

CHAPTER 5
DETERMINATION OR ADJUSTMENT OF COST FACTOR

[See also 701—Chapter 37]

591—5.1(455G) Public hearing. For purposes of the public hearing required by Iowa Code chapter 455G, the following procedures apply:

1. The date, time and place of the public hearing shall be set by the board, by the chairperson of the board or by the administrator.

2. A notice of the hearing setting forth the purposes thereof and specifying the date, time and place for the public hearing shall be published at least once not less than 4 nor more than 25 days prior to the date of the hearing in a newspaper having general circulation substantially throughout the state or a combination of newspapers which together ensure general circulation of the notice in the state.

3. The public hearing shall be conducted in accordance with the rules governing conduct of oral proceedings for rule making in subrule 591—4.5(3), paragraphs “c” and “d.”

This rule is intended to implement Iowa Code section 424.3.

591—5.2(424) Cost factor. The board establishes the cost factor on each gallon of petroleum diminution to be \$10 commencing October 1, 1991.

591—5.3(424) Credit permitted against charge. Iowa Code section 424.6(1) provides a credit against the charge otherwise due from a person operating an eligible underground bulk storage facility if all of the following requirements are met:

5.3(1) The person must operate an eligible underground bulk storage facility. An underground bulk storage facility is “eligible” only if (a) it includes loading and unloading racks designed to handle bulk quantities of petroleum separate and different from retail dispensing facilities; and (b) the facility was in operation on or before January 1, 1990; and

5.3(2) The person must be a depositor who is also a receiver responsible for self-assessment of the charge due on petroleum deposited into the underground bulk storage tank; and

5.3(3) The person must withdraw petroleum from the underground bulk storage tank and deliver the petroleum in bulk quantities for deposit into an exempt underground tank. To be considered delivered in “bulk quantities,” delivery must be made in a portion of a standard tanker truck load. The tanker truck must have a minimum capacity of 1,000 gallons. The subsequent deposit into an “exempt underground tank” must be a tank described in Iowa Code sections 455G.1 and 455G.2(14). Examples of exempt underground tanks include, but are not limited to, the following: (a) a farm or residential tank with a capacity of 1,100 gallons or less used for storing motor fuel for noncommercial purposes, (b) a tank used for storing heating oil for consumptive use on the premises where stored, (c) a storage tank situated in an underground area, as in a basement, cellar, or tunnel, if the storage tank is situated upon or above the surface of the floor to permit inspection of its entire surface, and (d) an underground storage tank system whose capacity is 110 gallons or less.

Petroleum transferred, sold, and deposited in the manner described above shall be entitled to a credit calculated by multiplying the gallonage by the diminution rate times the current cost factor. The credit is claimed on the Environmental Protection Charge Quarterly Return (Form 87-002) as a reduction of the total gallonage on which the charge would otherwise be due. The credit is applicable to deposits made into exempt tanks on or after May 2, 1990.

This rule is intended to implement Iowa Code section 424.6(1).

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