

**567—108.5(455B,455D) Application requirements for beneficial use determinations other than alternative cover material.** Unless the beneficial use is approved pursuant to 567—108.4(455B,455D), the applicant shall submit the following application information to the department. The department may request that additional information be submitted in order to make a beneficial use determination. The department may also require specific conditions on a beneficial use determination and issue a temporary beneficial use determination on a trial basis.

The generator of a solid by-product may apply to the department in writing for a beneficial use determination. If the department finds the application information to be incomplete, then it shall notify the applicant in writing of that fact and of the specific deficiencies and return the application materials to the applicant within 30 days of such notification. The applicant may reapply without prejudice.

**108.5(1)** The name, address, and telephone number of:

- a. Owner of the site where the project will be located.
- b. Applicant for the beneficial use determination.
- c. Official responsible for the operation of the project.
- d. Professional engineer (P.E.) licensed by the state of Iowa and retained for the project, if any.

The department may, at its sole discretion, require the applicant to retain a professional engineer for the project or specific parts thereof.

e. Agency to be served by the project, if any.

f. Responsible official of agency to be served.

**108.5(2)** A description of the solid by-product under review and its proposed use.

**108.5(3)** The chemical and physical characteristics of the solid by-product under review and of each type of proposed product.

**108.5(4)** A demonstration that there is a known or reasonably probable market for the intended use of the solid by-product under review by providing one or more of the following:

- a. A contract to purchase or utilize the solid by-product for the use proposed.
- b. A description of how the solid by-product will be used.
- c. A demonstration that the solid by-product complies with industry standards and specifications for that product.
- d. Other documentation that a market for the solid by-product exists.

**108.5(5)** A demonstration that the proposed use of the solid by-product will not adversely affect human health or the environment. The demonstration may include, but is not limited to, a toxicity characteristics leaching procedure (TCLP, EPA Method 1311) analysis and total metals testing of a representative sample of the solid by-product.

**108.5(6)** A solid by-product management plan pursuant to 108.6(2).