

CHAPTER 215
WASTE TIRE MANAGEMENT
COUNTY GRANT PROGRAM

567—215.1(455D) Goal. The goal of this program is to promote the safe collection and proper management of waste tires at the local level.

567—215.2(455D) Purpose. The purpose of this chapter is to establish a waste tire management county grant program for allocating moneys to county boards of supervisors or to designees of each board for which a grant application is approved. Grant awards shall be used for establishing and implementing local waste tire management programs consistent with rule 215.1(455D). The criteria for evaluating and approving or denying grant applications are described in this chapter.

567—215.3(455D) Definitions. As used in this chapter:

“*Applicant*” means any county board of supervisors or its designee requesting a grant.

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

“*Designee*” means any public or private entity designated by a county board of supervisors in a letter or adopted resolution accompanying an application as the grant applicant for the county.

“*Grant*” means financial assistance in the form of a cash payment to a recipient for establishing, implementing and administering a local waste tire management program.

“*Local waste tire management program*” means a program whereby waste tires are accepted without charge from eligible entities at a site or sites established by the recipient. Waste tires collected at the established sites must be subsequently transported to a tire processor or site of end use, and shall not be disposed by landfilling.

“*Passenger tire equivalent*” means one passenger car tire is equal to 20 pounds for the purpose of estimating waste tire amounts from a total weight figure.

“*Recipient*” means an applicant approved to receive a grant under these rules.

“*Site of end use*” means a site where whole or processed waste tires are recycled or reused in a beneficial manner authorized by the department.

“*Tire processor*” means a person who reduces waste tires into a processed form suitable for recycling or producing fuel for energy or heat, or uses whole waste tires in any other beneficial use as authorized by the department. “Tire processor” does not mean a person who retreads tires or processes and stores tires.

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

“*Waste tire*” as defined in Iowa Code section 455D.11, means a tire that is no longer suitable for its originally intended purpose due to wear, damage, or defect. “Waste tire” does not include a nonpneumatic tire.

567—215.4(455D) Role of the department of natural resources. The department is responsible for the administration of funds for establishing local waste tire management programs under these rules. The department will ensure that funds disbursed meet guidelines established in 1996 Iowa Acts, House File 2433, section 4 (designated as Iowa Code section 455D.11D).

Proposals for local waste tire management programs described by this chapter may be submitted by an applicant for grant consideration. The waste management assistance division shall have sole responsibility for determining which proposals will receive funding in accordance with the application procedures and selection criteria described in 215.10(455D) and 215.11(455D).

567—215.5(455D) Funding source. The department will use funds available from the waste tire management fund authorized by 1996 Iowa Acts, House File 2433, section 3 (designated as Iowa Code section 455D.11C). Pursuant to section 4 of the Act (designated as Iowa Code section 455D.11D(2)), annual funding for the waste tire management county grant program is provided over a six-year period in the following amounts:

1. For the fiscal year beginning July 1, 1996, and ending June 30, 1997, \$700,000;
2. For each fiscal year during the period July 1, 1997, to June 30, 2001, \$1,000,000; and
3. For the fiscal year beginning July 1, 2001, and ending June 30, 2002, \$700,000.

567—215.6(455D) Eligible programs. The department may provide grant funding to any county board of supervisors or its designee for which an application is approved for use in establishing, implementing and administering a local waste tire management program. Applicants can request the use of the grant only for eligible costs incurred during the fiscal year for which the grant is awarded. Proposed local waste tire management programs shall include, at a minimum, the following components:

1. Established site or sites where waste tires will be accepted at no charge. Limitations regarding the numbers and types of waste tires collected and the entities from which a site is required to accept waste tires may be established by the recipient.

2. Waste tires collected at the established sites may be stored in accordance with 567—Chapter 117 but must be subsequently transported to a tire processor or site of end use. Grant funds shall not be used for processing tires for the purpose of landfilling.

3. A publicity and educational component designed to promote the safe and proper management of waste tires in conjunction with the use of the established local collection sites.

567—215.7(455D) Eligible grant costs. Applicants may request grant funding for a local waste tire management program which includes, but is not limited to, funds for the purpose of:

1. Waste tire collection activities;
2. Transportation and processing fees related to the delivery of collected waste tires to an approved tire processor or site of end use;
3. Development and distribution of educational and promotional materials;
4. Salaries directly related to the implementation, operation and administration of the program.

567—215.8(455D) Ineligible costs. Grant funding shall not be provided or used for costs including, but not limited to, the following:

1. Purchase of equipment;
2. Land acquisition;
3. Building purchase, construction, or remodeling;
4. Permit fees;
5. Application and annual report preparation;
6. Waste tire processing fees for the purpose of landfilling;
7. Costs for which payment has or will be received under another federal, state or private financial assistance program; and
8. Costs incurred before a contractual agreement is reached between the applicant and the department.

567—215.9(455D) Grant allocations. Grants shall be allocated to approved applicants on a fiscal year basis in accordance with the schedule described in 215.14(455D).

215.9(1) *Grant disbursement limitations.* Pursuant to 1996 Iowa Acts, House File 2433, section 4 (designated as Iowa Code section 455D.11D(3)), the maximum grant allocation that may be awarded to a recipient for a fiscal year is based upon the population of the respective county(ies) documented in the 1990 census as follows:

1. Counties with populations of less than 60,000 may receive up to \$15,000.
2. Counties with populations of 60,000 but less than 110,000 may receive up to \$30,000.
3. Counties with populations of 110,000 but less than 200,000 may receive up to \$50,000.
4. Counties with populations of 200,000 or more may receive up to \$65,000.

215.9(2) *Reduced award.* The department reserves the right to award grants in amounts less than that requested by applicants. Reduced grant awards may be offered where:

1. Program funding stipulated in 215.5(455D) is insufficient to provide the level of grant assistance requested by all applicants approved for grant awards for a fiscal year.
2. The department determines that an applicant could implement a local waste tire management program at a reduced level of grant assistance and achieve the program's goal and objectives.

215.9(3) *Additional award.* An applicant may request grant funding beyond the limitations specified in this rule, and the department may award additional funding if:

1. Sufficient program funds remain after grants are awarded to all approved applicants; and
2. As described in 215.10(3), the applicant demonstrates that the county has a local waste tire concern or problem which may be remedied through the requested additional grant fund.

215.9(4) *Unexpended grant funds.* Grant funding unexpended and unencumbered by June 30 of a fiscal year for which a grant was awarded may be retained by the recipient if an application for continued funding, as stipulated in 215.10(455D), is submitted to and approved by the department. Successful applicants for continued funding shall be awarded a grant in an amount not to exceed the limitations described in 215.9(1) and which shall include the portion of the grant awarded in the immediate preceding fiscal year that was unexpended and unencumbered as of June 30 of that year, as determined by information provided in the annual report filed with and approved by the department in accordance with 215.12(455D).

If a county does not apply for continued funding or does not receive approval for continued funding, any unexpended and unencumbered grant funds remaining as of June 30 of a fiscal year for which a grant was awarded shall be remitted to the department for deposit in the waste tire management fund established in 1996 Iowa Acts, House File 2433, section 3 (designated as Iowa Code section 455D.11C).

567—215.10(455D) Applications. Any county board of supervisors or designees of each board including, but not limited to, public or private entities are eligible applicants. Applicants shall submit applications on forms provided by the waste management assistance division. An original application and two copies must be submitted. Facsimiles will not be accepted. Applications will be reviewed by the waste management assistance division in the order received beginning on April 1 of the fiscal year immediately preceding the year for which the grant is being requested. Applicants are encouraged to submit applications on or before April 1, but no later than August 14. In order to be considered complete, the application form will include, but not be limited to, the following information. The department reserves the right to verify any information provided in the application.

1. Name of applicant;
2. Address of applicant;
3. Identity and telephone number of contact person;
4. Grant funding requested;

5. County's 1990 population as determined by U.S. Census Bureau data;
6. Information satisfying the provisions of rule 215.11(455D);
7. All appropriate information and documents requested in subrules 215.10(1) to 215.10(4).

215.10(1) Designated applicants. All applications submitted by a designee of a board of supervisors must be accompanied by a letter or adopted resolution from the board which clearly designates the applicant as the county's prospective recipient for a grant award and as the entity responsible for the establishment, implementation and administration of the local waste tire management program within the county.

215.10(2) Designated applicants for regional programs. If an entity has been designated as the applicant for two or more counties for the purpose of conducting local waste tire management program activities on a regional scale, a single application may be submitted by the designee on behalf of the respective counties. The application must be accompanied by a letter or adopted resolution from each board of supervisors which clearly designates the applicant as the county's representative and the entity responsible for the establishment, implementation and administration of the local waste tire management program throughout the multicounty region, and also includes a statement acknowledging the county's participation in a regional program. The total amount of the requested grant for the region must not exceed the sum of the individual counties' maximum amounts as determined from the formula in 215.9(1).

215.10(3) Applications for continued funding. Applicants representing counties requesting continued funding must indicate the amount of the current grant award unexpended and unencumbered at the time the application is being prepared and include an estimate on total grant expenditures anticipated by June 30 of the current fiscal year. Any portion of a grant that remains unexpended or unencumbered by June 30 of a fiscal year for which a grant was awarded, as indicated in the annual report filed with the department in accordance with 215.12(455D), will be included in the total grant amount that may be awarded to the applicant for the subsequent fiscal year subject to the funding limitations referenced in 215.9(455D).

215.10(4) Applications for additional funding. As referenced in 215.9(3), an applicant requesting a grant beyond the limitations stipulated in 215.9(1) must specify the amount of the additional funding in the application. The application must justify the request for additional funding by describing in detail the local waste tire concern or problem that exists within the county. This description should include an assessment of the threat to public health or the environment presented by this situation. The application must also demonstrate how the documented concern or problem will be addressed through use of the requested additional grant funds.

567—215.11(455D) Selection criteria. The approval or denial of grant applications shall be determined by the waste management assistance division beginning June 1 and ending no later than October 1. Applicants recommended for grant awards will be notified once these determinations are made. The department shall evaluate applications and applicants will be awarded grants based on the following selection criteria. Points assigned to the selection criteria total 100 points and up to five bonus points available for assignment to regional program applications.

215.11(1) Program impact. Describe waste tire problems or concerns existing within the county and explain how the county's participation in the grant program will address them. A goal for the program in terms of the estimated amount of waste tires that are anticipated to be collected during the fiscal year must be provided. (15 points)

215.11(2) Program compatibility. Describe how the proposed program is compatible with existing local and regional solid waste management programs, and with the solid waste comprehensive plan the county is participating in. The application must describe how the agency responsible for the development and implementation of the comprehensive plan was provided the opportunity to review and comment on the proposed local waste tire management program. (10 points)

215.11(3) Program planning experience and commitment. Identify all public and private agencies, local governmental bodies, and nonprofit organizations that will have a role in the development and implementation phases of the program. Previous experience in planning and implementing similar programs or conducting solid waste management activities should be described. Commitment toward continuation of the program in terms of submitting an application for funding in subsequent years, or by committing local funds for program continuation, or both, should be addressed. (5 points)

215.11(4) Collection mechanisms. Describe the methods and activities that will be conducted under the program to collect waste tires. Collection activities should be designed to maximize public participation. (15 points)

215.11(5) Collection sites. Identify and describe the site or sites that will be established as waste tire collection points. In describing these locations, information pertaining to site security, estimated collection capacity and anticipated length of time waste tires will remain at the site(s), vermin control, and compliance with local zoning and fire codes and applicable state regulations must be included. (10 points)

215.11(6) Program limitations. Explain any limitations or restrictions that will be established regarding the number of waste tires accepted from an individual, types of waste tires that will be collected, and the entities that may use a collection site established under the program. Restrictions on accepting waste tires from firms which may have already charged a waste tire disposal fee to customers or are collecting waste tires for hire should be considered by the applicant. (5 points)

215.11(7) Publicity and educational component. Describe the strategies that will be used to promote the program and its goal. Descriptions shall include the following: identifying the subjects or issues that will be addressed in these activities; an explanation of the methods or techniques that will be used to convey the information; and identity of the target audience. In addition to promoting the proper disposal opportunities presented by the local waste tire management program, publicity and educational activities should also address the problems associated with improper waste tire disposal, the recycling options related to proper waste tire management, and information on reducing the number of waste tires generated through proper tire maintenance. (15 points)

215.11(8) Waste tire outlets. Identify the processor(s) and site(s) of end use that are proposed for managing the waste tires collected through the program. Include a brief description of the criteria and research used to select these firms. (5 points)

215.11(9) Program budget. Specify the amount of the requested grant funding planned to be used for each of the eligible cost categories described in 215.7(455D), and include a brief narrative to justify each budget line item. To supplement the grant, describe the purpose and amount of local funds dedicated to the program. (15 points)

215.11(10) Program records. Describe the mechanisms that will be used for recording the amount of waste tires collected and for tracking grant expenditures. (5 points)

215.11(11) Regional programs. If the application is being submitted by a designee representing two or more counties planning to conduct local waste tire management program activities on a regional scale, explain how this cooperation will enable the participants to achieve the program goal and objectives in a more efficient and effective manner. (5 bonus points)

567—215.12(455D) Annual reports. Following the completion of the fiscal year for which a grant was awarded, each recipient shall submit an annual report to the department. If a recipient has been awarded continued grant funding, the annual report must be approved by the department prior to the release of the grant. In all cases, the annual report must be submitted to the department no later than September 1 of the fiscal year following the year for which the grant was awarded. Annual reports are considered part of the public record. The annual report shall describe the local waste tire management program's activities during the entire fiscal year for

which the grant was awarded up through June 30 of that year. The report will include, but not be limited to, the following information:

1. Total amount of waste tires collected either by actual count or estimated on a passenger tire equivalent basis, as defined in 215.3(455D), determined from total tonnage collected;
2. Itemization of grant expenditures;
3. Summary of collection activities;
4. Summary of promotional and educational activities;
5. Identification of entities involved in the development and implementation of the program and a brief description of their roles;
6. Identification of waste tire processors and ultimate end use sites that waste tires collected under the program were sent to and the amount handled by each of these firms;
7. Evaluation of the program's effectiveness;
8. Recommendations for continuation of the local program and improvement of the grant program.

567—215.13(455D) Contract. Recipients shall enter into a contract with the department for the purposes of implementing the local waste tire management program for which a grant assistance has been awarded. The contract shall be signed by the department director, the administrator of the waste management assistance division, and the authorized officer of the recipient. The department may terminate any contract and seek the return of any funds released under the contract for failure by the recipient to perform under the terms and conditions of the contract. Amendments to contracts may be adopted by written consent of the department director, the administrator of the waste management assistance division, and the authorized officer of the recipient.

567—215.14(455D) Grant allocation schedule. The total grant award will be mailed to successful applicants between August 15 and January 1 of the fiscal year for which the grant was awarded, provided the following conditions have been satisfied:

1. Contract described in 215.13(455D) has been finalized and, where applicable, approved by the environmental protection commission;
2. For recipients representing counties that have previously received grant funding, the annual reports described in 215.12(455D) have been submitted to and approved by the department;
3. Funding available from the waste tire management fund referenced in 215.5(455D) is sufficient to provide the level of grant assistance awarded to approved applicants.

567—215.15(455D) Grant award denial. Applications denied grant funding will not be retained for future consideration. It is the applicant's responsibility to resubmit a completed application for consideration during a subsequent funding period. An applicant may be denied a grant award for any of the following reasons:

1. Program funds are insufficient to award grants to all qualified applicants;
2. An applicant does not meet the definition of "Applicant," as defined in 215.3(455D);
3. Applicant does not meet eligibility requirements pursuant to rules 215.6(455D) to 215.12(455D);
4. An applicant does not provide sufficient information requested in the application forms pursuant to rules 215.10(455D) and 215.11(455D), or in the annual report pursuant to rule 215.12(455D);
5. Proposed program's goal or scope is not consistent with rules 215.1(455D), 215.2(455D) and 215.6(455D) to 215.8(455D).

These rules are intended to implement 1996 Iowa Acts, House File 2433, sections 3 and 4 (designated as Iowa Code sections 455D.11C and 455D.11D).

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