

CHAPTER 211
GRANTS FOR REGIONAL COLLECTION CENTERS OF
CONDITIONALLY EXEMPT SMALL QUANTITY GENERATORS
AND HOUSEHOLD HAZARDOUS WASTES

567—211.1(455F) Goal. The goal of this program is to reduce the amount of hazardous materials that are disposed of in Iowa's sanitary landfills. Education of the public and the establishment of a system of regional collection centers for the safe and proper disposal of hazardous materials from households and conditionally exempt small quantity generators will be the tools used to accomplish this goal. The establishment of these regional collection centers will reduce the unit cost of proper disposal and increase access to a regularly available means of safely disposing of these materials. Achievement of this goal will further the protection of the state's groundwater resources while protecting Iowa's citizens and the environment as a whole.

567—211.2(455F) Purpose. The purpose of this program is to provide grants to regional governments to cover costs associated with education, operations and the capital outlay for construction or modification of a structure(s) to serve as a regional collection center.

567—211.3(455F) Definitions. As used in this chapter:

“*Applicant*” means a regional government.

“*Conditionally exempt small quantity generator (CESQG)*” means a generator that in a calendar month generates no more than 100 kilograms of hazardous waste in that month and is further defined by 40 CFR 261.5.

“*Cost share*” means the percent of applicant funds contributed to the project for those expenses or services that are directly dedicated to the project including, but not limited to, assessed worth of existing equipment, buildings, and salaries directly related to an existing project and costs of new or rented equipment and buildings and salaries and services directly related to the project.

“*Department*” means the Iowa department of natural resources.

“*Financial assistance*” means monetary assistance other than grants including interest buydowns on loans.

“*Grants*” means financial assistance in the form of cash payments to eligible applicants for certain considerations.

“*Groundwater Protection Act*” means Iowa Code chapter 455E, which sets forth laws pertaining to the protection of Iowa's groundwater resources through reduced disposal of solid wastes at landfills and provides grants to encourage better management of Iowa's groundwater resources.

“*Household hazardous materials (HHM)*” is the same as defined in Iowa Code subsection 455F.1(4).

“*Indirect costs*” means costs that are not identifiable with a specific product, function or activity.

“*Mobile unit*” means a unit belonging to a regional collection center that can be moved to different sites within a region. The mobile unit would be used to perform collection events and to transport collected materials to the fixed RCC.

“*Overhead costs*” means expenses not chargeable to a particular part of the work or product including, but not limited to, utilities and insurance.

“*Petroleum overcharge allocation*” means 1987 Iowa Acts, chapter 230, which allocates and appropriates Iowa’s petroleum overcharge refunds generated from Stripper Well, Exxon, Amoco, and other petroleum overcharge settlements.

“*Public access*” means the public has right of access to an RCC constructed on privately held property.

“*Regional collection center (RCC)*” means a secured site or facility at which collection, sorting as to type, and packaging of hazardous materials from urban and rural households and CESQGs will be accomplished prior to transportation of these wastes to the final disposal site. These centers are referred to as temporary collection sites in Iowa Code subsection 455F.8A(1).

“*Regional government*” means a group of governments that could be defined as a county, more than one county, one municipality, more than one municipality, a council of governments, or more than one council of governments, or solid waste public agency as implemented in Iowa Code chapter 28E.

“*Sanitary landfill*” means a sanitary disposal project where solid waste is buried between layers of earth.

“*Secondary containment*” means providing an impervious surface that is curbed, sloped, or sumped to retain spilled materials with a storage volume equal to the largest container or 10 percent of all containers, whichever is larger.

“*Staffing costs*” means salaries and indirect costs related to payment of personnel of a completed RCC.

“*Waste management assistance division*” means the waste management authority of the department of natural resources established by Iowa Code section 455B.483.

567—211.4(455F) Role of the department of natural resources. The department of natural resources is responsible for the administration of funds for projects sponsored under these rules. The department will ensure that funds disbursed will meet guidelines established by the groundwater protection Act, the allocation of petroleum overcharge funds, and Iowa Code section 455B.484.

Any eligible project may be submitted by an applicant for grant consideration under this chapter. The director shall determine which projects will receive funding after review by the waste management assistance division and the environmental protection division of the department.

567—211.5(455F) Funding sources. The department will use funds appropriated by Iowa Code subsection 455B.310(2), paragraph “b,” subparagraph (2), for the purpose of achieving the goals outlined in these rules. The department will ensure that moneys appropriated meet both federal and state guidelines pertaining to its use.

567—211.6(455F) Eligible costs. Applicants can request monetary assistance for the purpose of project development and implementation which includes funds for:

1. Materials and labor for construction, and the purchase cost of structures or mobile units, or both, to be used as an RCC;
2. Site modification. This includes site excavation for the structure and modifications to control runoff or visually screen the RCC;
3. Education program for households and CESQGs within the region. Applicants may receive funding for up to 50 percent of their education budget. Eligible items may include but are not limited to:
 - Supplies including paper and postage;

- Purchase of books, resource materials, slide shows, video materials, etc., for education of the local population or to be donated to local libraries or schools;
- Office equipment including computers and specific software;
- Fees for public service announcements.

The percentage of funds awarded to the applicant shall be based on meeting the requirements of this paragraph "3."

4. Equipment relating directly to RCC operation;
5. Initial staffing costs;
6. Site and building design fees.

Expenses relating to paragraph "1" shall be given the highest priority. Expenses relating to paragraph "6" shall be given the lowest priority.

567—211.7(455F) Ineligible costs. Applicants cannot request monetary assistance for the following costs:

1. Taxes;
2. Vehicle registration;
3. Indirect or overhead expenses;
4. Legal costs;
5. Contingency funds;
6. Land acquisition.

567—211.8(455F) Criteria for selection of an RCC grant.

211.8(1) The department may provide grants to applicants who have met the following criteria:

- a. A point value has been assigned for each criterion.
- b. Applicants receiving the highest number of points will be considered for grant approval.
- c. An applicant applying for grant money shall supply detailed information pursuant to subrule 211.8(2), paragraphs "a" and "b," on education, and use analysis; show sufficient knowledge of site selection, structures, staff qualifications, operation procedure, and project match in paragraphs "c" to "g," to enable the department to make a preliminary applicant selection.

After a preliminary selection is made, the applicant shall submit detailed information on site selection, structures, staff qualifications, operation procedure, and project match in paragraphs "c" to "g," before a contract is signed between the state and the applicant.

211.8(2) Applicants shall address criteria in the order presented in these rules. An application that fails to address all of the criteria may not receive further consideration. Any regional collection center proposal that is submitted shall be judged on factors such as service area, frequency of collections, and the accessibility of the collection site.

a. *Education (35 points).* An active education program is necessary during all phases of planning, construction and operation of the center. Each applicant shall submit a detailed education plan. This education plan shall include but is not limited to the following:

- (1) The budget for the education program must be specified.
- (2) The applicant's education plan shall demonstrate commitment to local schools within the region, regarding safer alternatives for or the proper disposal of hazardous materials. Each RCC will supply schools with resource materials to supplement current curriculum. At least one RCC staff person should have the ability to assist in this goal.

(3) Applicants shall demonstrate their commitment to educate the local population through outlining an intensive three-year program that addresses alternatives to the purchase or the proper disposal of toxic materials. This effort shall be directed at such groups as civic and youth groups, clubs, organizations, and associations within the collection center's region. Applicants shall make use of local radio, television, newspapers, newsletters and other means to promote this education effort.

(4) The education plan must demonstrate a commitment to work with libraries within the region. This commitment shall include providing resource materials, books and other contributions that pertain to HHM.

(5) The applicant shall submit a plan to promote retailer awareness of HHM.

(6) The applicant's education program shall demonstrate a commitment to the CESQGs within the region. The CESQG education program should facilitate access to the appropriate technical information to assist CESQGs with source reduction, appropriate management, and disposal options for hazardous materials.

(7) The Household Hazardous Materials Program Symbol shall be used on all signs and all resource materials that are created and distributed by the RCCs. See 567—Chapter 144 as to the specifications and proper use of this symbol.

b. Use analysis (5 points). The applicant shall demonstrate sufficient knowledge of the wastes from CESQGs and households within the region. This information shall include the number of users, the types and quantities of waste that will potentially be brought to the center. The information gained from this analysis will be useful in determining the size of the site and of the structures at the RCC.

c. Site selection (20 points). The site selected for the regional collection center shall meet the following criteria:

(1) The RCC shall be sited on public property or on private property if an agreement exists that guarantees public access. Documentation of an agreement shall be provided by the applicant on or before initiation of the contract with the department.

(2) The site shall be designed to provide adequate secondary containment in case of a spill or other possible on-site contamination.

(3) The selected site shall meet all applicable zoning codes.

(4) The site shall be adequately sized to accommodate all structures, units and activities that will take place on the site.

(5) The site shall be fenced to control access and a gate shall be provided at the entrance to the site and kept locked when personnel are not on duty.

(6) The site shall meet the requirements of 567—103.2(1) "b," "c," and "m"(1) to (4). The site for the RCC shall meet one of the following qualifications:

1. The site shall have previously met analysis according to 567—subrule 103.2(1); or

2. The site may be a previously closed sanitary landfill which was closed subsequent to October 25, 1989, according to 567—subrule 103.2(13); or

3. A new site that meets the requirements set forth in 567—103.2(1) "b," "c," and "m"(1) to (4).

The applicant shall submit three copies of all plans and specifications for department review.

d. Structures (20 points). All structures shall be sized to adequately sort, bulk and lab pack, and temporarily store exempt hazardous materials brought to the RCC or mobile unit. While the materials that are brought to the site are exempt, they remain hazardous materials and the site and structures must be designed accordingly.

All permanent structures and mobile units shall meet the requirements of the Iowa state building code and all other applicable codes. The structures and mobile units shall be so designed to prevent runoff entering from adjacent areas. All mobile units and the containers used to package collected materials shall comply with applicable department of transportation rules and guidelines. Applicants applying for grant funds to establish a mobile unit(s) must list the number of sites the unit(s) will locate to and include the township and range of these locations. At each mobile unit site, the unit shall rest on a pad of an impervious, reasonably smooth material that provides secondary containment in case of a spill and a canopy shall be provided as protection from inclement weather. All RCCs and mobile units shall obtain a permit from the department according to 567—102.1(455B) to 102.12(455B) and 567—Chapter 104. All safety issues shall be addressed in the permit. No RCC or mobile unit shall operate without a permit.

All receiving areas shall have a storage capacity of at least one day's processing capacity. All receiving, sorting, bulking, transfer and storage area surfaces shall be constructed of an impervious, reasonably smooth material so designed to be easily cleaned, nonreactive with the waste, and with proper drainage, in the form of plastic-lined pits or concrete sumps, according to applicable codes. Areas used for the receiving, bulking, transferring, lab packing and storing of exempt hazardous materials shall be provided with secondary containment and be protected from exposure to the weather. Hazardous materials shall not be stored for longer than 180 days.

The construction plans and specifications for the RCC shall include a receiving area, sorting area, separate storage areas for incompatible materials, roads, structures, fences and gates, landscaping and screening devices, personnel and maintenance facilities and utility lines.

e. Staff qualifications (10 points). The RCC may be staffed by full-time or part-time employees, or both. All RCC staff handling hazardous materials shall have received OSHA 40-hour health and safety training as described by 29 CFR 1910.120. At least one RCC staff person shall have the ability to make educational presentations. All staff shall have received other applicable training including but not limited to the following:

- (1) Hazardous materials chemistry;
- (2) Personnel and site safety;
- (3) Proper lab packing techniques;
- (4) Proper transporting of hazardous materials.

f. Operation procedures (10 points). The applicant must prepare an operations plan, a contingency plan, and a closure/postclosure plan. This manual shall include, but is not limited to, the following:

- (1) Operations plan:
 1. Schedule of operations;
 2. Standard receiving procedures for household and CESQG wastes;
 3. Unknowns;
 4. Open or leaking containers;
 5. Large quantities of wastes;
 6. Recycling procedures for usable materials;
 7. Disposal of nonhazardous waste;
 8. Personal protection equipment;
 9. Initial training requirements and continuing education of staff.

(2) Contingency plan:

1. Spills;
2. Fires or explosions;
3. Personal injuries;
4. Notification of local agencies.

(3) Closure/postclosure plan. See 567—subrule 102.12(10).

g. Project match (tie breaker). The applicant shall provide a proposed budget for the implementation and operation of the facility. This budget shall list all public and private contributions for the establishment of the facility. The amount of contributions per household population of the region served will be used to break a tie. The department's award for the facility shall not exceed \$100,000.

567—211.9(455F) Project application. An applicant shall submit a completed application form provided by the department. The application forms will include, but shall not be limited to, the following information:

1. Name of applicant;
2. Address of applicant;
3. Telephone number of the contact person;
4. Documentation of resources including:
 - Identifiable monetary resources;
 - Land, buildings or equipment;
 - Insurance coverage;
 - Personnel.
5. Information satisfying the provisions of rules 211.6(455F) through 211.8(455F);
6. Documentation of consistency with the local and regional solid waste planning efforts.

The solid waste comprehensive plans of the various constituent governments shall be amended to reflect the RCC's impact on the region's solid waste stream.

567—211.10(455F) Grant denial. An applicant may be denied for the following reasons:

1. An applicant does not meet eligibility requirements pursuant to the provisions of these rules.
2. An applicant does not provide sufficient information requested in the application proposal pursuant to these rules.
3. The project goals or scope is not consistent with these rules.

567—211.11(455F) RCC operations support. The department may provide grants to establish RCCs to applicants who have met criteria described in rule 211.8(455F). Funds not obligated for the establishment of RCCs may be disbursed to eligible operating RCCs as operations support. Operations support funding will assist RCCs with the costs associated with day-to-day operations. There shall be no operations support funding awarded to any RCC in excess of actual operations cost as reported on the disposal funding report form as required in rule 567—214.11(455F). The total operations support funding awarded to all eligible RCCs shall not exceed the amount of available funding.

To be eligible to receive RCC operations support, RCCs must meet the requirements described in rule 567—214.11(455F). The method to determine the percentage of operations support funds that each eligible RCC may receive is also described in rule 567—214.11(455F). Funding assistance under this rule may be disbursed to eligible operating RCCs at the same time as the RCC household hazardous material disposal funding, rule 567—214.11(455F).

Grants to establish RCCs will have priority for funding over operations support.

These rules are intended to implement Iowa Code sections 455F.8A and 455F.8B.

[Filed 2/26/93, Notice 12/9/92—published 3/17/93, effective 4/21/93]

[Filed 10/22/93, Notice 8/18/93—published 11/10/93, effective 12/15/93]

[Filed 9/19/97, Notice 7/16/97—published 10/8/97, effective 11/12/97]