

CHAPTER 311
RENEWABLE FUEL INFRASTRUCTURE BOARD—ORGANIZATION

261—311.1(15G) Definitions. As used in these rules, unless the context otherwise requires, the definitions in Iowa Code section 15G.201 as amended by 2008 Iowa Acts, House File 2689, shall apply to this chapter and to 261—Chapters 312, 313, and 314. The following definitions shall also apply:

“*Agreement*” means the cost-share agreement executed by the department after approval of the grant by the board.

“*Applicant*” means a person, as defined in this rule, who owns or operates a site.

“*Biodiesel*,” for the purpose of this rule, must be at least B99.

“*Biodiesel blended fuel*,” as defined in Iowa Code section 214A.1, means a blend of biodiesel with petroleum-based diesel fuel which meets the standards, including separately the standard for its biodiesel component. For the purpose of this rule, biodiesel blended fuel must contain at least 2 percent biodiesel at a terminal site and at least 1 percent at a retail site.

“*Biofuel*” means ethanol or biodiesel as defined in Iowa Code section 214A.1.

“*Blender pump*,” for the purpose of this rule, means blending biofuel. When blending ethanol, the pump must dispense E-85 gasoline at all times.

“*Board*” means the renewable fuel infrastructure board established by Iowa Code section 15G.202.

“*Checklist*” or “*IDNR checklist*” means the most recent version of the Underground Storage Tank System Checklist for Equipment Compatibility with E-Blend Fuels (greater than 10 percent by volume) issued by the Iowa department of natural resources.

“*Grant*” or “*cost-share grant*” means moneys awarded by the board on a cost-share basis from the renewable fuel infrastructure fund created by Iowa Code section 15G.202 to help pay for a project.

“*Person*” means an individual, corporation, limited liability company, government or governmental subdivision or agency, business trust, estate, trust, partnership or association, or any other legal entity as defined in Iowa Code section 4.1(20).

“*Project*” means the installation of equipment for motor fuel storage, dispensing and distribution of E-85 gasoline, biodiesel or biodiesel blend.

“*Rack*” means a metered motor fuel, special fuel or renewable fuel loading facility with the capacity to pump fuel at a rate of at least 100 gallons per minute (100 gpm); whether from an overhead, lateral, or underneath position, into a transportation vessel for further delivery.

“*Renewable fuel*,” as defined in Iowa Code section 214A.1, means a combustible liquid derived from grain starch, oilseed, animal fat, or other biomass; or produced from a biogas source, including any nonfossilized decaying organic matter which is capable of powering machinery, including but not limited to an engine or power plant. Renewable fuel includes but is not limited to biofuel, ethanol blended gasoline, or biodiesel blended fuel meeting the standards provided in Iowa Code section 214A.2 as amended by 2008 Iowa Acts, House File 2689.

“*Retail*” means offered for sale to the public for final consumption.

“*Retail motor fuel site*” means a site at which motor fuel is offered for sale to the public for final consumption. A retail motor fuel site may include a tank vehicle or transport.

“*Tank vehicle*” means a motor vehicle designed to transport liquid or gaseous materials within a tank having a rated capacity of 1,001 or more gallons either permanently or temporarily attached to the vehicle or chassis.

261—311.2(15G) Renewable fuel infrastructure board.

311.2(1) Composition.

a. Board structure. The board shall consist of 11 voting members appointed by the governor. The composition of the board shall be as described in Iowa Code section 15G.202. Six voting members shall constitute a quorum. An affirmative vote of a majority of voting members, excluding any member who has a conflict of interest, is necessary for the board to take substantive action.

b. Terms. Board members shall be appointed for five-year terms that begin and end as provided by Iowa Code section 69.19. However, the initial members shall be appointed to terms of less than five years to ensure that members serve staggered terms.

c. Department administrative functions. As specified in Iowa Code section 15G.202, the Iowa department of economic development shall perform administrative functions necessary for the management of the infrastructure board, and the infrastructure programs as provided in 261—Chapters 312 and 313. The department shall provide the infrastructure board with the necessary facilities, supplies, and clerical support. The department will also market the renewable fuel infrastructure program throughout the state.

311.2(2) Meetings.

a. The board will generally meet at the department's offices located at 200 East Grand Avenue, Des Moines, Iowa. By notice of regularly published meeting agendas, the board may hold regular or special meetings at other locations within the state. Meeting agendas will be available on the department's Web site at www.iowalifechanging.com.

b. The board shall annually elect a chairperson, on a rotating basis, from among its members.

c. Any interested party may attend and observe board and committee meetings except for such portion as may be closed pursuant to Iowa Code Supplement section 21.5.

d. Observers may use cameras or recording devices during the course of a meeting so long as the use of such devices does not materially hinder the proceedings. The chairperson may order that the use of these devices be discontinued if they cause interference and may exclude any person who fails to comply with that order.

e. Open session and closed session proceedings will be electronically recorded. Minutes of open meetings will be available for viewing at the department's offices.

311.2(3) Duties. The board shall perform the duties as outlined in Iowa Code section 15G.202 and other functions as necessary and proper to carry out its responsibilities.

311.2(4) Board committees. Reserved.

These rules are intended to implement Iowa Code section 15G.202.

[Filed emergency 5/19/06—published 6/21/06, effective 5/19/06]

[Filed emergency 11/6/06 after Notice 6/21/06—published 12/20/06, effective 11/16/06]

[Filed 12/19/08, Notice 8/13/08—published 1/14/09, effective 2/18/09]