 76.1. Definitions.**

- (a) The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

Contractor—A person who contracts with a development agency to perform construction on a development project or demonstration project.

Demonstration period—The period of time agreed upon by the Department and a development agency to determine whether a demonstration project is either technologically feasible or economically feasible or both.

(b) Other words and terms not otherwise defined in this chapter have the meanings ascribed to them in the Pennsylvania Solid Waste Resource Recovery Development Act (35 P. S. §§ 755.1—755.14), hereinafter referred to as “the act” unless the context clearly indicates otherwise.

Source

The provisions of this § 76.1 adopted December 13, 1974, effective December 30, 1974, 4 Pa.B. 2529; amended January 30, 1976, effective February 16, 1976, 6 Pa.B. 157. Immediately preceding text appears at serial page (18960).

§ 76.2. Scope.

This subchapter applies to a development agency applying for a loan or grant or both under the act.

Source

The provisions of this § 76.2 adopted December 13, 1974, effective December 30, 1974, 4 Pa.B. 2529; amended January 30, 1976, effective February 16, 1976, 6 Pa.B. 157. Immediately preceding text appears at serial page (18960).

APPLICATIONS

§ 76.11. Preapplication conference.

Prospective applicants shall request the Department to schedule a preapplication conference to discuss the proposed development project before an application is filed with the Department. The purpose of the conference is to facilitate the development of an application that meets the requirements of the act and this chapter. A statement by a Department official at the preapplication conference will not be deemed an order, action or decision of the Department subject to the hearing provisions of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law) nor may a conferee be precluded from submitting an application by virtue of the conference.

Source

The provisions of this § 76.11 adopted December 13, 1974, effective December 30, 1974, 4 Pa.B. 2529; amended January 30, 1976, effective February 16, 1976, 6 Pa.B. 157. Immediately preceding text appears at serial page (18960).

Cross References

This section cited in 25 Pa. Code § 76.82 (relating to review of Department decision).

§ 76.12. Applications.

(a) Applications for loans or grants, or both, shall be in writing and shall be made on forms prescribed, prepared and furnished by the Department and shall set forth the information and be accompanied by the data necessary for the Department to determine the applicant's eligibility to be considered for a loan under §§ 76.21—76.23 and §§ 76.31—76.33 (relating to eligibility for loan; and eligibility for grant).

(b) Each year the Department will establish the final date for the submission of an application for loans or grants, or both, which could receive funding in that fiscal year. The Department may extend the date if it deems an extension necessary. The Department will publish the date in the *Pennsylvania Bulletin*. An application received by the Department after the date set in the respective year will not be considered for funding in that year.

(c) At the request of the Department, the applicant shall provide an additional documentation or information the Department may deem necessary to insure compliance with the act and this chapter.

(d) If two or more municipalities or a municipal authority make application for a joint development project or demonstration project, or both, a single application shall be executed by participating municipalities. In addition, the application shall be accompanied by a resolution of each municipality setting forth their respective responsibilities and commitments.

(e) If the proposed development project or demonstration project, or both, includes the processing or disposal, or both, of solid waste generated by a municipality other than the applicant, documentation acceptable to the Department shall be submitted to the Department setting forth the respective responsibilities and commitments of the municipalities involved in the project.

(f) If the Department receives an incomplete application, the application will be returned to the applicant with a written statement of the reasons the application is incomplete.

Source

The provisions of this § 76.12 adopted December 13, 1974, effective December 30, 1974, 4 Pa.B. 2529; amended January 30, 1976, effective February 16, 1976, 6 Pa.B. 157. Immediately preceding text appears at serial page (18961).

Cross References

This section cited in 25 Pa. Code § 76.82 (relating to review of Department decision).

§ 76.13. Public notice of application.

Upon receipt of a complete application, the Department will publish a notification in the *Pennsylvania Bulletin* that an application has been received and that comments are solicited from interested parties. The Department, in its discretion, may hold a public hearing upon the application.

Source

The provisions of this § 76.13 adopted December 13, 1974, effective December 30, 1974, 4 Pa.B. 2529; amended January 30, 1976, effective February 16, 1976, 6 Pa.B. 157. Immediately preceding text appears at serial page (18961).

Cross References

This section cited in 25 Pa. Code § 76.82 (relating to review of Department decision).

ELIGIBILITY FOR LOAN**§ 76.21. General eligibility requirements.**

(a) Before a loan will be granted by the Department, the development agency shall establish to the satisfaction of the Department the following:

(1) The proposed solid waste disposal/processing system or the proposed resource recovery system, or both, are part of a Department approved official solid waste management plan and the plan has been adopted by the development agency or its constituents.

(2) The solid waste upon which the development project is based will be delivered to the project.

(3) The development project may not jeopardize the economic stability of existing solid waste disposal/processing systems or resource recovery systems, or both, which have already been approved by the Department as part of an officially adopted solid waste management plan.

(4) Federal and State permits or approvals necessary to implement the development project have been obtained.

(b) Receipt of a loan under the act by a development agency does not relieve that development agency of the obligation of complying with Federal and State laws, regulations and standards applicable to the development project.

Source

The provisions of this § 76.21 adopted December 13, 1974, effective December 30, 1974, 4 Pa.B. 2529; amended January 30, 1976, effective February 16, 1976, 6 Pa.B. 157. Immediately preceding text appears at serial pages (18961) to (18962).

Cross References

This section cited in 25 Pa. Code § 76.12 (relating to applications); 25 Pa. Code § 76.22 (relating to eligibility requirements for disposal/processing system loans); 25 Pa. Code § 76.23 (relating to eligibility requirements for resource recovery system loans); 25 Pa. Code § 76.81 (relating to evaluation); and 25 Pa. Code § 76.82 (relating to review of Department decision).

§ 76.22. Eligibility requirements for disposal/processing system loans.

(a) In addition to the requirements set forth in § 76.21 (relating to general eligibility requirements), development agencies, to be eligible for loans for construction of solid waste disposal/processing systems shall demonstrate to the Department through engineering, economic and other appropriate studies that

solid waste generation or recovered materials market commitments, or both, are insufficient or unavailable to support a resource recovery system.

(b) Municipalities which are or are in counties of the seventh and eighth class shall be eligible for loans for construction of new solid waste disposal/processing systems only when they serve a minimum population of 10,000 persons, except where total county population is less than 10,000 persons, in which event, the project shall serve the total county populace.

(c) Municipalities which are or are in counties of the fifth through eighth classes shall be eligible for loans for construction of existing solid waste disposal/processing systems.

Source

The provisions of this § 76.22 adopted December 13, 1974, effective December 30, 1974, 4 Pa.B. 2529; amended January 30, 1976, effective February 16, 1976, 6 Pa.B. 157. Immediately preceding text appears at serial page (18962).

Cross References

This section cited in 25 Pa. Code § 76.12 (relating to applications); 25 Pa. Code § 76.81 (relating to evaluation); and 25 Pa. Code § 76.82 (relating to review of Department decision).

§ 76.23. Eligibility requirements for resource recovery system loans.

In addition to the requirements of § 76.21 (relating to general eligibility requirements), development agencies, to be eligible for loans for construction of resource recovery systems, shall satisfy the Department as to the degree of resource recovery which the project is forecast to accomplish and the commitment of markets for materials or values, or both, recovered by the project.

Source

The provisions of this § 76.23 adopted December 13, 1974, effective December 30, 1974, 4 Pa.B. 2529; amended January 30, 1976, effective February 16, 1976, 6 Pa.B. 157. Immediately preceding text appears at serial page (18963).

Cross References

This section cited in 25 Pa. Code § 76.12 (relating to applications); 25 Pa. Code § 76.81 (relating to evaluation); and 25 Pa. Code § 76.82 (relating to review of Department decision).

ELIGIBILITY FOR GRANT

§ 76.31. General eligibility requirements.

(a) Before a grant is given by the Department, the development agency shall establish to the satisfaction of the Department the following:

- (1) The development agency applying for a grant is part of a solid waste management plan approved by the Department.
- (2) The solid waste upon which the demonstration project is based will be delivered to the project during the demonstration period.

- (3) Federal and State permits or approvals necessary to implement the demonstration project have been obtained.
- (b) Receipt of a grant under the act by a development agency does not relieve that development agency of the obligation of complying with Federal and State laws, regulations and standards applicable to the demonstration project.

Source

The provisions of this § 76.31 adopted December 13, 1974, effective December 30, 1974, 4 Pa.B. 2529; amended January 30, 1976, effective February 16, 1976, 6 Pa.B. 157. Immediately preceding text appears at serial page (18963).

Cross References

This section cited in 25 Pa. Code § 76.12 (relating to applications); 25 Pa. Code § 76.81 (relating to evaluation); 25 Pa. Code § 76.82 (relating to review of Department decision); and 25 Pa. Code § 76.83 (relating to order of funding projects).

§ 76.32. Review guidelines.

The Department will review applications based on the following guidelines:

- (1) The project shall be consistent with state, regional and local planning.
- (2) The degree to which the project can be expected to demonstrate results that will have general application to solid waste management problems within this Commonwealth.
- (3) The likelihood that the project will continue as an ongoing service after the demonstration period.
- (4) The degree to which project objectives are attainable and measurable within the scope of the project.
- (5) The projected quantity and quality of materials or energy, or both, recovered.
- (6) The projected economic viability of the project.
- (7) The possible duplication of other existing or proposed projects.
- (8) The degree of improvement to the environment attainable from the project.

Source

The provisions of this § 76.32 adopted December 13, 1974, effective December 30, 1974, 4 Pa.B. 2529; amended January 30, 1976, effective February 16, 1976, 6 Pa.B. 157. Immediately preceding text appears at serial pages (18963) to (18964).

Cross References

This section cited in 25 Pa. Code § 76.12 (relating to applications); 25 Pa. Code § 76.81 (relating to evaluation); 25 Pa. Code § 76.82 (relating to review of Department decision); and 25 Pa. Code § 76.83 (relating to order of funding projects).

§ 76.33. Demonstration project testing and evaluation.

(a) Demonstration projects shall include provisions for testing and evaluating the environmental effects, effectiveness of equipment or processing technology, product quantities and qualities, economic feasibility and other guidelines the Department may require.

(b) Applications for grants shall include a complete description, with procedures, of the proposed testing and evaluation program of the project.

Source

The provisions of this § 76.33 adopted December 13, 1974, effective December 30, 1974, 4 Pa.B. 2529; amended January 30, 1976, effective February 16, 1976, 6 Pa.B. 157. Immediately preceding text appears at serial page (18964).

Cross References

This section cited in 25 Pa. Code § 76.12 (relating to applications); 25 Pa. Code § 76.81 (relating to evaluation); 25 Pa. Code § 76.82 (relating to review of Department decision); and 25 Pa. Code § 76.83 (relating to order of funding projects).

§ 76.34. [Reserved].**Source**

The provisions of this § 76.34 adopted December 13, 1974, effective December 30, 1974, 4 Pa.B. 2529; reserved January 30, 1976, effective February 16, 1976, 6 Pa.B. 157. Immediately preceding text appears at serial page (18964).

PROJECT CHANGES**§ 76.41. Department approval requirements.**

(a) After a project has been given tentative approval, or placed on a priority list, whichever is applicable, written approval of the Department is required for project changes which alter the approved scope of the project, substantially alter the design of the project or increase the amount of Commonwealth funds needed to complete the project.

(b) Approval of project changes under this section may not commit or obligate the Commonwealth to an increase in the amount of the grant or loan, or both, or disbursements thereunder unless the increase is agreed to by the Department.

Source

The provisions of this § 76.41 adopted December 13, 1974, effective December 30, 1974, 4 Pa.B. 2529; amended January 30, 1976, effective February 16, 1976, 6 Pa.B. 157. Immediately preceding text appears at serial page (18964).

§ 76.42. [Reserved].**Source**

The provisions of this § 76.42 adopted December 13, 1974, effective December 30, 1974, 4 Pa.B. 2529; reserved January 30, 1976, effective February 16, 1976, 6 Pa.B. 157. Immediately preceding text appears at serial page (18965).

§ 76.43. [Reserved].**Source**

The provisions of this § 76.43 adopted December 13, 1974, effective December 30, 1974, 4 Pa.B. 2529; reserved January 30, 1976, effective February 16, 1976, 6 Pa.B. 157. Immediately preceding text appears at serial page (18965).

§ 76.44. [Reserved].**Source**

The provisions of this § 76.44 adopted December 13, 1974, effective December 30, 1974, 4 Pa.B. 2529; reserved January 30, 1976, effective February 16, 1976, 6 Pa.B. 157. Immediately preceding text appears at serial page (18965).

CONSTRUCTION**§ 76.51. Construction requirements.**

(a) The development agency shall provide and maintain competent and adequate engineering supervision and inspection for the project to insure that the construction conforms with the approved plans and specifications.

(b) A construction contract shall provide that representatives of the Department, as appropriate, will have access to the work whenever it is in preparation or progress. The contract shall also provide that the Department will have access to books, documents, papers and records of the contractor which are pertinent to the project for the purpose of making audit, examination, excerpts and transcriptions thereof.

(c) The development agency shall construct the project or cause it to be constructed as approved by the Department.

Source

The provisions of this § 76.51 adopted December 13, 1974, effective December 30, 1974, 4 Pa.B. 2529; amended January 30, 1976, effective February 16, 1976, 6 Pa.B. 157. Immediately preceding text appears at serial page (18965).

§ 76.52. [Reserved].**Source**

The provisions of this § 76.52 adopted December 13, 1974, effective December 30, 1974, 4 Pa.B. 2529; reserved January 30, 1976, effective February 16, 1976, 6 Pa.B. 157. Immediately preceding text appears at serial page (18966).

REPORTS**§ 76.61. Construction progress reports.**

(a) Written construction progress reports shall be submitted to the Department quarterly for development and demonstration projects by the development agency, in consultation with the designer of the plans and specifications and the construction contractor. A more frequent progress report may be required for some projects, if set forth in the agreement.

(b) Progress reports shall fully describe in chart or narrative format the progress achieved in relation to the approved schedule and project milestones. Special delays or problems shall be fully explained. Progress reports shall be attested to by the project engineer.

Source

The provisions of this § 76.61 adopted January 30, 1976, effective February 16, 1976, 6 Pa.B. 157.

§ 76.62. Report of project expenditures.

“Schedule A—Statement of Revenues, Expenditures, and Encumbrances” shall be submitted quarterly or whenever a disbursement is requested, whichever occurs first, throughout the construction period or budget period of the project.

Source

The provisions of this § 76.62 adopted January 30, 1976, effective February 16, 1976, 6 Pa.B. 157.

§ 76.63. Interim and final reports.

(a) The development agency shall submit the following reports for a demonstration project:

(1) *Interim reports.* Interim report schedules and content shall be established in the grant agreement.

(2) *Final report.* The final report shall be submitted in draft form at least 90 days prior to the end of the approved project period and shall contain the following:

(i) Documentation of project activities over the entire period of grant support.

(ii) Description of the development agency achievements with respect to stated project purposes and objectives.

(iii) Technical aspects of the project, both negative and positive, in complete detail.

(iv) The findings, conclusions and results of the agency, including, when applicable, an evaluation of the technical effectiveness, environmental effects and economic feasibility of methods and techniques demonstrated.

(b) Prior to the end of the project period, after review and comment on the draft report by the Department, the development agency shall submit one reproducible copy suitable for printing of the final report to the Department, which shall include changes or additional information applicable to the project that the Department may have required upon review of the draft final report.

Source

The provisions of this § 76.63 adopted January 30, 1976, effective February 16, 1976, 6 Pa.B. 157.

INVENTIONS

§ 76.71. License requirements.

(a) An agreement for a loan or a grant, or both, shall contain an agreement by the developing agency that it grants, and shall require a contractor performing work with funds under the loan or grant, or both, to grant to the Commonwealth, a royalty-free, nonexclusive, irrevocable license to use and practice and to have used and practiced for it within this Commonwealth all information, including the subject matter of an invention, generated, conceived or made by the development agency or contractor, or both, in the course of work performed with funds from the loan or grant, or both, and relating to solid waste processing/disposal and resource recovery systems and under an United States Letters Patent covering an invention which the development agency or contractor has the right to license; the license to include also a royalty free nonexclusive, irrevocable license under a background United States Letters Patent which the development agency or contractor has the right to license and infringement of which cannot be avoided by the practice of the invention; and the license also to include the right to the Commonwealth to grant to municipalities and municipal authorities within this Commonwealth royalty-free, nonexclusive, irrevocable sublicense of like scope.

(b) In projects where there is also financial participation by the United States government under conditions entitling the United States government to paramount rights in information, invention and United States Letters Patent covering the same, the Department will make every reasonable effort to obtain from the United States government a royalty free nonexclusive, irrevocable license of the same scope as the license referred to in subsection (a) before executing the subject agreement with the development agency.

Source

The provisions of this § 76.71 adopted January 30, 1976, effective February 16, 1976, 6 Pa.B. 157.

REVIEW OF APPLICATIONS**§ 76.81. Evaluation.**

The Department will determine whether an application qualifies for funding under §§ 76.21—76.23 and 76.31—76.33 (relating to eligibility for loan; and eligibility for grant), whichever the case may be, and the act. An application for loan and grant will be evaluated under §§ 76.21—76.23 and §§ 76.31—76.33 and the act. An application may be placed on a tentative approval list or a priority list, as appropriate, maintained by the Department in accordance with § 76.83 (relating to order of funding projects) when the requirements of §§ 76.21—76.23 or §§ 76.31—76.33, or both, whichever the case, have been met or will, in the Department's judgment, be met. However, a loan agreement or grant agreement, or both, will not be given until the requirements of §§ 76.21—76.23 or 76.31—76.33, or both, whichever the case, have been met.

Source

The provisions of this § 76.81 adopted January 30, 1976, effective February 16, 1976, 6 Pa.B. 157.

§ 76.82. Review of Department decision.

(a) If the Department determines that an application for funding submitted under §§ 76.11—76.13 (relating to applications) does not qualify or no longer qualifies for funding under §§ 76.21—76.23 or 76.31—76.33 (relating to eligibility for loan; and eligibility for grant), or both, whichever the case may be, it will notify the applicant in writing that its application has been denied or approval revoked and will set forth the reasons for the denial or revocation of approval. The action of the Department is appealable to the EHB under section 5 of the act (35 P. S. § 755.5), and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law).

(b) If an application is approved, an aggrieved party may appeal the decision to the EHB under section 5 of the act (35 P. S. § 755.5) and 2 Pa.C.S. §§ 501—508 and 701—704.

(c) Approvals and denials will be published by the Department in the *Pennsylvania Bulletin*.

Source

The provisions of this § 76.82 adopted January 30, 1976, effective February 16, 1976, 6 Pa.B. 157.

§ 76.83. Order of funding projects.

(a) *Applications for loans.* The Department will establish and maintain a tentative approval list of applications for development projects requesting loans which represent the candidates for funding. Applicants which are on the tentative approval list will be funded in the order in which they complete the necessary documentation and secure permits and approvals and commitments for loan.

(b) *Applications for grants.* Applications for grants shall conform with the following:

(1) Using its best judgment, the Department will apply the criteria and guidelines set forth in §§ 76.31 and 76.32 (relating to general eligibility requirements; and review guidelines) and will rank accordingly those demonstration grant applications which it has determined to merit funding on a priority list.

(2) The Department will establish levels of funding for projects which, in its discretion, it deems appropriate to the accomplishment of the objectives of the act, taking into consideration the following:

(i) The amount of funding requested.

(ii) The appropriation available in the Solid Waste-Demonstration Grants-in-Aid Fund.

(iii) The extent and cost of equipment which is designed to demonstrate the technical and economic feasibility of a new and improved technique, process or system applicable to a resource recovery project.

(iv) The amounts of funding requested by other proposed demonstration projects which are determined by the Department to merit funding.

(v) The extent of funding which will be provided to the project by a person other than the applicant.

(3) The Department will fund projects according to rank and level of funding determined by the Department after the applicants complete the necessary documentation and secure permits and approvals and commitments for grant.

Source

The provisions of this § 76.83 adopted January 30, 1976, effective February 16, 1976, 6 Pa.B. 157.

Cross References

This section cited in 25 Pa. Code § 76.81 (relating to evaluation).

§ 76.84. Expiration of eligibility for loan or grant consideration.

(a) Projects which do not complete the documentation and secure the permits and approvals and commitments necessary for loan or grant, or both, within 1 year of the date of placement on the tentative approval list or priority list, whichever the case may be, may be removed from the respective list.

(b) The removal may not preclude an applicant from resubmitting an application for reevaluation and reinstatement on the tentative approval list or priority list whichever the case, after the necessary documentation has been completed and the permits, approvals and commitments necessary for funding have been obtained.

Source

The provisions of this § 76.84 adopted January 30, 1976, effective February 16, 1976, 6 Pa.B. 157.

**GRANT AND LOAN DISBURSEMENT
AND LOAN REPAYMENT**

§ 76.91. General requirements.

The Department will not lend or grant funds to a development agency unless the development agency has secured Department approval of the application and has obtained the required permits and approvals and commitments for the development project or demonstration project, and has entered into an agreement with the Department complying with the requirements of the act, in the form the Department will determine.

Source

The provisions of this § 76.91 adopted January 30, 1976, effective February 16, 1976, 6 Pa.B. 157.

§ 76.92. Schedule of disbursements.

(a) The Department will establish in the loan agreement the loan disbursement schedule for a development project and in the grant agreement the disbursement schedule for a demonstration project upon its determination that the approved applicant has met the requirements of eligibility for loan or eligibility for grant, or both, whichever the case may be. The disbursement schedule shall include monthly progress payments or a longer period that may be established in the construction contract.

(b) The Department will release each scheduled disbursement after review and approval of "Schedule A—Statement of Revenues, Expenditures, and Encumbrances," as submitted by the development agency.

Source

The provisions of this § 76.92 adopted January 30, 1976, effective February 16, 1976, 6 Pa.B. 157.

§ 76.93. Loan repayment schedule.

The schedule and procedure for repayments to the Solid Waste-Resource Recovery Development fund shall be established in the loan agreement.

Source

The provisions of this § 76.93 adopted January 30, 1976, effective February 16, 1976, 6 Pa.B. 157.

§ 76.94. Withholding of payment.

If the development agency, prior to receipt of the total disbursement for loan or grant, or both, fails to comply with the act or other laws of this Commonwealth applicable to the development project or demonstration project, the Department may upon reasonable notice to the development agency and the contractor withhold, in whole or part, further disbursements to the development agency pending compliance, provided, however, that payment to the contractor shall be authorized

for the work which has been approved by the development agency and performed by the contractor prior to the date of the notice.

Source

The provisions of this § 76.94 adopted January 30, 1976, effective February 16, 1976, 6 Pa.B. 157.

§ 76.95. Accounting.

(a) Books of account and a financial record system acceptable to this Department shall be maintained by the development agency.

(b) Accounting for project funds, including receipts, development agency contributions and expenditures, shall be in accordance with generally accepted accounting principles and practices, consistently applied, regardless of source of funds.

(c) Supporting records of expenditures shall be recorded in sufficient detail to show that loan or grant funds or both were used for the purpose for which the loan or grant or both was made.

Source

The provisions of this § 76.95 adopted January 30, 1976, effective February 16, 1976, 6 Pa.B. 157.

§ 76.96. Audits and inspections.

Books of account and financial records of the development agency are subject to audit and inspection by the Auditor General of the Commonwealth and the Department in addition to other audits and inspections provided by law.

Source

The provisions of this § 76.96 adopted January 30, 1976, effective February 16, 1976, 6 Pa.B. 157.

INTEREST RATES

§ 76.101. Uniform interest rates.

Loans administered by the Department under the act shall bear interest at a uniform annual rate of 3.0%.

Source

The provisions of this § 76.101 adopted January 30, 1976, effective February 16, 1976, 6 Pa.B. 157.

[Next page is 77-1.]

76-16

(206614) No. 255 Feb. 96

Copyright © 1996 Commonwealth of Pennsylvania