

CHAPTER 103
FINANCIAL AND OPERATING LICENSE REQUIREMENTS
FOR REGIONAL COLLECTION CENTERS AND SATELLITE FACILITIES

567—103.1(455F) Purpose. The purpose of this chapter is to implement financial and operating license requirements for regional collection centers (RCCs) and satellite facilities which provide for the collection and proper disposal of household hazardous materials (HHMs) and hazardous waste from very small quantity generators (VSQGs). The costs and accessibility of hazardous materials management can be improved by the establishment and maintenance of a system of regional collection centers and satellite facilities for the safe and proper management of household hazardous materials and hazardous materials from very small quantity generators. 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.

567—103.2(455B,455D,455F) Definitions. For the purposes of this chapter, the following definitions, definitions in 567-100 and those found in Iowa Code sections 455B, 455D and 455F shall apply:

“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.

“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 contractor” means a private company that provides proper management (e.g., disposal, recycling) of hazardous waste. “Hazardous waste contractor” does not include regional collection centers.

“RCC mobile unit” or “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 an RCC for sorting and consolidation.

“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).

567—103.3(455F) Regional collection center license and license renewal. A license or license renewal will be issued under the following conditions:

103.3(1) License.

a. An RCC shall not operate without a license issued by the department. RCCs in existence prior to January 14, 2019, will automatically be issued an operating license.

b. A satellite facility shall not be required to obtain a license.

103.3(2) Compliance. An RCC and satellite facility must be in compliance with current local, state

and federal statutes and regulations regarding the management, storage, transportation and disposition of HHM, household hazardous waste (HHW) and hazardous waste (HW) from VSQGs.

103.3(3) Construction. An RCC shall not be constructed without review of the site plan and written approval of the site plan by the department. The approved plans and specifications shall constitute a condition of the initial operating license.

103.3(4) Inspection prior to commencing initial operation. The department shall be notified before an RCC or satellite facility begins operations. No HHM or HW from VSQGs shall be accepted by the RCC or satellite facility until the facility has been inspected and approved by the department.

103.3(5) Duration and renewal of license. The initial license issued may be renewed for a period of five years. If the license applicant is a private agency under contract with a local government, the license shall not extend past the end date of the contract. An entity designated as an environmental management system pursuant to Iowa Code section 455J.7 may opt out of the license renewal requirement provided the entity is in compliance with 103.3(2) and there has been no change in the provisions of the current license. Any change in the provisions of the current license requires written notification to the department as described in 103.3(7).

103.3(6) Request and approval of initial license or license renewal. A new RCC shall file a request for a license on a form provided by the department. An established RCC shall file a request for license renewal 45 calendar days prior to the expiration of the current license on a form provided by the department. The facility must be in compliance with Iowa Code chapters 455B, 455D and 455F and the conditions of its current license.

103.3(7) License modification. An RCC shall request to modify its license by notifying the department of changes to any provision of its license. An RCC shall notify the department within 30 calendar days of a planned change to the provisions of its license and within 7 calendar days of an unplanned change to the provisions of its license. Upon request to modify an RCC license, the facility must be in compliance with Iowa Code chapters 455B, 455D and 455F and the conditions of its current license.

567—103.4(455F) Site, structure, storage, and staff qualifications. RCCs, satellite facilities and mobile units shall each meet the following criteria.

103.4(1) Siting. A site selected for an RCC, satellite facility or mobile unit shall meet the following criteria:

- a. An RCC, satellite facility or mobile unit used for the collection of VSQG waste and HHMs shall be sited on public property or on private property if an agreement exists that guarantees public access. Documentation of the private property agreement for RCCs and satellite facilities shall be provided to the department upon request or upon application and renewal for license.
- b. The site shall provide adequate secondary containment in case of a spill or other possible on-site contamination.
- c. The site shall meet all applicable zoning requirements.
- d. The site shall be adequately sized to accommodate all structures, units and activities that will take place on the site.
- e. RCCs and satellite facilities shall each have adequate security to prevent unauthorized access. Adequate security may include, but is not limited to, a fence and locking gate.
- f. All mobile units and the containers used to package collected materials shall comply with applicable Iowa department of transportation rules and guidelines. At each mobile unit site, the mobile unit shall rest on a pad of a chemical-resistant, impervious, smooth material that provides secondary containment in case of a spill. A temporary surface created by securing an impervious tarp to the unloading/receiving area will meet the requirements of an impervious surface. A plan for conducting mobile unit collection events must consider the possibility of inclement weather. The plan must ensure that collected HHM and VSQG hazardous waste have protection from the elements and must minimize the risk of environmental contamination.

103.4(2) Structures. RCC or satellite facility structures shall each meet the following criteria:

- a. All structures shall be sized to adequately accommodate the collection, sorting, bulking and lab packing, packaging for disposal, and temporary storage of HHM and HW from VSQGs.

- b. All permanent structures shall meet the requirements of applicable fire codes and building codes.
- c. RCC structures and satellite facility structures shall each be designed to prevent run-on entering from adjacent areas.
- d. All receiving areas shall have a storage capacity of at least one day's processing capacity.

All receiving, sorting, bulking, transfer and storage area surfaces shall be constructed of a chemical-resistant, impervious, smooth material so designed to be easily cleaned, nonreactive with the waste, and with proper drainage, in the form of sloped flooring, plastic-lined pits or concrete sumps, according to applicable codes. Areas used for the receiving, bulking, transferring, lab packing and storing of HHM, HHW and VSQG hazardous waste shall be provided with secondary containment and shall be protected from exposure to the weather.

103.4(3) Storage. All full containers of HHW and hazardous wastes from VSQGs must be stored in a building designed in accordance with Group H occupancy requirements and local, state and federal fire codes. It is required that HW or HHW accumulated for disposal not be accumulated on site for more than 180 days. Once the capacity limit of a collection site or time limit is reached, all waste collected shall be collected by a licensed hazardous waste contractor.

103.4(4) Staff qualifications. Prior to handling any HHM or HW, RCC and satellite facility staff shall each have received applicable training conducted by trainers who meet Occupational Safety and Health Administration (OSHA) instructor qualification standards. Training shall include but is not limited to the following:

- a. OSHA 24-hour health and safety training as described in 29 CFR 1910.120.
- b. Annual 8-hour refresher training as described in 29 CFR 1910.120.
- c. Hazardous materials chemistry.
- d. Personnel and site safety.
- e. Proper lab packing techniques.
- f. Proper transporting of hazardous materials.
- g. When applicable, U.S. Department of Transportation hazardous materials training for the operation of a mobile unit used in the collection and transportation of HHM and HW from VSQGs.

567—103.5(455F) Operations plans and procedures.

103.5(1) RCCs and satellite facilities must each prepare and maintain on site a current plan of operations.

103.5(2) Operations plan. The operations plan shall include, at a minimum, the following information:

- a. Schedule of operations, including hours of operation for RCCs or satellite facilities.
- b. Site selection procedures for mobile unit collections.
- c. Standard receiving procedures for HHM and VSQG HW.
- d. Procedures for managing unknown materials.
- e. Procedures for handling open or leaking containers.
- f. Procedures for managing large quantities of wastes.
- g. Recycling and reuse procedures for usable materials.
- h. Disposal of nonhazardous waste.
- i. Personal protection equipment (PPE).
- j. Initial training requirements and continuing education of staff.
- k. An emergency response plan, such as the facility's response to spills, fires or weather-related events.

567—103.6(455F) Closure notification. RCCs and satellite facilities shall each notify the department in writing at least 60 calendar days prior to ceasing operations.

103.6(1) The notification shall include, at a minimum, the following information:

- a. A description of how the RCC or satellite facility will notify the public within its service area that the RCC or satellite facility is closing and how HHM and HW from VSQGs should be managed after closure of the facility.

b. A description of how all HHM, HHW and HW from VSQGs will be removed from the RCC or satellite facility and properly managed within 60 calendar days of the RCC's or satellite facility's ceasing operations.

c. A description of how final waste disposal costs will be paid.

103.6(2) After removal of HHW and VSQG HW, a final inspection shall be conducted by department staff.

567—103.7(455F) Regional collection center reporting requirements. On a form supplied by the department, each RCC shall submit to the department a correctly completed RCC semiannual report. The report shall include, but not be limited to, the pounds of materials managed through a reuse program, by hazardous waste contractors, and by nonhazardous waste contractors. All hazardous waste contractor invoices shall be attached. Such invoices shall depict hazardous material types, net weight of hazardous materials, and associated collection and disposal costs charged by the hazardous waste contractor to the RCC. RCC semiannual reports shall be submitted 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.

567—103.8(455E,455F) Funding sources. Funds appropriated by Iowa Code sections 455E.11(2)"a"(2)(d) and 455E.11(2)"c" may be used to achieve the purpose of this chapter.

567—103.9(455E,455F) RCC and satellite facility financial assistance.

103.9(1) An applicant for RCC and satellite financial assistance shall submit to the department a completed application on a form provided by the department.

103.9(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.

103.9(3) The applicant must be in compliance with applicable federal and state statutes and regulations.

567—103.10(455E,455F) RCC collection and disposal support funding.

103.10(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).

103.10(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.

103.10(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.

These rules are intended to implement Iowa Code chapter 455F.

