

## CHAPTER 211

## FINANCIAL ASSISTANCE FOR THE MANAGEMENT OF HOUSEHOLD HAZARDOUS MATERIALS AND HAZARDOUS WASTE FROM VERY SMALL QUANTITY GENERATORS

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/1/28

**567—211.1(455E,455F) Purpose.** The purpose of this program is to reduce the amount of hazardous materials disposed of in Iowa's sanitary landfills, thereby protecting groundwater resources, the health and safety of Iowa citizens, and the environment.

The costs and accessibility of hazardous materials management can be improved by the establishment and maintenance of a system of regional collection centers (RCCs) and satellite facilities for the safe and proper management of household hazardous materials and hazardous materials from very small quantity generators (VSQGs). Therefore, the department may provide financial assistance for costs associated with establishing or improving RCCs and satellite facilities, when such funding is available. The department may also provide financial assistance for ongoing collection and disposal activities which result in eligible pounds, when such funding is available.

[ARC 3995C, IAB 9/12/18, effective 10/17/18]

**567—211.2(455E,455F) Definitions.** For the purposes of this chapter, these terms shall have the following meanings:

*"Applicant for RCC or satellite facility financial assistance"* means an RCC or satellite facility operated by a private agency, a local government or a public agency representing local governments pursuant to Iowa Code chapter 28E.

*"Department"* means the Iowa department of natural resources.

*"Eligible pounds"* means household hazardous waste or hazardous waste from VSQGs which is disposed of or recycled by a licensed hazardous waste contractor. VSQG hazardous waste for which an RCC is required to charge a fee under Iowa Code section 455F.8A is considered eligible pounds if there is a corresponding disposal charge from a hazardous waste contractor. "Eligible pounds" means net weight as shown on the final disposition documents. A manifest shows an estimated weight and cannot be used to determine eligible pounds. VSQG hazardous waste or household hazardous waste which has no disposal cost, or for which RCCs receive compensation or charge a fee, is not eligible pounds. Materials such as cathode ray tubes, electronics, and used oil which are not destined for final disposal, but are instead recycled for reuse of components, are not eligible pounds.

*"Financial assistance"* means monetary assistance including grants, cash payments, or support by other financial means.

*"Hazardous waste"* or *"HW"* means the same as defined in Iowa Code section 455B.411.

*"Hazardous waste contractor"* means a private company that provides management (e.g., recycling, disposal) of household hazardous waste or VSQG hazardous waste in compliance with federal regulations. "Hazardous waste contractor" does not include regional collection centers.

*"Household hazardous materials"* or *"HHM"* means the same as defined in Iowa Code section 455F.1.

*"Household hazardous waste"* or *"HHW"* means an HHM as defined in Iowa Code section 455F.1 which has served its intended use and is designated for disposal.

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

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

*"RCC mobile unit"* means a truck or trailer owned and operated under the direction of a regional collection center that can be moved to different sites within a region. A mobile unit is used to perform collection events and to transport collected materials to the RCC for sorting and consolidation.

*"Regional collection center"* or *"RCC"* means the same as defined in Iowa Code section 455F.1.

*"Satellite facility"* means the same as defined in Iowa Code section 455F.1.

*"Very small quantity generator"* or *"VSQG"* means a generator that generates less than or equal to the following amounts in a calendar month:

1. 100 kilograms (220 lbs) of non-acute hazardous waste;
2. 1 kilogram (2.2 lbs) of acute hazardous waste listed in 40 CFR 261.31 or 40 CFR 261.33(e);
3. 100 kilograms (220 lbs) of any residue or contaminated soil, water or other debris resulting from the cleanup of a spill, into or on any land or water, of any acute hazardous waste listed in 40 CFR 261.31 or 40 CFR 261.33(e).

[ARC 8518B, IAB 2/10/10, effective 3/17/10; ARC 3995C, IAB 9/12/18, effective 10/17/18]

**567—211.3(455E,455F) Role of the department.** The department is responsible for the administration of financial assistance sponsored under this chapter. The department shall ensure that funds disbursed meet guidelines established in Iowa Code chapters 455E and 455F. An applicant for financial assistance under this chapter may submit any eligible project as defined in the application provided by the department. The department shall determine which projects, if any, will receive funding after review of all applications, subject to available funding.

[ARC 3995C, IAB 9/12/18, effective 10/17/18]

**567—211.4(455E,455F) Funding sources.** The department will use funds appropriated by Iowa Code sections 455E.11(2)“a”(2)(d) and 455E.11(2)“c” to achieve the purpose of this chapter. The department shall ensure that moneys appropriated meet both federal and state guidelines pertaining to the use of the moneys.

[ARC 3995C, IAB 9/12/18, effective 10/17/18]

**567—211.5(455E,455F) Eligible costs.** Applicants may request financial assistance for eligible expenses including, but not limited to, the following:

**211.5(1)** Materials and labor for construction and the purchase cost of structures or RCC mobile units to be used in the operation of an RCC or satellite facility, including but not limited to site excavation for the structure and modifications to control runoff.

**211.5(2)** Education programs for households and VSQGs within the RCC service area. Eligible education expenses may include but are not limited to:

- a. Public education and awareness materials and supplies.
- b. Fees for public service announcements.

**211.5(3)** Equipment relating directly to the RCC or satellite facility operation.

[ARC 8518B, IAB 2/10/10, effective 3/17/10; ARC 3995C, IAB 9/12/18, effective 10/17/18]

**567—211.6(455E,455F) Ineligible costs.** Applicants for RCC financial assistance cannot request monetary assistance for the following costs:

1. Taxes.
2. Vehicle registration.
3. Indirect or overhead costs.
4. Legal costs.
5. Contingency funds.
6. Land acquisition.
7. Disposal of hazardous materials.
8. Office equipment.
9. Staffing costs.
10. Site and building design fees.

[ARC 8518B, IAB 2/10/10, effective 3/17/10; ARC 3995C, IAB 9/12/18, effective 10/17/18]

**567—211.7(455E,455F) RCC and satellite facility financial assistance.**

**211.7(1)** An applicant for RCC and satellite financial assistance shall submit to the department a completed application on a form provided by the department.

**211.7(2)** The department shall coordinate the evaluation of proposals. Applications will be evaluated based on selection criteria contained in the application form. Prior to receiving financial assistance from the department, an RCC must obtain a regional collection center license. A satellite facility shall provide documentation of a contractual arrangement with a licensed RCC for removal of the waste to be collected.

**211.7(3)** The applicant must be in compliance with applicable federal and state statutes and regulations.

[ARC 8518B, IAB 2/10/10, effective 3/17/10; ARC 3995C, IAB 9/12/18, effective 10/17/18]

**567—211.8(455E,455F) Grant denial.** An application may be denied for the following reasons, including but not limited to:

1. The applicant does not meet eligibility requirements pursuant to the provisions of this chapter.
2. The applicant does not provide sufficient information requested in the application proposal pursuant to this chapter.
3. The project goals or scope is not consistent with this chapter.
4. Funds are insufficient to award financial assistance to all qualified applicants.
5. The applicant has not met contractual obligations of previous grant awards.
6. The department received the application after the deadline stated in the application and guidelines.
7. The applicant is found to be out of compliance with applicable federal or state statutes or regulations.

[ARC 3995C, IAB 9/12/18, effective 10/17/18]

**567—211.9(455E,455F) RCC collection and disposal support funding.**

**211.9(1)** All RCCs are eligible to receive funding support, when available, from the department to properly manage eligible pounds of VSQG hazardous waste and household hazardous waste. To receive funding, an RCC must be in compliance with applicable federal and state statutes and regulations. The source for this funding is described in Iowa Code section 455E.11(2)“a”(2)(d) and (e).

**211.9(2)** To be eligible to receive support and disposal-funding assistance, an RCC must:

- a. Have household hazardous waste and VSQG hazardous waste removed by a licensed hazardous waste contractor.
- b. Correctly complete the hazardous materials collection semiannual report on a form supplied by the department.
- c. Attach the following documentation:
  - (1) Hazardous waste contractor invoices depicting cost and hazardous waste types.
  - (2) The net weight calculations of household hazardous waste and VSQG hazardous waste obtained by subtracting container weight from final disposal weight, not the manifest weight.
  - (3) Documentation that all household hazardous waste and VSQG hazardous waste was disposed of by a licensed hazardous waste contractor.
  - (4) Documentation of materials shipped using final disposal receipts.
- d. Submit regional collection center semiannual reports by September 15 for the portion of the current calendar year January 1 through June 30, and by March 15 for the portion of the previous calendar year July 1 through December 31. Reports submitted after the due date without prior approval by the department are not eligible for funding.

**211.9(3)** Fall collection and disposal funding will be based on the regional collection center semiannual report due September 15 and on available funding. An RCC will receive a percentage of the available funding in an amount proportional to the amount of eligible pounds the RCC recycled or disposed of through a hazardous waste contractor, as reported on the regional collection center semiannual report form, compared to the total amount of eligible pounds recycled or disposed of by all RCCs as reported on the regional collection center semiannual report form.

Spring collection and disposal funding will be based on the total eligible pounds reported for the calendar year and on available funding. An RCC will receive a percentage of the available funding for the calendar year minus the amount received for the fall payment, in an amount proportional to the amount of eligible pounds the RCC recycled or disposed of through a hazardous waste contractor, as reported on the regional collection center semiannual report form for the calendar year, compared to the total amount of eligible pounds recycled or disposed of by all RCCs as reported on the regional collection center semiannual report form.

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

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