

TITLE XI
WASTE MANAGEMENT AUTHORITY

CHAPTER 209
SOLID WASTE ALTERNATIVES PROGRAM

567—209.1(455B,455E) Goal. The goal of this program is to reduce the amount of solid waste being generated and the amount of solid waste being landfilled through implementation of solid waste management projects.

567—209.2(455B,455E) Purpose. The purpose of this program is to provide financial assistance to eligible applicants for the purpose of implementing best practices, education and market development projects, to achieve a reduction in solid waste generation and a reduction in solid waste landfilling. Emphasis for selected projects will be placed on tonnage avoided, sustainability, and replicability.

567—209.3(455B,455E) Definitions.

“*Applicant*” means any unit of local government, public or private group, business or individual with an interest in or having responsibility for solid waste management in Iowa and is currently in compliance with all applicable department statutes and regulations.

“*Cost share*” means applicant’s share of proposed eligible project costs.

“*Demonstration project*” means any project that is innovative or new to the state of Iowa.

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

“*Eligible costs*” means costs directly related to the project and for which financial assistance monies may be used.

“*Eligible projects*” means any project which, when implemented, will reduce the amount of solid waste being generated or the amount of solid waste being landfilled.

“*Financial assistance*” means monetary assistance awarded under these rules to an applicant in the form of grants or loans.

“*Forgivable loan*” means financial assistance in the form of cash payments to recipients for reimbursement of eligible project expenses. Repayment of loan moneys awarded will be forgiven if the recipient has met all identified project goals, milestones and conditions identified in the written agreement between the department and the recipient or as amended by written agreement.

“*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 financial assistance for this protection.

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

“*Loans*” means an award of financial assistance with the requirement that the award be repaid including interest as identified in the written agreement between the department and the recipient.

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

“*Recipient*” means any applicant selected to receive financial assistance under these rules.

“*Regionalization*” means a project that involves two or more units of local government or public or private groups with an interest in or having responsibility for solid waste management in Iowa and through the cooperative provision of alternative solid waste management services, the project’s impact will have a positive influence on such factors as, including, but not limited to, operational efficiency, materials diversion, and population served.

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

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

“*Waste reduction*” means practices which reduce, avoid, or eliminate the generation of solid waste at the source and not merely the shifting of a waste stream from one medium to another medium.

567—209.4(455B,455E) Role of the department of natural resources. The department is responsible for the administration of funds for projects receiving financial assistance under these rules. The department will ensure that funds disbursed meet guidelines established by the groundwater protection Act and the waste management authority Act.

567—209.5(455B,455E) Funding sources. The department will use funds appropriated by the legislature and other sources that may be obtained 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 their use.

567—209.6(455B,455E) Eligible projects. The department may provide financial assistance to applicants for the following types of projects that are consistent with the goal and purpose of this program:

1. Best practices — practices and programs that will move Iowa toward long-term pollution prevention, waste reduction and recycling sustainability;
2. Education — practices and programs that are consistent with a coordinated statewide message on pollution prevention, waste reduction, and recycling to ensure ongoing support of these integrated solid waste management activities; and
3. Market development — practices and programs that develop a demand for value-added recyclables sufficient to provide increased and stable commodity markets.

567—209.7(455B,455E) Type of financial assistance. The type of financial assistance offered to an applicant (forgivable loan, zero interest loan, low interest loan) is dependent upon the amount of program funds awarded to each selected project. The department reserves the right to offer any combination of financial assistance types to any selected project.

567—209.8(455B,455E) Loans. The term of all loans, executed under these rules, shall be determined on a case-by-case basis and shall be based on the specific capital costs financed, as well as the terms of other financing provided for the project. The written agreement between the department and the recipient will establish other conditions or terms needed to manage or implement the project.

567—209.9(455B,455E) Reduced award. The department reserves the right to offer financial assistance in an amount less than that requested by the applicant. In the event that financial assistance is offered that is less than the amount requested by an applicant, the applicant may be asked to document the impact on the proposed project. Reduced awards shall be offered where it has been determined by the department that:

209.9(1) Program resources are insufficient to provide the level of financial assistance requested to all applicants to which the department intends to offer financial assistance.

209.9(2) The applicant could implement the project at a reduced level of financial assistance and achieve project objectives and goals of this program.

567—209.10(455B,455E) Fund disbursement limitations. No funds shall be disbursed until the department has:

1. Determined the total estimated cost of the project;
2. Determined that financing for the cost share amount is ensured by the recipient;
3. Received final design plans from the recipient, if applicable;
4. Received confirmation that all permits or permit amendments have been obtained by the recipient;
5. Received commitments from the recipient to implement the project;
6. Executed a written agreement with the recipient; and
7. Determined that the recipient is currently in compliance with all applicable federal, state, and local statutes and regulations.

567—209.11(455B,455E) Minimum applicant cost share. An applicant for financial assistance shall agree to provide a minimum cost share of funds committed to the project. Financial assistance moneys received by the applicant under these rules or through the landfill alternatives grant program or the landfill alternatives financial assistance program are ineligible to be utilized for any portion of the required applicant cost share. Minimum applicant cost share shall be in accordance with the schedule outlined in the application guideline manual.

567—209.12(455B,455E) Eligible costs. Applicants may request financial assistance in the implementation and operation of a project which includes, but is not limited to, funds for the purpose of:

1. Waste reduction equipment purchase and installation;
2. Collection, processing, or hauling equipment including labor for installation;
3. Development, printing and distribution of educational materials;
4. Planning and implementation of educational forums including, but not limited to, workshops;
5. Materials and labor for construction or renovation of buildings;
6. Salaries directly related to implementation and operation of the project;
7. Laboratory analysis costs; and
8. Engineering or consulting fees.

567—209.13(455B,455E) Ineligible costs. Financial assistance shall not be provided or used for costs including, but not limited to, the following:

1. Taxes;
2. Vehicle registration;
3. Overhead expenses;
4. Indirect costs;
5. Legal costs;

6. Contingency funds;
7. Proposal preparation;
8. Contractual project administration;
9. Land acquisition;
10. Office furniture, office computers, fax machines and other office furnishings and equipment;
11. Costs for which payment has or will be received under another federal, state or private financial assistance program; and
12. Costs incurred before a written agreement has been executed between the applicant and the department.

567—209.14(455B,455E) Selection criteria. To receive consideration under these rules, proposals submitted to the department for financial assistance must be provided to the agency responsible for submitting an approved solid waste comprehensive plan or subsequent plan for agency review and comment. Responsible agency review and comments are required from the area in which the proposed project is located or the area or areas in which the proposed project will be implemented.

For each project type, points assigned to the selection criteria total 100 points. The department shall coordinate evaluation of proposals and applicants will be awarded financial assistance based on selection criteria contained in the application guideline manual.

Applicants submitting preproposals deemed viable after review will be required to submit additional information as requested by the department. Additional information submitted will be reviewed for project viability prior to receiving a financial assistance commitment from the department.

567—209.15(455B,455E) Written agreement. Recipients shall enter into a contract with the department for the purposes of implementing the project for which financial 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. In cases where the department has awarded other than a forgivable loan, the recipient will be required to make regularly scheduled installment payments to retire the loan and any interest assigned to the loan as identified in the executed contract. The recipient will be required to submit periodic progress reports as identified in the executed contract. Progress reports are considered part of the public record. 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 mutual written consent by the department and the selected applicant.

567—209.16(455B,455E) Proposals. Applicants shall submit proposals on forms provided by the department. The proposals are considered part of the public record. Proposals will be accepted during normal business hours throughout the year by the department unless otherwise designated by the waste management assistance division. Proposals will be evaluated in accordance with the timeline established in the applications and guidelines manual.

567—209.17(455B,455E) Financial assistance denial. An applicant may be denied financial assistance for any of the following reasons:

- 209.17(1) Funds are insufficient to award financial assistance to all qualified applicants;

209.17(2) The area in which the proposed project is located or the area or areas in which the proposed project will be implemented does not have an approved solid waste comprehensive plan, or if the area in which the proposed project is located or if the area or areas in which the proposed project will be implemented have not submitted a subsequent solid waste comprehensive plan by the assigned deadline, or if the area in which the proposed project is located or the area or areas in which the proposed project will be implemented has a landfill which is not legally permitted;

209.17(3) An applicant does not meet the definition of “Applicant” as defined in 209.3(455B,455E);

209.17(4) An applicant does not meet eligibility requirements pursuant to provisions of rules 209.8(455B,455E) to 209.14(455B,455E);

209.17(5) An applicant does not provide sufficient information requested on forms provided by the department pursuant to rules 209.8(455B,455E) to 209.16(455B,455E);

209.17(6) An applicant that has previously received a loan under these rules and is determined by the department to be delinquent in repaying the loan; and

209.17(7) The project goals or scope is not consistent with rules 209.1(455B,455E), 209.2(455B,455E), 209.6(455B,455E), and 209.14(455B,455E).

567—209.18(455B,455E) Amendments. The department will solicit recommendations from impacted agencies, associations, and other interested entities for significant alterations to the program.

These rules are intended to implement Iowa Code sections 455B.301A and 455E.11.

[Filed emergency 2/18/88 after Notice 12/30/87—published 3/9/88, effective 2/19/88]

[Filed 12/23/88, Notice 10/19/88—published 1/11/89, effective 2/15/89]

[Filed 8/31/90, Notice 6/13/90—published 9/19/90, effective 12/1/90]

[Filed emergency 10/16/90—published 11/14/90, effective 10/25/90]

[Filed 3/25/94, Notice 1/19/94—published 4/13/94, effective 5/18/94]

[Filed 3/19/99, Notice 1/13/99—published 4/7/99, effective 5/12/99]

CHAPTER 210

GRANTS FOR SOLID WASTE COMPREHENSIVE PLANNING

Rescinded IAB 2/20/02, effective 3/27/02