ARC 0356D

ENVIRONMENTAL PROTECTION COMMISSION[567]

Amended Notice of Intended Action

Proposing rulemaking related to management of solid waste through means other than sanitary disposal projects and providing an opportunity for public comment

The Environmental Protection Commission (Commission) hereby proposes to rescind Chapter 102, "Permits and Rules of Practice"; to adopt a new Chapter 102, "Solid Waste Management"; and to rescind Chapter 108, "Beneficial Use Determinations: Solid By-Products as Resources and Alternative Cover Material," Chapter 116, "Registration of Waste Tire Haulers," Chapter 117, "Waste Tire Management," Chapter 118, "Discarded Appliance Demanufacturing," Chapter 120, "Landfarming of Petroleum Contaminated Soil," Chapter 121, "Land Application of Wastes," and Chapter 122, "Cathode Ray Tube Recycling," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code sections 455B.173, 455B.304, 455B.383, 455D.6, 455D.9, 455D.11 and 455D.11I.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapters 9 and 455D and sections 455B.173, 455B.301A, 455B.304, 455B.383, 455D.6, 455D.11 to 455D.11B and 455D.11I.

Purpose and Summary

Existing Chapters 105, 108, 109, 116, 117, 118, 120, 121, and 122 were reviewed consistent with Executive Order 10 (2023). Proposed Chapter 102 consolidates these nine chapters related to the management of solid waste through means other than sanitary disposal projects. No new programs are being proposed. All content from the original chapters was reviewed consistent with Executive Order 10 and has been revised for clarity. Obsolete, redundant, or unneeded language was removed. The proposed chapter will contain eight divisions, with summaries and purposes as follows:

Division I—Organic Materials Compost Facilities: This repromulgation of current 567—Chapter 105 ensures that composting is done in a way that produces a usable final product, does not cause a nuisance for neighbors, and prevents contamination to surface and ground water. This new chapter proposes a tiered approach to composting, based on both volume and type of material being composted. This will allow some smaller compost facilities that currently have an individual permit to instead operate under a permit-by-rule. It will also allow some compost facilities to accept limited amounts of food waste that the compost facilities are currently unable to accept.

Division II—Land Application of Waste: This repromulgation of current 567—Chapter 121 allows for industrial sludge and certain solid wastes to be applied to farmland as a means of disposal. The revised chapter provides clarity and omits unneeded language.

Division III—Landfarming of Petroleum Contaminated Soil: This repromulgation of current 567—Chapter 120 establishes rules for the safe and effective remediation and disposal of petroleum contaminated soil (PCS) through landfarming.

Division IV—Beneficial Use: This repromulgation of current 567—Chapter 108 encourages the use of solid by-products when such utilization improves, or at a minimum does not adversely affect, human health and the environment. Regulations for solid by-products utilized in the manufacture of a commercial product will not be repromulgated since they are considered a raw commodity used in a manufacturing process for which the Commission has no regulatory oversight.

Division V—Waste Tire Management: This repromulgation of current 567—Chapters 116 and 117 establishes guidelines for the proper management of waste tires, including collection, hauling, storage, processing, disposal, and beneficial reuse of waste tires and processed waste tire materials.

Division VI—Special Waste Authorizations: This repromulgation of current 567—Chapter 109 provides safe and proper management for disposal of wastes that present a threat to human health or the environment or waste with inherent properties that make the disposal of the waste in a municipal solid waste landfill difficult to manage.

Division VII—Discarded Appliance Demanufacturing: This repromulgation of current 567—Chapter 118 ensures that hazardous materials found in appliances are managed in a way that protects human health and the environment when the appliances are recycled or discarded.

Division VIII—Cathode Ray Tube Recycling: This repromulgation of current 567—Chapter 122 implements rules for the recycling of discarded cathode ray tubes (CRTs) and the disassembly and removal of toxic parts from discarded CRTs in a manner that is safe for human health and the environment.

Reason for Amendment of Notice of Intended Action

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on January 7, 2026, as **ARC 9926C**. No public comments were received.

During the public comment period, the Department of Natural Resources (Department), on behalf of the Commission, received comments questioning the stringency of the proposed rules as they related to the composting of dead animals. These comments prompted a review of the Commission's statutory jurisdiction over the disposal of dead animals. The Commission has determined the legislature did not intend for the Department to regulate the disposal of dead animals as solid waste (Iowa Code section 159.6(5); Iowa Code chapter 167; and *Pet Memories vs. DNR*, CVCV035362 (Cedar, 2015)). Therefore, the Commission is proposing to remove the provisions related to the composting of dead animals, except to the extent necessary to ensure the Department retains regulatory oversight over the composting of other organic matter. The Commission also determined this change is substantial enough from the original proposed rulemaking to amend the Notice and provide additional opportunity for public comment on this proposed rulemaking.

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rulemaking, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Commission for a waiver of the discretionary provisions, if any, pursuant to 567—Chapter 13.

Public Comment

Any interested person may submit written comments concerning this proposed rulemaking, which must be received by the Commission no later than 4:30 p.m. on July 1, 2026. Comments should be directed to:

Mike Sullivan
Department of Natural Resources
6200 Park Avenue, Suite 200
Des Moines, Iowa 50321
Email: michael.sullivan@dnr.iowa.gov

Free language assistance: If you speak a non-English language, the Department offers language assistance services free of charge. Contact the Department at EO10_solidwaste@dnr.iowa.gov.

Servicios gratuitos de asistencia lingüística: Si habla un idioma que no sea el inglés, los servicios de asistencia lingüística están disponibles de forma gratuita. Comuníquese con el Departamento al EO10_solidwaste@dnr.iowa.gov.

Public Hearing

Public hearings at which persons may present their views orally or in writing will be held as follows:

June 30, 2026 1 p.m.	Virtual meeting (via Zoom) us02web.zoom.us/j/84398912479 Meeting ID: 843 9891 2479
July 1, 2026 9 a.m.	Virtual meeting (via Zoom) us02web.zoom.us/j/85445302938 Meeting ID: 854 4530 2938

Persons who wish to make oral comments at a public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rulemaking.

Any persons who intend to attend a hearing and have special requirements, such as those related to hearing impairments, should contact the Department and advise of specific needs.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking at its regular monthly meeting or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rulemaking action is proposed:

ITEM 1. Rescind 567—Chapter 102 and adopt the following **new** chapter in lieu thereof:

CHAPTER 102
SOLID WASTE MANAGEMENT

DIVISION I
ORGANIC MATERIALS COMPOSTING FACILITIES

567—102.1(455D) Applicability; compliance. This division shall apply to the composting of organic material, including yard wastes. Composting facilities may include turned windrows, aerated static piles, aerated in-vessel systems, or other methods approved by the department. This division does not apply to agricultural waste composted under 567—Chapter 65, dead animals and raw rendering material disposed under the authority of the department of agriculture and land stewardship (IDALS), materials managed under Iowa Code chapter 200A (bulk dry animal nutrient products), or to the sale or distribution of finished compost covered in Iowa Code chapter 200.

102.1(1) Compliance with this division in no way relieves the compost facility of the responsibility of complying with all other local, state, or federal statutes, ordinances, and rules and other applicable requirements.

102.1(2) For purposes of this division, tonnages may be calculated by multiplying cubic yardage by bulk density.

102.1(3) All rules, standards, technical guidance, and other similar legal or technical documents referenced in this division shall be the version of those documents in effect on August 1, 2025, unless otherwise noted in these rules, and except for references to the Iowa Code and Iowa Administrative Code, which shall always be the most recent version unless otherwise noted in these rules.

567—102.2(455D) Definitions incorporated by reference. The definitions in Iowa Code sections 455B.301 and 455D.9 and in 567—Chapter 100 shall apply to Division I of this chapter.

567—102.3(455D) Feedstock categories. Compost feedstock are categorized as follows.

102.3(1) *Type A feedstocks.* Type A feedstocks include yard waste, clean wood waste, crop residues, and other vegetative materials determined to pose a low level of risk to human health and the environment, including from physical contaminants and human pathogens.

102.3(2) *Type B feedstocks.* Type B feedstocks include source-separated pre- and postconsumer food residuals; food processing residuals; dead animals; raw rendering material; certified compostable products; and animal excreta, manure, animal bedding and litter not regulated under 567—Chapter 65. Type B feedstocks are materials that the department determines pose a moderate level of risk to human health and the environment or have a higher level of risk from physical contaminants and human pathogens compared to Type A feedstocks.

102.3(3) *Type C feedstocks.* Type C feedstocks include industrial process waste, sludges, biosolids, diapers, solid or semi-solid material from composting toilets, and industrial by-products not covered in Type B feedstocks. Type C feedstocks consist of materials the department determines pose a higher level of risk to human health and the environment from physical and chemical contaminants and human pathogens compared to Type A and B feedstocks.

102.3(4) *Materials prohibited from use as a feedstock.* Materials prohibited from use as a feedstock include asbestos-containing material, biomedical wastes, infectious waste, human remains, petroleum-containing wastes, seed treated with pesticide and industrial waste derived from seed treated with pesticides, toxic wastes as defined in 567—109.3(455B,455D), radiological wastes, hazardous wastes as defined in Iowa Code section 455B.411, materials containing metals that exceed the concentrations listed in 102.9(5)*"b,"* and materials that have direct process stream contact with or originate from a process that may release petroleum products, organic solvents, pesticides, or polychlorinated biphenyls (PCBs).

567—102.4(455D) Exemptions. The following activities are exempt from this division. These exemptions are not a defense to a nuisance action brought pursuant to Iowa Code chapter 657.

102.4(1) Type A or Type B, or both, feedstocks from a single household composted on site by the owner or tenant for use at the owner's or tenant's residence.

102.4(2) Composting of up to two tons per year of Type A feedstock or Type B feedstock, or both, excluding dead animals, singly or in combination, used on the same premises where it was composted. The feedstock may be generated off premises.

102.4(3) Composting of agricultural waste that is subject to 567—Chapter 65 combined with clean wood waste, straw, or cornstalks that is necessary as a bulking agent and that is free of coatings and preservatives. If agricultural waste is mixed with other wastes for the purpose of composting, then this division shall apply.

102.4(4) Composting of dead animals with necessary amount of clean wood, dry poultry litter, or other bulking agent. If dead animals are mixed with other wastes for the purpose of composting, then this division shall apply.

567—102.5(455D) General requirements for all composting activities not exempt. Any composting facility that is not exempt under 567—102.4(455D) must comply with the following provisions.

102.5(1) *Siting requirements.*

a. The composting facility shall be located:

(1) At least 500 feet from any existing inhabited residence, not including the residence of a person owning or operating the compost facility, at the time the permit application was received by the department.

(2) At least 200 feet from public wells.

(3) At least 100 feet from private wells.

(4) At least 50 feet from property lines.

(5) At least 100 feet from flowing or intermittent streams, lakes, or ponds.

(6) Outside of wetlands.

b. Composting done within a 100-year floodplain shall be in accordance with all local and department regulations, including 567—71.5(455B). Sediment ponds, engineered wetlands, or other constructed waterways for the purpose of pollution control are excluded from this subrule.

102.5(2) *Design requirements.*

a. Water shall be prevented from running onto the composting facility from adjacent land.

b. Management or disposal of contact water and stormwater shall be in accordance with 567—Chapter 60 if applicable.

c. Composting facilities shall be designed, constructed, and maintained so as to minimize ponding of water or liquids. Any ponding that does occur shall be corrected through routine facility maintenance within 48 hours after the termination of the event causing the ponding.

d. Composting not done in-vessel shall be done on a surface that will permit accessibility during periods of inclement weather. The receiving, processing, production, and curing shall take place on a surface of asphalt, concrete, compacted granular aggregate, clay, or similar relatively impermeable material. Composting facilities that only compost Type A feedstocks may have a surface of compacted soil. The surface must be maintained in a condition that prevents infiltration to the groundwater.

e. In-vessel composting shall be done in a container that does not leak, prevents access by vectors, and provides adequate aeration.

f. With the exception of in-vessel composting, the high-water table shall be at least 12 inches below the ground surface.

102.5(3) *Operational requirements.* Composting facilities shall be operated as follows.

a. Aerobic conditions shall be maintained.

b. Composting facilities shall be free of unsecured trash at the end of each operating day.

c. Non-compostable waste shall be removed or stored in a container or containment area and recycled or disposed of at a permitted sanitary disposal project.

d. Organic materials shall be managed to minimize odors, dust, noise, litter, contact water, fire and scavenging by vectors.

e. Composting shall be performed in a manner that minimizes the formation of contact water.

f. Storage of cured compost shall be limited to 18 months unless prior written approval from the department is granted for an extension.

g. Compost shall not be applied to land, sold, or given away unless all of the following conditions are met:

(1) Concentration of human-made inert materials such as glass, metal, and plastic is less than 1.5 percent by dry weight,

(2) The size of any human-made inert materials is less than 13 mm (0.512 inches).

h. Finished compost that contains bones that have not fully decomposed may be applied to cropland.

567—102.6(455D) Tier 1 composting facility. A Tier 1 facility is a compost facility that composts an unlimited amount of Type A, Type B, or both feedstocks generated on the premises and up to a total of 250 tons per year of Type A, Type B, or both feedstocks generated off site.

567—102.7(455D) Tier 2 composting facility. A Tier 2 facility is a compost facility that composts an unlimited amount of Type A feedstock generated on premises, off premises, or both; an unlimited amount of Type B feedstocks generated on the premises; and up to 250 tons per year of Type B feedstocks generated off the premises. Tier 2 facilities are subject to the following provisions.

102.7(1) Before the composting facility commences operation, the facility's operator must notify the department in writing of the following:

a. The location of the composting facility.

b. The legal description of the property that contains the facility.

c. The landowner's name, telephone number, email and mailing address.

d. The name, telephone number, and email and mailing addresses of the facility's operator and responsible official.

e. The maximum throughput and capacity of the facility.

f. The method of composting to be employed at the facility.

g. The source of the feedstock.

h. Aerial photography identifying wells, streams, creeks, rivers, ponds, sinkholes, and drainage wells within one-half mile of the closest portion of the facility.

102.7(2) The facility's feedstock receiving, processing, and storage areas must be clearly defined.

102.7(3) An annual report for the previous fiscal year beginning July 1 and ending June 30 shall be submitted to the department by July 31 of each year. The annual report shall be submitted using a form prescribed by the department. The report shall include:

a. Confirm that the amount and type of feedstock accepted was within the criteria for a Tier 2 facility.

b. Method of composting used.

c. Tons of finished compost sold, given away, or used by the permit holder.

d. Name of certified operator.

102.7(4) Beginning [one year following the effective date of this rule], the person responsible for daily operations shall be a certified compost operator as described in 567—102.11(455D).

567—102.8(455D) Tier 3 composting facilities. A Tier 3 composting facility is a compost facility that composts an unlimited amount of Type A feedstock generated on or off the premises, an unlimited amount of type B feedstock generated on the premises, and up to 1,000 tons per year type B feedstock generated off premises. Tier 3 facilities shall comply with the following provisions.

102.8(1) *Notification.* Before the composting facility commences operation, the department shall be notified in writing of the following.

a. The location of the composting facility.

b. Legal description of the facility.

c. Landowner's name, telephone number, email, and mailing address.

d. Responsible party's name, telephone number, email, and mailing address.

e. Maximum throughput and capacity.

f. Method of composting to be employed.

g. Source of the feedstock.

h. Aerial photograph identifying wells, streams, creeks, rivers, ponds, sinkholes, and drainage wells within one-half mile of the closest portion of the facility.

102.8(2) *Operational requirements.* In addition to the operational requirements in 102.5(4), Tier 3 composting facilities shall meet the following operational standards:

a. Tier 3 composting facilities must develop and follow an operations plan that describes operational procedures. This includes the method of composting; measures to control nuisance odors, vectors, fires, contact water, and stormwater; and plans for using or marketing finished compost. The operations plan must be reviewed annually and updated when there is a change to procedures, equipment, or feedstocks being processed. The operations plan shall be available to the department upon request.

b. The person responsible for daily operation of the facility shall be certified by a department-approved training program.

c. Feedstocks with free liquid shall be mixed with drier feedstocks, bulking material, or compost so that the liquid is promptly absorbed and not allowed to flow as free liquid from the compost piles or windrows. Free liquid that is not absorbed shall be managed as contact water.

d. Contact water shall be directed to a containment, recycling, treatment system, or any combination of the three.

e. By the end of each operating day, all incoming Type B feedstocks must be processed into the active composting pile, transferred to leak-proof containment, or mixed with bulking material and covered in a manner that minimizes nuisance odors and scavenging by vectors.

f. Beginning [one year following the effective date of this rule], the person responsible for daily operations shall be a certified compost operator as described in 567—102.11(455D).

102.8(3) *Reporting.* An annual report for the previous fiscal year beginning July 1 and ending June 30 shall be submitted to the department by July 31 of each year. The report shall be submitted using a form prescribed by the department. The report shall include:

a. Confirmation that the amount and type of feedstock accepted was within the criteria for a Tier 3 facility.

b. Method of composting used.

c. Tons of finished compost sold, given away or used by the permit holder.

d. Name of certified operator.

567—102.9(455D) Tier 4 composting facility. A Tier 4 composting facility is a compost facility that composts any amount of Type A, B, and C feedstock. Tier 4 facilities shall comply with the provisions of this rule.

102.9(1) *Permit required.* Tier 4 composting facilities shall not be operated without a permit from the department as described in 567—subrule 100.4(2). A permit application shall be on a form prescribed by the department and include the following in addition to the requirements in 567—subrule 100.5(1):

a. Aerial photography identifying wells, streams, creeks, rivers, ponds, sinkholes, and drainage wells within one-half mile of the closest portion of the facility.

b. Design documents prepared by an Iowa-licensed professional engineer that include the following:

(1) Dimensions, details, and capacities of the proposed receiving, processing, production, curing, and storage areas, as well as the contact water containment, recycling, or treatment system.

(2) Design calculations justifying the size of the composting area for the volume of material to be composted.

(3) Design plans showing compliance with design requirements in 102.9(3).

c. A stormwater management plan that prevents run-on to the operating base, as well as controls outside of the operating base for a 25-year 24-hour storm event.

d. A flow diagram of all steps in the operational procedure.

e. An operations plan addressing the following:

(1) The method of composting, including description of the aeration method and the aeration frequency to be used to maintain aerobic conditions.

(2) The duration of composting with a time frame for receiving, processing, production, curing, and storage.

(3) A description of storage of feedstock, including quantity and types.

(4) A description of the methods to minimize and manage odors, dust, vectors, noise, and litter.

(5) A description of the specific procedures to be followed in case of equipment breakdown, maintenance downtime, and fire in equipment, composting material, or buildings, including methods to be used to remove or dispose of accumulated waste and burned or damaged material.

(6) Plans for using or marketing the finished compost.

(7) The method(s) of managing collected contact water.

(8) The method(s) of maintaining contact water management systems to maintain design volume.

(9) The description of the monitoring, sampling, and analysis procedures and schedule for testing the composting, including sampling frequency, sample size and number, and sample locations.

f. A closure plan containing a description of the steps necessary to close the facility in compliance with 567—100.10(455B, 455D).

g. Documentation that the person responsible for daily operation of the facility is certified by a department-approved program.

102.9(2) *Design requirements.* In addition to the requirements of 102.5(2), Tier 4 composting facilities shall comply with the following.

a. All operations shall take place on a foundation that will permit accessibility during periods of inclement weather. The foundation shall be maintained and repaired, as needed.

b. A base/foundation used for receiving, processing, and production of feedstock must meet the following minimum design standards.

(1) The base must support the load of the equipment, vehicles, materials, and all operations for the duration of the permit period.

(2) The base must have sufficient slope to prevent surface ponding and to transmit contact water to a containment structure to prevent liquids from entering surface water or groundwater.

(3) The base must be protected with a wearing surface consisting of asphalt, concrete, compacted granular aggregate, or similar relatively impermeable material and underlain by a liner consisting of a minimum of 12 inches of recompacted clay or other approved material with a hydraulic conductivity of 1×10^{-5} cm/sec or less. The bottom of the liner shall be at least 12 inches above the high-water table.

c. The containment structure for contact water shall include a liner system consisting of a minimum of 12 inches of recompacted clay or other approved material with a hydraulic conductivity of 1×10^{-7} cm/sec or less. The bottom of the liner shall be at least five feet above the high-water table.

d. The design of the facility shall include specifications for documentation of quality control and assurance that the construction meets the minimum design standards.

e. Composting facilities permitted by the department prior to [the effective date of this rule] shall submit a compliance plan on or before [one year following the effective date of this rule] that includes a schedule to verify compliance or obtain compliance with this subrule no later than [five years following the effective date of this rule].

f. The department may approve alternatives to these design requirements that provides the same level of environmental protection.

102.9(3) *Operating requirements.* In addition, the requirements of 567—102.4(455D), Tier 4 composting facilities shall comply with the following.

a. Access to the facility shall be limited as follows.

(1) Access to the facility shall be restricted with a lockable gate at the entrance to the facility and perimeter access controlled by a fence or natural barrier approved by the department.

(2) Access to the facility shall be allowed only when an employee, agent, or representative of the facility is on duty.

(3) Emergency access to the facility shall be provided. Fire lanes shall be maintained to provide access for firefighting equipment.

b. All putrescible materials received must be incorporated into the composting process within 24 hours of receipt, unless storage of these materials is specified in the operations plan and authorized in the permit.

c. Compost processing time and temperatures shall meet Process to Further Reduce Pathogens (PFRP) requirements in B.1 of 40 CFR Part 503, Appendix B, and produce compost that meets the stability necessary for the intended use. Unless otherwise proposed in the operating plan and authorized in the permit, the permit holder shall test, at a minimum:

(1) Twice weekly temperature readings of compost piles, batches, and windrows.

(2) Weekly moisture levels of compost piles, batches, and windrows.

d. Contact water shall be directed to a containment, recycling, or treatment system that prevents prohibited discharges to the stormwater system or a surface water. A containment system shall have a minimum of one foot of freeboard at all times.

e. The person responsible for daily operations shall be a certified compost operator as described in 567—102.11(455D). The department may require as a condition in the permit that a facility retain a certified compost operator during all regular operational hours.

f. A visual inspection of the facility shall be conducted and documented on a quarterly basis at a minimum. If deficiencies are discovered during the visual inspection, actions taken to correct the deficiency shall be documented. The inspection shall at a minimum include the following.

(1) The condition of the pad. Portions of the pad that are under windrows or piles of curing or finished compost are not required to be inspected.

(2) Verification that ponding is not occurring on the pad.

(3) Verification that contact water is being directed to a containment, recycling, or treatment system and not discharging to the stormwater system or to surface water.

(4) The remaining capacity, amount of freeboard, and general condition of the contact water basin.

(5) The condition of containers and aeration equipment used for in-vessel composting if applicable.

102.9(4) *Product testing.* Prior to the use or sale, finished compost must be sampled and measurements taken for the purpose of product testing in a manner that is representative of the composting activity and consistent with Test Methods for Examination of Composting and Compost (TMECC) (2026) or other applicable standards approved by the department in the permit. Contaminants within finished compost must comply with the following:

a. The density of fecal coliform bacteria shall be less than 1,000 most probable number (MPN) per gram of total solids (dry weight basis) or the density of Salmonella sp. bacteria in compost shall be less than three MPN per four grams of total solids (dry weight basis).

b. The concentrations of all metals shall be less than the following:

Metal	Concentration mg/kg dry weight
Arsenic (As)	41
Cadmium (Cd)	39
Copper (Cu)	1500
Lead (Pb)	300
Mercury (Hg)	17
Nickel (Ni)	420
Selenium (Se)	100
Zinc (Zn)	2800

c. Compost shall be tested for stability using one of the methods listed in TMECC 5.08 (2026), Respirometry, or another method approved by the department in the permit.

102.9(5) *Recordkeeping requirements.* The following records shall be maintained by the facility for a period of three years, kept at the facility at all times, and submitted to the department upon request:

a. Analytical results described in 102.9(5).

b. Types and weight of compostable materials and bulking agent, in tons, accepted at the facility annually.

c. Weight of compost, in tons, removed from the facility annually.

d. A copy of the operations plan, the permit and annual reports.

e. Documentation of the volumes and dates of treatment, recycling, or disposal of unused contact water.

f. Documentation of visual inspections conducted pursuant to 102.9(4)*"f."*

102.9(6) *Reporting requirements.* An annual report for the previous fiscal year beginning July 1 and ending June 30 shall be submitted to the department by July 31 of each year. The report shall be submitted using a form prescribed by the department and include the following:

a. Tons of type A feedstock received.

b. Tons of type B feedstock received.

c. Tons of type C feedstock received.

d. Tons of finished compost sold, given away or used by permit holder.

e. Method of composting.

f. Name of certified operator.

g. Copy of the most recent results of the testing required in 102.9(4).

102.9(7) *Closure requirements.*

a. A schedule to implement the closure plan in 102.9(2)*"f"* shall be submitted to the department at least 30 days prior to the proposed termination date for the facility. If needed, a request to modify the closure plan may be submitted at the same time.

b. Unless an alternative schedule is approved by the department, within six months of the facility's ceasing operation, the facility shall properly dispose of all organic material, solid waste, and litter and remove all finished compost from the premises.

567—102.10(455D) Financial assurance. Tier 4 composting facilities must obtain and submit a financial assurance instrument to the department. The financial assurance instrument shall provide monetary funds to properly dispose of any preprocessed and postprocessed materials that remain at a facility due to the owner's or operator's failure to properly close the site according to the schedule approved be the department in 102.9(9)*"a"* or within six months of permit suspension, termination, revocation, or expiration if no alternative schedule is approved.

102.10(1) *No permit without financial assurance.* The department shall not issue or renew a permit to an owner or operator until a financial assurance instrument has been submitted to and approved by the department.

102.10(2) *Proof of compliance.* Proof of the establishment of the financial assurance instrument and compliance with this rule, including a current closure cost estimate, shall be submitted to the department at the time of application for a permit for a new composting facility. The owner or operator must provide continuous coverage for closure and submit proof of compliance, including an updated closure cost estimate, with each permit renewal until released from this requirement by the department.

102.10(3) *Use of one financial assurance instrument for multiple permitted activities.* Composting facilities required to maintain financial assurance pursuant to any other provisions of 567—Chapters 100 through 102 may satisfy the requirements of this rule by the use of one financial assurance instrument listed in 102.10(5).

102.10(4) *Financial assurance amounts required.* The estimate submitted to the department must be certified by an Iowa-licensed professional engineer and must account for at least the following factors determined by the department to be minimal necessary costs for closure:

a. Transportation costs, which include the cost to load the material, and total tip fees to properly dispose of the maximum tonnage of received materials that could be managed and stockpiled by the compost facility. Also included shall be the costs of properly removing any wastewater held at the facility.

b. The costs for maintaining financial assurance pursuant to any other provisions of 567—Chapters 100 through 123, if any, in accordance with 102.10(3).

102.10(5) *Acceptable financial assurance instruments.* The financial assurance instrument shall be established in an amount equal to the cost estimate prepared in accordance with 102.10(4) and shall not be canceled, revoked, disbursed, released, or allowed to terminate without the approval of the department. The language of the financial assurance instrument shall meet the criteria in 567—subrule 101.708(3). Financial assurance shall be provided by one of the following options:

a. Trust fund pursuant to 567—subrule 101.707(1).
b. Surety bond, pursuant to 567—subrule 101.707(2).
c. Letter of credit, pursuant to 567—subrule 101.707(3).
d. Corporate guarantee pursuant to 567—subrule 101.707(7).
e. Local government guarantee pursuant to 567—subrule 101.707(8).
f. Local government dedicated fund pursuant to 567—subrule 101.707(9).

567—102.11(455D) Compost operator certification.

102.11(1) *General requirements.* To become a certified compost facility operator, an individual shall complete a compost operator training course that has been approved by the department, then apply for certification by the department. An operator certified by another state may have reciprocity subject to approval by the department.

102.11(2) *Course approval.* To be approved by the department, an operator training course for a certified compost facility operator must have at least 24 contact hours and must address the following areas at a minimum:

a. Basic principles of composting and decomposition.
b. Composting methods.
c. Site design and equipment.
d. Characteristics of various types of feedstocks and recipe development.
e. Construction of windrows or piles.
f. Monitoring and troubleshooting.

g. Uses and markets for compost.

h. Applicable laws and regulations.

102.11(3) *Form.* Applications for certification shall be made on a form prescribed by the department.

102.11(4) *Duration and renewal of certification.* The department shall issue all compost operator certifications on a three-year cycle. This rule shall take effect relative solely to certifications on July 1, 2026, and a new cycle shall start at that time. The department may issue a certification at any time during a three-year cycle. Certificates are valid through the expiration date listed on the certification, which shall be the end of the most current cycle.

a. An application for renewal is due prior to expiration of certification. If a certificate holder fails to apply for renewal within 30 days following expiration of the certificate, the applicant must then apply for a new certification in accordance with 102.11(1).

b. To renew a certification, a certified operator must earn eight contact hours during each three-year period, except that a first-time certified operator is not required to earn contact hours prior to the first renewal of the certification. The certificates of operators not fulfilling the continuing education requirements will be void 30 days after the expiration date.

c. All activities for which contact hours will be granted must be related to compost and pre-approved by the department.

d. The certified operator is responsible for submitting an application for renewal that includes documentation of the contact hours completed during the renewal period.

e. The department may, in individual cases involving hardship or extenuating circumstances, grant an extension of time of up to three months within which the applicant may fulfill the contact hour requirements. Hardship or extenuating circumstances include documented health-related confinement or other circumstances beyond the control of the certified operator that prevent attendance at the required activities. All requests for extensions must be made prior to expiration of certification.

f. The deadline to apply for renewal and to fulfill continuing education requirements under this rule shall automatically be extended a length of time equal to any period in which the operator served honorably on active duty in military service within the three-year renewal cycle.

567—102.12(455D) Temporary operation without a certified operator. Notwithstanding any other provision of these rules, the department in its sole discretion may authorize, in writing, a facility to temporarily operate without a certified operator for a period of six months when a certified operator is no longer available to the facility. The facility must make a request in writing to the department, explaining why a temporary authorization is needed and identify the efforts that will be made to obtain a certified operator.

567—102.13 to **102.99** Reserved.

These rules are intended to implement Iowa Code section 455D.9.

DIVISION II
LAND APPLICATION OF WASTE

567—102.100(455B,17A) Purpose; applicability; compliance. This division shall apply to the land application of solid waste and industrial sludge, except as follows. It does not apply to sewage or other wastewater regulated by 567—Chapters 60 through 64, domestic septage, sewage sludge, animal manure, animal bedding, crop residue, waste registered as a fertilizer or soil conditioner with IDALS, waste registered as a liming agent with IDALS, or finished compost.

567—102.101(455B) Definitions. The definitions in Iowa Code section 455B.301 and 567—Chapter 100 shall apply to this division.

567—102.102(455B) Land application of water supply sludge.

102.102(1) Sludges generated from water supply treatment may be applied to lawns, gardens, flower beds, or similar areas associated with residential use and crops that may be consumed by humans without prior heating or processing that are commonly available to the public in raw form (e.g., sweetcorn, lettuce, carrots asparagus, squash).

102.102(2) Land application of sludges generated from water supply treatment are exempt from the remainder of this division.

567—102.103(455B) Waste eligible for land application. Material must conform with the following to land applied pursuant to this division.

102.103(1) The material must either meet the definition of solid waste or be a sludge resulting from commercial or industrial wastewater treatment, water supply treatment, or air pollution control facility.

102.103(2) The waste shall not contain constituents in excess of the levels specified below measured on a dry weight basis.

Constituents	Levels	Cumulative Loading Rate	
Arsenic	41 mg/kg	41 kg/ha	36 lb/ac
Cadmium	39 mg/kg	39 kg/ha	34 lb/ac
Chromium	1200 mg/kg	3000 kg/ha	2670 lb/ac
Copper	1500 mg/kg	1500 kg/ha	1335 lb/ac
Lead	300 mg/kg	300 kg/ha	267 lb/ac
Mercury	17 mg/kg	17 kg/ha	15 lb/ac
Molybdenum	75 mg/kg	75 kg/ha	66 lb/ac
Nickel	420 mg/kg	420 kg/ha	373 lb/ac
Selenium	36 mg/kg	100 kg/ha	89 lb/ac
Zinc	2800 mg/kg	2800 kg/ha	2490 lb/ac

102.103(3) If the waste has other toxic constituents, the toxic constituents shall not be in excess of levels where there is a threat to human, animal, or plant life as determined by the department.

102.103(4) The waste does not have a sodium absorption ratio in excess of levels where there is a threat to plant life. If high sodium absorption ratios are suspected, analytical testing may be required.

102.103(5) If the waste contains pathogens, the waste must be treated to reduce pathogen content by methods specified in 567—Chapter 67 prior to land application.

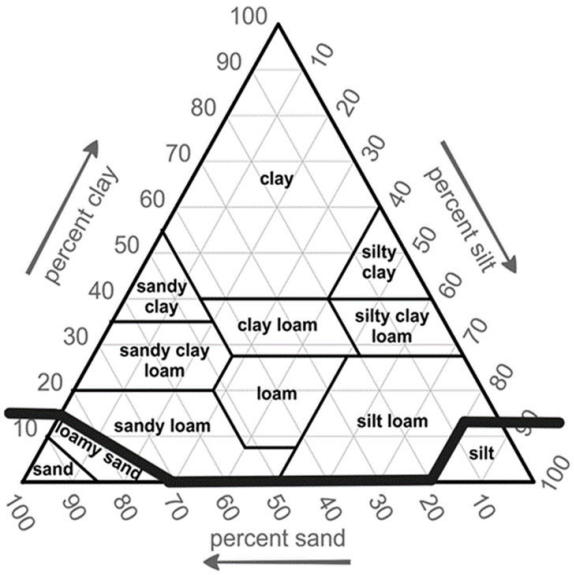
102.103(6) The waste shall not have direct process stream contact with or originate from a process that may release the following organic compounds.

a. Petroleum products,
b. Organic solvents,
c. Pesticides,
d. Pharmaceuticals,
e. Polychlorinated biphenyls (PCBs).

102.103(7) The waste assimilates and would not be readily present in a visual analysis of a random sample collected two years following application.

567—102.104(455B) Application site restrictions.

102.104(1) The waste shall not be applied to soils classified as sand, loamy sand, or silt on the United States Department of Agriculture (USDA) textural classification chart, 1951 Soil Survey Manual, USDA Handbook No. 18.



USDA textural classification chart. Sand size particles, 2-0.05 mm;
silt-sized particles, 0.05-.002 mm; and clay sized particles, less than .002 mm.

102.104(2) Land application sites shall have soil pH maintained above 6.0 unless otherwise specified in a permit. If the soil pH is below these levels, it is acceptable to use agricultural lime to increase the pH to an acceptable level prior to land application of sludge.

102.104(3) The waste shall not be applied to ground having greater than 9 percent slope unless specific permit conditions specify otherwise.

102.104(4) If the waste is applied to land subject to flooding more frequently than once in ten years, the waste shall be injected or shall be applied to the surface and mechanically incorporated into the soil within 48 hours.

102.104(5) Application on frozen or snow-covered ground shall be limited to areas of less than 5 percent slope unless specific permit conditions specify otherwise.

102.104(6) Waste shall not be applied within 200 feet of an occupied residence nor within 500 feet of a well that is part of a public water supply, as defined in 567—subrule 40.2(1), or 200 feet of all other wells.

102.104(7) Waste shall not be applied to land used for growing crops that may be consumed by humans without prior heating or processing or those that are commonly available to the public in raw form unless crops grown on the land are not harvested for at least 14 months following land application.

102.104(8) A site shall not be used for land application of waste from more than one generator in the same growing season or for a spring land application after land application the previous fall.

567—102.105(455B) Operating requirements. All land application projects shall be operated as follows.

102.105(1) If solid waste is applied within 200 feet of a stream, lake, sinkhole, or tile line surface intake located downgradient of the land application site, it shall be injected or applied to the surface and mechanically incorporated into the soil within 48 hours of application.

102.105(2) If waste is applied to land where crops being grown will be grazed by or fed to livestock within two months of waste application, or where cereal grains will be harvested within two months of waste application, the waste shall be injected or shall be applied to the surface and mechanically incorporated into the soil unless specific permit conditions specify otherwise. The general public shall not be given access to the disposal site during waste disposal and for a minimum of two months after waste disposal operations have ceased.

102.105(3) If the waste is putrescible, it shall be injected or mechanically incorporated within 24 hours or otherwise managed to prevent runoff and odor problems.

102.105(4) Land application shall not take place during or immediately preceding expected rains or other occasions when runoff may result unless subsurface injection methods are utilized. Additionally, land application shall not take place during periods of high groundwater conditions or during flooding.

102.105(5) The application of nitrogen available from the waste and any other sources shall not exceed the acceptable agronomic application rates for the vegetation to be grown on the site over the next year. The total application of phosphorus and potassium shall not exceed the acceptable agronomic application rates for the site and crops involved.

102.105(6) Waste may be staged prior to application at the application site pursuant to the following.

a. Putrescible waste shall not be staged for more than 48 hours.

b. Non-putrescible waste shall not be staged for longer than two weeks.

c. Waste shall not be staged within 200 feet of an occupied residence nor within 500 feet of a well that is part of a public water supply, as defined in 567—subrule 40.2(1), or 200 feet of all other wells.

d. The waste shall not be staged on soils classified as sand, loamy sand, or silt on the USDA textural classification chart shown in 567—subrule 102.104(6).

e. Runoff from the waste must be controlled at all times.

f. If weather or extenuating circumstances prevent application from taking place, the generator must notify the department.

102.105(7) When waste is supplied to other persons for land application, the generating facility shall do the following:

a. Inform the recipient of the applicable requirements of the waste disposal program.

b. If the generating facility determines that the recipient is not complying with applicable requirements of the waste disposal program or the land application criteria, the generating facility shall work with the recipient to obtain compliance with the requirements. If subsequent compliance cannot be achieved, the generating facility shall not supply additional waste to the person.

c. Inform all persons involved in waste disposal operations of the potential health hazards associated with waste disposal, including informing them of the cautions and recommended practices that should be followed to minimize these hazards.

102.105(8) The generator shall maintain records of the following:

a. Analysis of waste to document compliance with 102.103(2).

b. Records of land application for each site, which shall be maintained for five years; be made available to the department upon request; and include dates of application, application rate, and quantity of waste applied.

567—102.106(455B) General permit. Land application of waste at a rate that does not exceed two dry tons per acre per year and that meets the requirements of 567—102.103(455B), 567—102.104(455B), and 567—102.105(455B) may be land applied in accordance with this rule.

102.106(1) The maximum application rate shall be reduced if analysis of the waste indicates that a two ton per acre per year rate would provide nutrient levels in excess of crop nutrient requirements or would provide heavy metals concentrations in the soil at levels that may be detrimental to crop production or hazardous to human health.

102.106(2) All material must be staged on ground eligible for land application.

102.106(3) Before the initial land application, the applicator must notify the department in writing. This notice shall contain the following:

a. The name and address of the generator of the waste.

b. Contact information for the responsible official.

c. A description of the waste including the process to generate it, chemical analyses showing compliance with 102.103(2), and any additional analysis that the department may require to adequately define the waste. Chemical analysis shall be done by a laboratory certified pursuant to 567—Chapter 83.

d. Quantities of waste to be land applied.

e. Application rate.

f. Legal description of the site.

g. An aerial photo with the site outlined and any areas ineligible for application marked off.

h. Number of acres eligible for land application at the site.

i. The landowner's name and contact information.

567—102.107(455B) Permit. Prior to any land application of solid waste not exempted in 567—102.102(455B) or 567—102.106(455B), a solid waste management permit pursuant to 567—subrule 100.4(2) must be obtained by the waste generator.

102.107(1) *Permit application.* In lieu of the permit application requirements in 567—subrule 100.5(1), all permit applications for land application shall include:

a. The name, address, email, and telephone number of:

(1) The permit applicant (generator of the waste).

(2) Official responsible for operation of the project.

(3) Agronomist affiliated with the project.

b. Type, source, and expected volume or weight of waste to be handled per day, week, and year.

c. Information on the source, quantity, and method of treatment of the waste prior to disposal.

d. Chemical analyses showing compliance with 102.103(2) and any additional analysis that the department may require to adequately define the waste. Chemical analysis shall be done by a laboratory certified pursuant to 567—Chapter 83.

e. A detailed description of the land application process to be used, including the method and rate of application, and information indicating how the operational requirements of 567—102.105(455B) will be met.

f. A table of all application sites that includes the name of the site, legal description, county, acres eligible for land application, and the name of the landowner.

g. For each land application site, the following:

(1) An aerial photograph of sufficient scale to show all homes, buildings, lakes, ponds, watercourses, wetlands, dry runs, roads, and other applicable details.

(2) A map or aerial photo showing all wells located within 500 feet of the site.

(3) A soil map.

(4) Water table levels of the site, including the frequency and duration of any expected high-water table or flooding.

(5) Proof of the applicant's ownership of the site or legal entitlement to use the site for the disposal of waste.

h. Other information as required by the department.

102.107(2) *Reporting requirements.*

a. A permit holder shall have a certified professional agronomist perform an annual inspection of all sites utilized in the previous year to ensure soil properties and constituents being applied are suitable and will not exceed agronomic rates for the crop that will be produced the following summer. The agronomist will review soil test results to ensure that the application of the waste will not cause buildup of nutrients in the soil. The results of this inspection shall be submitted to the department's main office by April 1 each year.

b. A permit holder shall submit an annual report summarizing the records required in 102.105(8) *"b"* to the department's main office on a form provided by the department. The report will be for July through June and is due by October 1 of each year.

c. Sampling and analyses of the permitted waste shall be performed and submitted to the department according to a schedule stipulated in the permit. At a minimum, an analysis shall be submitted with each permit renewal.

102.107(3) *Temporary storage.*

a. The permit may allow for storage of stabilized sludge and solid waste at application sites subject to the following conditions:

(1) Waste shall not be stored within 200 feet of an occupied residence nor within 500 feet of a well that is part of a public water supply, as defined in 567—subrule 40.2(1), or 200 feet of all other wells.

(2) The waste shall not be stored on soils classified as sand, loamy sand, or silt on the USDA textural classification chart shown in 102.104(6).

(3) Amount stored may not exceed the amount needed for the next application window for that site.

(4) All material stored must be land applied the next application season.

(5) If weather or extenuating circumstances prevent application from taking place, the applicant must notify the department.

(6) Runoff shall be controlled at all times.

(7) Financial assurance in accordance with 567—102.108(455B) has been obtained.

b. The permit may allow for storage of stabilized sludge and solid waste at a consolidation point subject to the following conditions:

(1) Waste shall not be stored within 200 feet of an occupied residence nor within 500 feet of a well that is part of a public water supply, as defined in 567—subrule 40.2(1), or 200 feet of all other wells.

(2) The storage surface shall be made of asphalt, concrete, compacted granular aggregate, clay, or similar relatively impermeable material.

(3) All material stored must be land applied the next application season.

(4) If weather or extenuating circumstances prevent application from taking place, the applicant must notify the department.

(5) Runoff from the waste shall be controlled at all times.

(6) Financial assurance in accordance with 567—102.108(455B) has been obtained.

567—102.108(455B) Financial assurance. The holder of a solid waste management permit for the land application of wastes that has received authorization to temporarily store waste at the application site(s) or a consolidation point must obtain and submit a financial assurance instrument to the department. The financial assurance instrument shall provide monetary funds for the purpose of properly disposing of or having a third-party land apply any stored wastes due to the permit holder's failure to properly land apply wastes in accordance with this division and the applicable permit provisions.

102.108(1) *Proof of compliance.* Proof of the establishment of the financial assurance instrument and compliance with this rule, including a current closure cost estimate, shall be submitted by at the time of application for a permit to land apply solid wastes. The owner or operator must provide continuous coverage for closure and submit proof of compliance, including an updated closure cost estimate, with each permit renewal thereafter until released from this requirement by the department.

102.108(2) *Financial assurance amounts required.* The estimate submitted to the department must be certified by a professional engineer and account for at least the following factors determined by the department to be minimal necessary costs for closure.

a. Third-party labor and transportation costs and total tip fees to properly dispose of all solid wastes equal to the maximum storage capacity of all approved storage areas, or

b. Third-party labor costs to land apply all solid wastes equal to the maximum storage capacity of all approved storage areas.

102.108(3) *Acceptable financial assurance instruments.* The financial assurance instrument shall be established in an amount equal to the cost estimate prepared in accordance with 102.10(4) and shall not be canceled, revoked, disbursed, released, or allowed to terminate without the approval of the department. The language of the financial assurance instrument shall meet the criteria in 567—subrule 101.708(3). Financial assurance shall be provided by one of the following options.

a. Trust fund pursuant to 567—subrule 101.707(1).

b. Surety bond pursuant to 567—subrule 101.707(2).

c. Letter of credit pursuant to 567—subrule 101.707(3).

d. Corporate guarantee pursuant to 567—subrule 101.707(7).

567—102.109 to **102.199** Reserved.

These rules are intended to implement Iowa Code sections 455B.173 and 455B.304.

567—102.200(455B) Purpose. The purpose of this division is to establish rules for the safe and effective remediation and disposal of petroleum-contaminated soil (PCS) through landfarming.

567—102.201(455B) Applicability; compliance.

102.201(1) These rules apply to the landfarming of soils contaminated with biodegradable petroleum products including but not limited to gasoline, diesel fuel, kerosene, jet fuel, motor oil, hydraulic fluid, or some combination thereof. All PCS landfarming activities in which three or more cubic yards of PCS are excavated shall comply with this division. Uncontaminated soil that is excavated during the removal of the PCS shall not be counted toward the three-cubic-yard applicability threshold.

102.201(2) These rules do not apply to PCS that is being disposed of at a sanitary landfill.

102.201(3) The issuance of a landfarm permit by the department in no way relieves the generator or permit holder of the responsibility of complying with all other local, state, or federal statutes, ordinances, and rules and other applicable requirements.

102.201(4) These rules do not apply to hazardous waste.

102.201(5) All rules, standards, technical guidance, and other similar legal or technical documents referenced in this division shall be the version of those documents in effect on August 1, 2025, unless otherwise noted in these rules, and except for references to the Iowa Code and Iowa Administrative Code, which shall always be the most recent version unless otherwise noted in these rules.

567—102.202(455B) Definitions. The definitions set out in Iowa Code section 455B.301 shall be considered to be incorporated by reference in these rules. For the purposes of this division, the definitions found in 567—Chapter 100 shall apply.

567—102.203(455B) Landfarming application permits.

102.203(1) *Permit required.* PCS shall not be landfarmed without a solid waste management permit for landfarm application from the department pursuant to 567—subrule 100.4(2).

102.203(2) *Landfarm application permit.* Upon issuance of a landfarm application permit, the permit holder is authorized to apply PCS to the land to create one or more landfarms. This permit requires that landfarms be used for only one application of a particular source and type of PCS. This permit requires that no other PCS be applied within 15 feet of the area of land used as a landfarm until the landfarm is closed pursuant to 567—102.211(455B).

102.203(3) *Construction and operation.* Landfarms shall be constructed and operated according to these rules, any plans and specifications approved by the department, and the conditions of the permit. Any approved plans and specifications shall constitute a condition of the permit.

102.203(4) *Duration of permits.* Landfarm application permits shall be issued and may be renewed for a three-year term.

567—102.204(455B) Application information. To apply for a landfarm application permit, the applicant shall submit the following information to the department in addition to the requirements of 567—subrule 100.5(1):

102.204(1) The name, address, and telephone number of:

a. Owner(s) of the agency.

b. Individual responsible for recordkeeping and reporting.

c. An emergency contact person.

102.204(2) A plan of operations that complies with the requirements of 567—102.208(455B) and 567—102.210(455B).

102.204(3) An emergency response and remedial action plan (ERRAP) pursuant to 567—102.209(455B).

567—102.205(455B) PCS analysis and characterization.

102.205(1) *Source identification.* The name and address of the contaminated site from which the PCS originated and the spill or underground storage tank (UST) registration number shall be recorded.

102.205(2) *Type classification.* The PCS shall be classified by type according to the petroleum product's trade name (e.g., gasoline, diesel fuel) or according to the trade names if there is a mixture of petroleum products.

102.205(3) *Chemical testing.* The following analyses shall be performed.

a. Benzene, toluene, ethylbenzene, and xylene (BTEX) testing. The PCS shall be tested for BTEX.

b. Total extractable hydrocarbons as diesel (TEH-diesel) testing. The PCS shall be tested for TEH-diesel.

c. Total metals testing. If the history of the petroleum-contaminated site is known to have included solvents, batteries, leaded fuel, waste oil, or a gas station in operation prior to 1985, then the PCS shall be tested for total Resource Conservation and Recovery Act (RCRA) metals.

102.205(4) *Department-supervised emergency cleanups.* PCS originating from the cleanup of a spill or expedited over-excavation at a tank closure or upgrade under department jurisdiction shall be characterized and tested as follows before being landfarmed. Such PCS may be landfarmed prior to chemical testing, pursuant to the application rate in 120.9(6) and reporting requirements of 567—120.11(455B), if permission is obtained from department emergency response personnel or the department field office with jurisdiction over the landfarm site.

102.205(5) *Other cleanups.* PCS not originating from a department-supervised emergency cleanup pursuant to 102.205(1) shall be characterized and tested as follows before being landfarmed. PCS originating from a cleanup pursuant to 567—Chapter 135 may utilize those test results as applicable.

102.205(6) *Tar balls.* PCS that has the potential to produce tar balls shall not be landfarmed. Such PCS may be disposed of in a sanitary landfill.

102.205(7) *Other tests.* The department may require testing of the PCS for other chemicals of concern.

567—102.206(455B) Site exploration and suitability requirements for landfarms. All landfarms shall meet the following site exploration and suitability requirements.

102.206(1) *Previous use.* The landfarm applicator shall obtain written confirmation from the site owner of one of the following requirements:

a. That any other landfarm created in the past three years within 15 feet of the proposed landfarm plot has been closed pursuant to 567—102.211(455B).

b. That no area within 15 feet of the proposed landfarm plot has been used as a landfarm in the past three years.

102.206(2) *Wells.* PCS shall not be landfarmed or stored within 500 feet of a well that is being used or could be used for human or livestock consumption. The department may also exempt from this requirement extraction wells utilized as part of a remediation system. PCS shall not be landfarmed or stored within 500 feet of an agricultural drainage well.

102.206(3) *Sinkholes.* PCS shall not be landfarmed or stored within 500 feet of a sinkhole.

102.206(4) *Surface waters of the state.* PCS shall not be landfarmed or stored within 200 feet of a stream, lake, pond, wetland, or other surface water of the state. The department may waive the setback requirement for surface waters that have been constructed for pollution control purposes.

102.206(5) *Tile lines.* PCS shall not be landfarmed or stored within 200 feet of a tile line surface intake.

102.206(6) *Housing and sensitive populations.* PCS shall not be landfarmed or stored within 200 feet of an occupied residence, recreational area, child care facility, educational facility, or health care facility.

102.206(7) *Floodplains.* PCS shall not be landfarmed or stored within a 100-year floodplain.

102.206(8) *Slope.* PCS shall not be landfarmed or stored on slopes greater than 5 percent. This requirement may be satisfied by utilizing USDA soil maps.

102.206(9) *Soil properties for landfarm plot.* All soils in the landfarm plot of the landfarm shall comply with the following requirements.

a. USDA textural soil classification. Soils in the landfarm plot of landfarms shall be clay, sandy clay, sandy clay loam, sandy loam, silty clay, silty clay loam, clay loam, loam, or silt loam as classified by the USDA Textural Classification Chart for soils.

b. Stones and debris. Soils in the landfarm plot shall be free of stones and debris larger than four inches in diameter.

c. Soil pH. Soils in the landfarm plot shall have a pH greater than or equal to 6 and less than or equal to 9.

d. Bedrock separation. The landfarm plot shall have a minimum of six feet of soil over bedrock.

567—102.207(455B) PCS storage areas. PCS shall be stored on an impervious surface, under a roof of tarp to minimize the infiltration of precipitation, or in an area with minimal potential for stormwater run-on.

567—102.208(455B) Landfarm operating requirements. All landfarms shall comply with the following operating requirements.

102.208(1) *Standard PCS.* Only standard PCS may be land applied or stored at a landfarm without a permit amendment from the department.

102.208(2) *Nonstandard PCS.* A permit amendment from the department, pursuant to 567—subrule 100.5(4) shall be obtained for each particular source and type of nonstandard PCS before that PCS may be land applied or stored at a landfarm. The permit amendment application shall include a justification of how the PCS can be safely and effectively remediated by landfarming.

102.208(3) *Saturated or slurry PCS.* PCS in a saturated or slurry condition shall not be applied to the land or stored at a landfarm. PCS in such a condition shall be bulked with other biodegradable materials (e.g., compost, mulch) until it is no longer saturated or in a slurry before it is applied to the land or stored at a landfarm.

102.208(4) *Storage.* PCS shall be stored during the non-landfarm season, except as allowed by 102.208(4). PCS may be stored for up to seven days during landfarm season.

102.208(5) *Non-landfarm season.*

a. PCS shall only be applied to the land during non-landfarm season if the PCS must be applied to the land as part of an emergency cleanup supervised by the department pursuant to 120.6(1) or all of the following conditions exist:

(1) The landfarm plot is free of snow.

(2) The slope of the landfarm plot is less than 3 percent.

(3) The PCS is incorporated into the soil as soon as site conditions allow.

b. There is no precipitation.

102.208(6) *PCS plot requirements.* One application of a particular source and type of PCS may be applied to a landfarm plot. A landfarm may only apply a subsequent application of PCS to a previously utilized landfarm plot if such application is in compliance with the following:

a. The plot has been tested pursuant to 102.205(2)*"c"*(1), *"c"*(2), and *"c"*(3), and the results demonstrate that petroleum constituent concentrations are less than 0.54 mg/kg for benzene, 42 mg/kg for toluene, 15 mg/kg for ethylbenzene, 3800 mg/kg for TEH-diesel, and 0.02 mg/kg for MTBE.

b. A subsequent application of a particular source and type of PCS may not be applied within 15 feet of an area used as a single-use landfarm until the single-use landfarm is closed pursuant to 567—subrule 120.12(2).

102.208(7) *PCS application rates.* PCS shall be land applied at a rate that is as uniform as practical over an area sufficient to satisfy the greater of the following area requirements. However, PCS from an emergency cleanup supervised by the department pursuant to 102.205(1) may instead be land applied at a rate of 162 ft^2 of landfarm area per cubic yard (yd^3) of PCS, that is as uniform as practical, and in which no layer of unincorporated PCS is thicker than two inches.

a. Petroleum constituents. PCS shall be land applied over the largest area required by the following:

(1) PCS contaminated with benzene shall be land applied in accordance with Table 1. The average concentration of benzene in the PCS shall be used to determine the landfarm area (ft^2) required per cubic yard (yd^3) of PCS to be land applied. The average concentration of benzene shall be calculated from all soil boring test results that are within the PCS excavation area. The application shall be as uniform as practical over the area required.

Table 1			
0< mg/kg ≤10	81 ft^2	4 inches	537 yd^3
10< mg/kg ≤20	162 ft^2	2 inches	268 yd^3
20< mg/kg	324 ft^2	1 inch	134 yd^3

(2) PCS that is not contaminated with benzene or MTBE, but is contaminated with toluene, ethylbenzene, xylene, TEH-diesel, or some combination thereof, shall be land applied at a rate of 81 ft^2 of landfarm area per cubic yard (yd^3) of PCS. The application shall be as uniform as practical, and no layer of unincorporated PCS shall be thicker than four inches.

b. Total RCRA metals. PCS that has been tested for heavy metals pursuant to 102.205(1)*"c"*(3) shall be applied at a rate that is as uniform as practical, that results in no layer of PCS thicker than four inches, and that upon incorporation produces a landfarm soil that satisfies the following requirements. This analysis requires prior testing of background levels of RCRA metals at the proposed landfarm site.

(1) Total RCRA metals are less than 2,500 milligrams per kilogram (mg/kg).

(2) Any particular concentration of a RCRA metal is less than the appropriate statewide standard for soil developed pursuant to 567—Chapter 105, Division III.

102.208(8) *Flagging.* The landfarm plot(s) upon which PCS is land applied shall be delineated with flags for one year after land application or until the landfarm is closed pursuant to 567—102.211(455B), whichever is shorter.

102.208(9) *Removal of solid waste and rubble.* All solid waste that is not PCS shall be removed and properly disposed of prior to the landfarming of PCS. All rubble, stones, and debris larger than four inches in diameter, or that interfere with incorporating and turning the PCS, shall also be removed and properly disposed of.

102.208(10) *PCS incorporation.* PCS shall be incorporated into the soil by tilling, disking, or other suitable means within 48 hours of being land applied or before the next precipitation event, whichever is sooner. PCS shall not be incorporated deeper than 12 inches.

102.208(11) *Turning the PCS.* After incorporation, the PCS shall be turned by tilling, disking, or other suitable means at least once per month for the first three months during landfarm season.

102.208(12) *No crops for consumption.* Landfarms shall not grow crops within 15 feet of a landfarm plot that is flagged pursuant to 102.208(7). Crops for human and livestock consumption may be grown at a single-use landfarm after the landfarm plot is no longer required to be flagged pursuant to 102.208(7).

102.208(13) *Removal of PCS from a landfarm.* PCS shall not be removed from a landfarm until the landfarm is closed pursuant to 567—120.12(455B) or the following conditions are met:

a. One sample from each 2,500 ft^2 (e.g., 50-foot × 50-foot area) of landfarm plot is analyzed pursuant to 102.205(2)*"c"*(1), *"c"*(2), and *"c"*(3). A minimum of one sample per landfarm plot shall be obtained. All samples shall be obtained from between the top two to six inches of soil.

b. The results of the tests in 102.211(2)*"a"* demonstrate that petroleum constituent concentrations for benzene, toluene, ethylbenzene, TEH-diesel, and MTBE are below the detection limits required by 567—Chapter 135.

c. Records of the lab results, amount of PCS removed, and the exact final location of the PCS shall be maintained by the landfarm.

567—102.209(455B) Emergency response and remedial action plans.

102.209(1) *ERRAP.* An ERRAP as described in 567—100.14(455B) shall be maintained as part of the landfarming application permit.

102.209(2) *Access.* ERRAP documents shall be readily available. Landfarm applicators shall ensure that employees have either physical or digital access to the ERRAP document when conducting landfarm operations.

102.209(3) *Employee training.* At a minimum, all employees shall receive annual training sufficient to understand and utilize ERRAP documents.

567—102.210(455B) Reporting and recordkeeping requirements.

102.210(1) *Reporting.* The following information shall be submitted to the department on a form provided by the department. All reporting submissions shall include the name, address, and telephone number of the landfarm and permit holder, as well as the permit number.

a. Storage notification. Landfarms shall submit the following information to the department and department field office with jurisdiction over the landfarm before receipt of the PCS for storage; however, at least 30 days' notification is encouraged. PCS storage information from an emergency cleanup supervised by the department pursuant to 102.205(1), however, shall be reported within seven days of the emergency cleanup.

(1) The date the PCS is expected to be delivered for storage at the landfarm.

(2) Where the PCS will be stored at the landfarm.

(3) The spill number, UST registration number, and leaking UST (LUST) number, as applicable.

b. Land application notification. Landfarms shall submit the following information to the department and department field office with jurisdiction over the landfarm before land application; however, at least 30 days' notification is encouraged. PCS information from an emergency cleanup supervised by the department pursuant to 102.205(1), however, shall be reported within seven days of the emergency cleanup.

(1) The date the PCS is expected to be applied to the land. If the PCS is not applied on this date, the department shall be informed of the actual application date.

(2) A physical address or parcel identification number for the landfarm location, a legible topographic map or aerial photo, a USDA soil map with key, and a map of the 100-year floodplain illustrating and labeling where the PCS is to be applied.

(3) Application rate calculations pursuant to 102.208(6).

(4) The spill number, UST registration number, and LUST number, as applicable.

c. PCS analysis and characterization. Information on the analysis and characterization of the PCS pursuant to 567—102.205(455B) shall be submitted to the department before receipt of the PCS for storage or land application; however, at least 30 days' notification is encouraged. PCS analysis and characterization information from an emergency cleanup supervised by the department pursuant to 567—subrule 120.6(1), however, shall be reported within 60 days of the emergency cleanup.

102.210(2) *Recordkeeping.* All landfarm applicators shall maintain records of all information related to compliance with this division and the permit throughout the life of the landfarm and for three years after landfarm closure pursuant to 567—102.211(455B). This information shall be available to the department upon request. Applicable information includes but is not limited to the following material.

a. Permit application information pursuant to 567—102.204(455B).

b. PCS analysis and characterization pursuant to 567—102.205(455B).

c. Site suitability information pursuant to 567—102.206(455B).

d. Specific design requirements pursuant to 567—102.207(455B).

e. Operations information pursuant to 567—102.208(455B), in particular, application rate calculations pursuant to 102.208(6).

f. ERRAP documents pursuant to 567—102.209(455B).

g. Reports submitted pursuant to 102.210(1).

h. Closure information pursuant to 567—102.211(455B).

567—102.211(455B) Landfarm closure.

102.211(1) A landfarm shall be closed three years after the application of PCS unless otherwise authorized or required by this rule.

102.211(2) A landfarm may be closed if, at least six months after the application of PCS, documentation has been submitted and acknowledged in writing by the department that each landfarm plot has been tested as follows.

a. One sample from each 10,000 ft^2 (e.g., 100-foot × 100-foot area) of landfarm plot is analyzed pursuant to 102.205(2)*"c"*(1), *"c"*(2), and *"c"*(3). A minimum of one sample per landfarm plot shall be obtained. All samples shall be obtained from between the top two to six inches of soil.

b. The results of the tests in 102.211(2)*"a"* demonstrate that petroleum constituent concentrations are less than 0.54 mg/kg for benzene, 42 mg/kg for toluene, 15 mg/kg for ethylbenzene, 3800 mg/kg for TEH-diesel and 0.02 mg/kg for MTBE.

567—102.212(455B) Financial assurance requirements for landfarms. The holder of a sanitary disposal project permit for a landfarm must obtain and submit a financial assurance instrument to the department in accordance with this rule. The financial assurance instrument shall provide monetary funds for the purpose of conducting closure activities at the landfarm plot(s) due to the permit holder's failure to properly close the site as required in accordance with 567—102.211(455B) within 30 days of permit suspension, termination, revocation, or expiration.

102.212(1) *No permit without financial assurance.* The department shall not issue or renew a permit to an owner or operator of a landfarm until a financial assurance instrument has been submitted to and approved by the department.

102.212(2) *Proof of compliance.* Proof of the establishment of the financial assurance instrument and compliance with this rule, including a current closure cost estimate, shall be submitted at the time of application for a permit for a landfarm application permit. The owner or operator must provide continuous coverage for closure and submit proof of compliance, including an updated closure cost estimate, with each permit renewal thereafter until released from this requirement by the department.

102.212(3) *Financial assurance amounts required.* The estimate submitted to the department must be certified by a professional engineer and account for at least the following factors determined by the department to be minimal necessary costs for closure pursuant to 567—102.211(455B):

a. Third-party costs to conduct soil sampling and properly clean all equipment and storage areas at the landfarm plot(s).

b. If PCS is temporarily stored on site prior to incorporation, then this estimate shall include third-party labor and transportation costs and total tip fees to properly dispose of all PCS equal to the maximum storage capacity on site.

102.212(4) *Acceptable financial assurance instruments.* The financial assurance instrument shall be established in an amount equal to the cost estimate prepared in accordance with 102.212(3) and shall not be canceled, revoked, disbursed, released, or allowed to terminate without the approval of the department. Financial assurance may be provided by one of the following options:

a. Trust fund pursuant to 567—subrule 101.707(1).
b. Surety bond pursuant to 567—subrule 101.707(2).
c. Letter of credit pursuant to 567—subrule 101.707(3).
d. Corporate guarantee pursuant to 567—subrule 101.707(7).
e. Local government guarantee pursuant to 567—subrule 101.707(8).
f. Local government dedicated fund pursuant to 567—subrule 101.707(9).

567—102.213 to **102.299** Reserved.

These rules are intended to implement Iowa Code sections 455B.301A, 455B.304, and 455B.383.

DIVISION IV
BENEFICIAL USE

567—102.300(455B) Purpose. The purpose of this division is to establish rules for determining when the utilization of a solid by-product constitutes beneficial use rather than the disposal of solid waste. Solid by-products determined by the department not to be a solid waste through a beneficial use

determination will not be subject to regulation as disposal of solid waste. This division encourages the utilization of solid by-products, consistent with accepted engineering practices, when such utilization improves, or at a minimum does not adversely affect, human health and the environment.

567—102.301(455B) Applicability and compliance.

102.301(1) These rules establish a method for predetermination by the department that a proposed utilization of a solid by-product will not be regulated as solid waste disposal when utilized in the manner approved by the department. These rules apply to industrial, commercial, and institutional generators and users or proposed users of solid by-products that before receiving a beneficial use determination by the department were disposing of solid by-products as solid waste. These rules encourage environmentally sound materials management practices to maximize the use of recoverable materials and to foster resource recovery. The department reserves the authority to modify or revoke any beneficial use determination authorized under these regulations.

102.301(2) These rules do not pertain to organic materials composting. Division I of this chapter contains rules pertaining to organic materials composting.

102.301(3) These rules do not pertain to the land application of solid waste. Division II of this chapter contains rules pertaining to the land application of solid waste.

102.301(4) These rules do not pertain to the beneficial use of waste tires. Division V of this chapter contains rules pertaining to the beneficial use of waste tires.

102.301(5) These rules do not pertain to alternative cover material. 567—Chapter 101, Division II, contains rules pertaining to sanitary landfills utilizing or desiring to utilize solid by-products as alternative cover material.

102.301(6) These rules do not apply to solid by-products that are directly incorporated into a manufacturing process to make a commercial product unless the use of a solid by-product as an ingredient in an industrial process or as a substitute for a commercial product may present a threat of harm to human health and the environment that is similar to the harm that would occur from the improper disposal of the solid by-product.

102.301(7) Beneficial use determinations granted by the department before [the effective date of this rule] shall remain in effect unless specifically addressed by these rules or by written notification pursuant to 567—102.307(455B).

102.301(8) The issuance of a beneficial use determination by the department affirms that the proposed use is not subject to regulation as solid waste disposal to the extent the use and solid by-product conforms to the beneficial use application and determination. The issuance of a beneficial use determination by the department in no way relieves the generator or user of the responsibility of complying with all other local, state, and federal statutes, ordinances, and rules or other applicable requirements.

102.301(9) Respondents in actions to enforce these regulations who raise a claim that a certain solid by-product is not a solid waste or is conditionally exempt from regulation shall demonstrate that there is a known market or disposition for the solid by-product and that they meet the terms of the exemption. Documentation (such as contracts showing that a second person or entity utilizes the solid by-product as an ingredient in a production process) is needed to demonstrate that the solid by-product is not a solid waste or is exempt from regulation.

102.301(10) To ensure that all solid by-product applications do not pose a threat to human health and the environment, the department has the authority to determine if a proposed use is beneficial and to approve or deny applications if such a benefit is not evident. Proposed beneficial uses in which the primary purpose is as a land disposal mechanism, and any beneficial use would be incidental in nature, will be denied in accordance with 567—102.308(455B).

102.301(11) All rules, standards, technical guidance, and other similar legal or technical documents referenced in this division shall be the version of those documents in effect on August 1, 2025, unless otherwise noted in these rules, and except for references to the Iowa Code and Iowa Administrative Code, which shall always be the most recent version unless otherwise noted in these rules.

567—102.302(455B) Definitions. For the purposes of this division, the definitions in 567—Chapter 100 and Iowa Code section 455B.301 shall apply.

567—102.303(455B) Universally approved beneficial use determinations. The following solid by-products are hereby approved as the beneficial use of a solid by-product when utilized in the specific manners listed provided that such utilization is in compliance with 567—102.305(455B) and 567—102.306(455B). Unless an entity is otherwise notified by the department pursuant to 567—102.307(455B), such utilization does not require further approval from the department.

102.303(1) *Asphalt shingles.* Asphalt shingles that are certified, consistent with federal regulations (Reference: Appendix E, Subpart E, 40 CFR Part 763, Section 1, Polarized Light Microscopy), as not containing more than 1 percent asbestos may be used as follows:

a. Subbase for hard-surface pavement construction.

b. Road surfacing granular material.

c. Asphalt pavement material.

102.303(2) *Cement kiln dust.* Cement kiln dust may be used as follows:

a. Subbase for hard-surface pavement construction.

b. A soil amendment pursuant to 21—Chapter 44 and other IDALS rules.

c. A stabilizer for manure and waste sludge.

d. For soil stabilization purposes.

e. Structural fill or fill material.

102.303(3) *Coal combustion residual.*

a. Coal combustion fly ash, bottom ash, or boiler slag may be used as follows:

(1) Subbase for hard-surface pavement construction.

(2) For soil stabilization purposes.

(3) Structural fill or fill material.

b. Coal combustion bottom ash or boiler slag may also be used as follows:

(1) Sandblasting or other abrasive.

(2) Granules for roofing shingles.

c. Coal combustion flue gas desulfurization, flue gas pollution control by-products, including but not limited to lime, activated carbon and synthetic gypsum, may be used as follows:

(1) For soil stabilization purposes.

(2) Soil amendment pursuant to 21—Chapter 44 or an agricultural liming material pursuant to 21—Chapter 43 and other IDALS rules.

102.303(4) *Foundry sand.* Foundry sand from steel and ferrous casting may be used as follows:

a. Leachate control drainage material at a sanitary landfill.

b. Subbase for hard-surface pavement construction.

c. Structural fill or fill material.

d. Emergency flood control use for sandbags.

e. Sandblasting or other abrasive.

102.303(5) *Glass.* Uncontaminated, unleaded glass may be used as follows:

a. Leachate control drainage material at a sanitary landfill.

b. Subbase for hard-surface pavement construction.

c. Structural fill or fill material.

d. Sandblasting or other abrasive.

e. Filter media.

102.303(6) *Gypsum and gypsum wallboard.* Gypsum and gypsum wallboard that have not been treated to be water-resistant or flame-retardant may be used as a soil amendment pursuant to 21—Chapter 44 and other IDALS rules.

102.303(7) *Lime.* Lime produced as a by-product of public water supplies may be used as a soil amendment pursuant to 21—Chapter 44 or an agricultural liming material pursuant to 21—Chapter 43 and other IDALS rules.

102.303(8) *Lime kiln dust.* Lime kiln dust may be used as follows:

a. Subbase for hard-surface pavement construction.

b. A soil amendment pursuant to 21—Chapter 44 or an agricultural liming material pursuant to 21—Chapter 43 and other IDALS rules.

c. A stabilizer for manure and waste sludge.

d. For soil stabilization purposes.

e. Structural fill or fill material.

102.303(9) *Paper mill sludge.* Uncontaminated, dewatered paper mill sludge may be used as follows:

a. A fuel or energy source.

b. Bulking agent or carbon source for composting.

c. Animal bedding.

102.303(10) *Rubble.* Uncontaminated rubble such as dirt, stone, brick, or similar inorganic materials may be used for beneficial fill, landscaping, excavation, or grading or as a substitute for conventional aggregate at places other than a sanitary disposal project. Asphalt, however, shall not be approved for any of these uses if such use will cause the asphalt to be placed in a waterway or wetland, in any waters of the state, or within a floodplain.

102.303(11) *Sandblasting abrasives.* Sandblasting abrasives that do not contain heavy metal-based paint may be used as follows:

a. Subbase for hard-surface pavement construction.

b. Structural fill or fill material.

102.303(12) *Wastewater filter sand.* Wastewater filter sand free of pathogens may be used as follows:

a. Subbase for hard-surface pavement construction.

b. Leachate control drainage material at a sanitary landfill.

c. Structural fill or fill material.

567—102.304(455B) Application requirements for beneficial use determinations. Unless the beneficial use is approved pursuant to 567—102.303(455B), applicants will need to submit the following information on a form prescribed by 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 determination on a trial basis.

A generator, user, or proposed user 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.

102.304(1) The name, address, email, 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 in order to obtain a beneficial use determination.

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

f. Responsible official of agency to be served, if any.

102.304(2) Scaled map or aerial photograph locating the boundaries of the proposed beneficial use site, if applicable, and identifying:

a. North and other principal compass points.

b. Section lines and other legal boundaries.

c. Zoning and land use within 750 feet.

d. Homes and buildings within 750 feet.

e. Haul routes to and from the site, including load limits or other restrictions on those routes.

102.304(3) A description of the solid by-product under review and its proposed use, including the process that will be used to transport and handle the solid by-product, including any equipment.

102.304(4) The chemical and physical characteristics of the solid by-product under review.

102.304(5) 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. Applications submitted by persons other than the generator must be accompanied by written consent for the proposed use from the generator.

e. Other documentation that a market for the solid by-product exists.

102.304(6) A demonstration that the proposed use of the solid by-product will not adversely affect human health and the environment. On a form prescribed by the department, the demonstration may include but is not limited to a toxicity characteristics leaching procedure analysis and total metals testing of a representative sample of the solid by-product.

102.304(7) A solid by-product management plan pursuant to 102.305(3).

567—102.305(455B) Requirements for beneficial use determinations.

102.305(1) *Solid by-products applied to land.* Unless otherwise approved by the department, all beneficial uses, including those listed in 567—102.303(455B) other than uncontaminated rubble and soil, shall meet the following requirements if the beneficial use entails the solid by-product being used as a fill material, structural fill, or subbase for hard-surface pavement construction or for soil stabilization purposes:

a. Leachate characteristics of the solid by-product to be measured by the toxicity characteristics leaching procedure (TCLP, Environmental Protection Agency (EPA) Method 1311) and be consistent with federal regulations (Reference: Table 1, Subpart C, 40 CFR 261, Maximum Concentration of Contaminants for the Toxicity Characteristic).

b. Leachate characteristics of the solid by-product to be measured by the synthetic precipitation leaching procedure (SPLP, EPA Method 1312) and shall be less than or equal to ten times the maximum contaminant levels (MCL) for drinking water (Reference: Subpart G, 40 CFR 141, National Primary Drinking Water Regulations). Applicants may limit the SPLP analytes to total metals for drinking water.

c. Total metals testing of the solid by-product (Total Metals, EPA Method 6010) shall comply with the department's current statewide standards for soil (reported on dry weight basis) pursuant to 567—Chapter 105, Division III. Levels shall be consistent with the statewide standards for soil or the naturally occurring (i.e., background) levels of the soil, whichever are greater.

d. The department may establish additional constituent standards from those outlined in this rule for a solid by-product. The department will review regulatory limits on a quarterly basis and post updates to the department website. It is the responsibility of each generator, applicant and end user to ensure solid by-products comply with the most current regulatory limits.

e. The solid by-product shall produce a material that has a pH:

(1) Greater than or equal to 5 and less than or equal to 8 if the solid by-product may be used as growing media either now or in the future.

(2) Greater than or equal to 5 and less than 12 if the solid by-product is specifically intended not to be used as growing media either now or in the future. In this category, solid by-products with a pH equal to or greater than 10 but less than 12 shall be used only in areas where direct physical contact by humans for long periods of time is not expected to occur.

(3) For applications where only the surface may serve as growing media either now or in the future, then at a minimum the top three feet shall have a pH greater than or equal to 5 and less than or equal to 8. Solid by-products below the top three feet shall have a pH greater than or equal to 5 and less than or equal to 12.

f. The solid by-product shall not be placed in a waterway or wetland or any waters of the state or extend below or within five feet of the high water table.

g. The solid by-product shall not be placed within a 100-year floodplain unless in accordance with all local and department regulations, including 567—Chapter 71.

h. The solid by-product shall not be placed closer than 200 feet to a sinkhole or to a well that is being used or could be used for human or livestock water consumption.

i. The solid by-product shall not be placed closer than 100 feet of any property line unless written consent is obtained from the adjacent landowner(s).

j. The solid by-product shall not be putrescible.

k. Any project utilizing a solid by-product being applied to land, not including uncontaminated rubble and soil, that has not received a beneficial use determination shall be presumed to constitute the illegal disposal of solid waste.

102.305(2) *Determination.* The department may make a determination that a solid by-product that has received approval to be used beneficially ceases to be a solid waste if it is used in accordance with the terms and conditions of the beneficial use determination. Unless otherwise determined for the particular solid by-product under review, the point at which a solid by-product ceases to be a solid waste occurs when it is used in a manufacturing process to make a product, used as an effective substitute for a commercial product, or used as a fuel for energy recovery.

102.305(3) *Solid by-product management plans.* Recipients of beneficial use determinations granted pursuant to 567—102.304(455B) and those beneficial uses listed in 102.305(1) shall develop and maintain a solid by-product management plan (SBMP) that satisfies the following:

a. Lists the source(s) of the solid by-product.

b. Outlines procedures for periodic testing (not less than semiannually) of the solid by-product to confirm the proposed use continues to be adequately protective of human health and the environment and that the solid by-product continues to possess the physical characteristics and chemical properties that make it suitable for the approved beneficial use. Testing results from a certified laboratory pursuant to 567—Chapter 83 are to be submitted as part of the SBMP on a form prescribed by the department.

c. Provides a description of storage procedures including:

(1) Storage location(s).

(2) Maximum anticipated inventory, including dimensions of any stockpiles.

(3) Run-on and runoff controls, which may include a storm water National Pollutant Discharge Elimination System (NPDES) permit.

(4) Management practices to minimize uncontrolled dispersion of the solid by-product.

(5) Maximum storage time, not to exceed six months unless authorized in writing by the department.

567—102.306(455B) Recordkeeping and reporting requirements. Recipients of beneficial use determinations granted pursuant to 567—102.304(455B) and those beneficial uses listed in 102.305(1) shall comply with the following recordkeeping and reporting requirements.

102.306(1) *Recordkeeping.* An entity subject to this rule must maintain all records related to the solid by-product management plan for a minimum duration of five years after project completion.

102.306(2) *Reporting.* Unless otherwise directed by the department, solid by-product management plans are to be filed with the department's central office as follows:

a. An entity subject to this rule shall submit to the department a copy of the solid by-product management plan prior to reuse of the solid by-product, whenever that plan is revised, and within 60 days of the end of the calendar year, whichever is earlier.

b. An entity subject to this rule whose solid by-product is being applied to land pursuant to 102.305(1) shall also submit to the department the following information for each beneficial use project or activity:

(1) The location of the project.

(2) The tons of solid by-product utilized for the project.

567—102.307(455B) Revocation of beneficial use determinations. The department may revoke any beneficial use determination if it finds one or more of the following.

102.307(1) The matters serving as the basis for the department's determination were incomplete or incorrect or are no longer valid.

102.307(2) The department finds that there has been a violation of any law, rule, permit, or other authorization in its jurisdiction.

102.307(3) The department has reasonable cause to suspect, based upon information not previously considered or available as part of the application, demonstrating that management of the solid by-product under the approved beneficial use determination may present a significant risk to or adverse effect on human health and the environment.

102.307(4) The solid by-product is used in a manner inconsistent with the terms under which it was determined to no longer be a solid waste. The department may consider the placement, dumping, or other use of a solid by-product in a manner inconsistent with the beneficial use determination to be illegal disposal of solid waste, and the applicant, generator, distributer, or end user may be subject to enforcement action by the department pursuant to Iowa Code section 455B.307.

102.307(5) The applicant has requested the revocation of the determination or other legal grounds exist for such revocation.

567—102.308(455B) Denial of beneficial use determination applications. For applications that are found to be inconsistent with these regulations by the department, the following conditions apply.

102.308(1) The department will notify the applicant in writing of the denial, including supporting rationale, within 90 days of receipt of application.

102.308(2) Solid by-products for which a beneficial use determination is denied by the department are considered solid waste and remain subject to all applicable state and federal statutes, ordinances, and regulations.

102.308(3) Applicants may appeal the denial of a beneficial use determination to the department within 60 days of notification of denial. Such appeal shall be made in a manner consistent with 561—7.4(17A,455A).

567—102.309 to **102.399** Reserved.

These rules are intended to implement Iowa Code section 455B.304(19).

DIVISION V
WASTE TIRE MANAGEMENT

567—102.400(455D) Purpose. The purpose of this division is to establish guidelines for the proper management of waste tires, including collection, hauling, storage, processing, disposal, and beneficial reuse of waste tires and processed waste tire materials. This division shall not be construed to exempt a waste tire stockpile site, processing facility, or waste tire hauler from compliance with more stringent local ordinances, fire codes, or other applicable statutes. All rules, standards, technical guidance, and other similar legal or technical documents referenced in this division shall be the version of those documents in effect on August 1, 2025, unless otherwise noted in these rules, and except for references to the Iowa Code and Iowa Administrative Code, which shall always be the most recent version unless otherwise noted in these rules.

567—102.401(455D) Definitions. For the purposes of this division, the definitions in 567—Chapter 100 and Iowa Code sections 455D.11 and 455D.11I shall apply. In addition, "stockpile" as used in this division shall mean the storage or collection of waste tires in anticipation of final disposal.

567—102.402(455D) Registration of waste tire haulers. A waste tire hauler shall register with and obtain a certificate of registration from the department in accordance with this division before hauling waste tires in Iowa. Waste tire haulers that pick up tires within Iowa or that bring waste tires to Iowa for disposal, stockpiling, or processing shall be required to register.

102.402(1) *Registration exemption.* A waste tire hauler shall not be required to register under the following circumstances:

a. The waste tire hauler only travels through the state with waste tires as a part of interstate commerce and does not pick up, deposit, transfer, store, or dispose of any waste tires in Iowa.

b. The waste tire hauler is a municipal, county, state, or other public agency; the vehicles used for transport of the waste tires are owned and licensed by the public agency; and the agency hauls no more than 10,000 waste tires within a 12-month period.

102.402(2) *Annual registration.*

a. A waste tire hauler registration shall be valid for one year, and the waste tire hauler must annually renew the waste tire hauler registration in order to continue to provide waste tire hauling services within the state.

b. Initial registration of a waste tire hauler shall be valid upon the date of issuance by the department and shall be effective for a minimum 12-month period thereafter, with expiration of the initial registration to occur on either January 1 or July 1, whichever date occurs most closely after the initial 12-month registration period.

c. Subsequent annual renewal of the waste tire hauler's registration shall then occur on either January 1 or July 1, subject to the date of the original expiration as referenced in 102.402(2)*"b."*

102.402(3) *Registration form.* A waste tire hauler shall submit the following information on a form prescribed by the department for application for or renewal of registration as a waste tire hauler.

a. The name of the waste tire hauler and any other names under which the waste tire hauler may do business.

b. The principal address of the waste tire hauler and any other address at which the waste tire hauler may do business.

c. A business telephone number.

d. The name and address of the principal officer of a corporate waste tire hauler or the principal owner or owners of a waste tire hauler operating a proprietorship or partnership.

e. The following information for each motor vehicle used by the waste tire hauler for hauling waste tires:

(1) The name and address of the owner of the vehicle.

(2) The vehicle identification number of the vehicle.

(3) The year, make, and model of the vehicle.

(4) The license plate number of the vehicle.

(5) The name of the state in which the vehicle is registered.

f. A statement that the waste tire hauler agrees to comply with the vehicle identification requirements contained in this division.

g. The name of the permitted facility for waste tire disposal, stockpiling, or processing or of another site of end use where the waste tires will be transported.

h. A statement that the waste tire hauler shall pay all amounts due to any individual or group of individuals when due for damages caused by improper disposal of waste tires by the waste tire hauler or the waste tire hauler's employee while acting within the scope of employment.

i. A statement that the waste tire hauler agrees to notify the department within 30 days of any change in the information contained in the registration form.

j. The signature of the waste tire hauler.

102.402(4) *Waste tire hauler registration fee.* An application for initial registration or renewal shall be accompanied by a fee of $50.

567—102.403(455D) Waste tire hauler bond.

102.403(1) An application for registration or renewal shall not be approved by the department until the waste tire hauler has provided a surety bond in the sum of a minimum of $150,000, as provided for in Iowa Code section 455D.11I(6).

102.403(2) Bond requirements.

a. The bond shall be on a form prescribed by the department, and executed by a surety company authorized by the commissioner of insurance to do business in Iowa. The bond provided to the department shall be an original, or copy thereof.

b. The surety shall name the state of Iowa as the obligee for the bond.

c. The bond shall be continuous in nature until canceled by the surety. The surety shall provide at least 30 days' notice in writing to the waste tire hauler and the department in the event of any intent to cancel the bond and the effective date of the cancellation.

d. The waste tire hauler shall provide the department with a statement from the surety with each waste tire hauler registration renewal application, noting that the bond is paid and current for the annual period for which the waste tire hauler has applied for registration renewal.

567—102.404(455D) Marking of equipment. The following information shall be displayed on each side of equipment used by a registered waste tire hauler for the hauling of waste tires in letters and figures large enough to be read easily at a distance of 50 feet and in a color in contrast to the background.

1. The name of the registered waste tire hauler under whose authority the equipment is being operated.
2. The address of the registered waste tire hauler (city and state).
3. The registration number of the waste tire hauler, as assigned by the department. The hauler shall apply the letters and symbol "IA TH#" preceding the assigned registration number.

567—102.405(455D) Disposition of waste tires collected.

102.405(1) All tires collected by a waste tire hauler for which a fee has been collected or is to be charged shall be defined as solid waste and shall be regulated as such.

102.405(2) Upon receipt of waste tires from a person or business, the waste tire hauler shall handle the waste tires as follows:

a. The waste tires shall be directly transported to a tire collector, tire processor, or waste tire stockpile site as permitted and approved by the department or applicable local or state agencies.

b. The waste tires must be transported to a permitted site within 72 hours of initial pickup from the generator of the waste tires.

c. The waste tire hauler may not establish or operate any intermediate stockpiling, waste sorting, transfer, or processing activities regarding the waste tires collected unless such activities occur at a facility or site for which a waste tire stockpile permit or processing permit has been issued in accordance with Iowa Code section 455D.11, 567—102.407(455D), and 567—102.409(455D).

567—102.406(455D) Waste tire hauler reporting requirements. A registered waste tire hauler shall submit a semiannual report to the department on a form prescribed by the department. The report shall provide the department with appropriate information to ensure that waste tires recovered by the waste tire hauler have been handled properly for disposal or processing. Failure of a registered waste tire hauler to submit a timely report will result in denial of the waste tire hauler's renewal of registration.

102.406(1) *Reporting period.* A waste tire hauler shall submit semiannual reports to the department according to the following schedule:

a. For waste tires collected during the six-month period beginning January 1 through June 30, the hauler shall submit a report by the following September 1.

b. For waste tires collected during the six-month period beginning July 1 through December 31, the hauler shall submit a report by March 1 of the following year.

102.406(2) *Information required.* The semiannual report shall include the following information. All waste tire quantities determined by count or weight shall be reported in passenger tire equivalents.

a. Quantity of waste tires collected by the waste tire hauler from within Iowa for the reporting period.

b. Quantity of waste tires that are brought to Iowa by the waste tire hauler from out-of-state sources for the reporting period.

c. Final disposition of all the waste tires collected during the reporting period by listing each tire collector, tire processor, waste tire stockpile site, or other beneficial site of end use, as approved by the department, and the total quantities of waste tires that the hauler has delivered to each.

102.406(3) *Documentation and recordkeeping.* A waste tire hauler shall keep appropriate records, including but not limited to receipts, invoices, or manifests, to document all quantities of waste tires

hauled and disposed of by the waste tire hauler for the reporting period. These records shall be kept by the waste tire hauler for a minimum of three years and shall be available for audit or inspection at the request of the department.

567—102.407(455D) Waste tire stockpiling.

102.407(1) *Quantity limitations.*

a. No business or individual shall stockpile more than 500 passenger tire equivalents without obtaining a permit for a waste tire stockpile pursuant to 102.407(2).

b. Businesses or individuals may temporarily stockpile up to 1,500 passenger tire equivalents without obtaining a waste tire stockpile permit, subject to the following requirements:

(1) The waste tires are stockpiled only in a mobile container, truck, or trailer provided or serviced by a registered waste tire hauler.

(2) The waste tires are removed by a registered waste tire hauler or delivered to a permitted waste tire processor at least every 60 days.

(3) The waste tire generator has a written copy of a contract or service agreement for waste tire disposal services from a registered waste tire hauler.

c. A permitted sanitary disposal project shall be allowed to stockpile up to 1,500 passenger tire equivalents without a permit if the waste tires are removed at least every 120 days and are stockpiled in a manner to minimize the collection of water.

d. Persons who use waste tires for an approved beneficial use shall not be required to obtain a waste tire stockpile permit, subject to their compliance with the provisions of 567—102.411(455D).

102.407(2) *Waste tire stockpile permits.*

a. Any tire collector, business, or individual stockpiling more than 500 passenger tire equivalents on any one site must obtain a waste tire stockpile permit. An authorized vehicle recycler, as licensed by the Iowa department of transportation, may store up to 3,500 passenger tire equivalents without a waste tire stockpile permit; any storage beyond this amount shall require full compliance with this subrule. This subrule is applicable to the indoor, outdoor, and underground storage of waste tires. If the site cannot meet the conditions to obtain a waste tire stockpile permit, all waste tires must be removed from the site and properly disposed of within 30 days of notification by the department.

b. Any tire collector, business, or individual seeking to construct a waste tire stockpile under this subrule must obtain a permit from the department prior to initiating operations. The permit shall be issued to the owner of the site or the designated tire collector that will be operating the stockpile.

c. Waste tire stockpile permits shall have an annual fee of $850, payable to the department upon the application for a permit, and due annually beginning each July 1 thereafter at the rate of $850. Permit fees shall not be prorated. The permit shall be valid for a period of three years from date of issuance. Failure to remit the annual renewal fee to the department shall be cause for revocation pursuant to 567—100.13(455B,455D).

d. Application for a permit shall be on a form prescribed by the department and include, at a minimum, the following:

(1) The name, address, and telephone number of the individual who directly owns the stockpile site.

(2) The name, address, and telephone number of the tire collector at the stockpile site, if different from the owner.

(3) A scaled map showing all areas proposed to be used for the stockpiling of waste tires, all property boundaries of the site, and the location of all buildings and major improvements on the site and within 300 feet of the property boundary.

(4) A vector control plan to prevent infestations of mosquitoes and rodents for aboveground storage. The plan shall be prepared by a firm that provides professional vector management services. Upon request, the permittee must provide documentation to show implementation and monitoring of the approved vector control plan.

(5) A site closure plan describing the actions that would be taken to properly dispose of all waste tire materials at the site 30 days prior to any intent to discontinue operations, so that upon discontinuance of operations, no violation of waste tire or solid waste disposal laws will exist.

(6) An emergency response and remedial action plan, developed and implemented according to 567—100.14(455B). The applicant shall provide documentation that an opportunity for input and review of the plan was extended to the local fire department and local emergency management coordinator.

(7) A financial assurance instrument in compliance with 567—102.410(455D).

(8) A certified check for $850 made payable to the Iowa department of natural resources.

102.407(3) *Permitted stockpiling requirements.*

a. A permitted waste tire stockpile site in an open area shall meet the following minimum permit conditions:

(1) The site shall not contain more than 250,000 passenger tire equivalents.

(2) A single waste tire pile shall not contain more than 50,000 cubic feet of waste tires.

(3) The vertical dimension of a waste tire pile shall not exceed ten feet.

(4) A single waste tire pile shall not be more than 100 feet in length.

(5) The surface area covered by a waste tire pile shall not exceed 5,000 square feet; the pile may not be constructed upon any waste tire materials or other flammable materials.

(6) A 50-foot fire lane must be maintained between any two waste tire piles.

(7) All waste tire piles shall be located at least 50 feet from any building.

(8) Trees and brush shall be cleared within 50 feet of any waste tire pile.

(9) Combustible materials or volatile chemicals shall not be stored within 50 feet of any waste tire pile unless stored in approved fire-resistant containers or cabinets.

(10) A 20-pound Class ABC dry chemical fire extinguisher shall be available within 100 feet of any one portion of the waste tire stockpile area.

(11) The site must be graded to prevent any standing pools of water and to limit the runoff and run-on of precipitation in all areas where waste tires are stockpiled.

(12) A waste tire pile must be at least 200 feet from any well, lake, pond, river, stream, sinkhole, or tile line surface intake unless appropriate grading, or the construction of a barrier, dike, or berm, is completed to intercept surface water flows that may impact such interceptors. This distance may then be reduced to 50 feet.

(13) The stockpile site must be secured by a fence or barrier of a minimum of six feet in height to impede unauthorized vehicle and personal access. All gates and entry points shall be secured and locked when site personnel are not present.

(14) No open burning of any type shall be allowed at the permitted stockpile site. All fueling of vehicles and equipment and any other work or activity that may release sparks or flame shall be conducted at least 50 feet from any waste tire stockpiling area.

(15) Signs shall be posted every 100 feet on site, placed for visibility of personnel on site, that state: "Open burning on-site prohibited." The perimeter of the site shall be posted with signs every 100 feet, placed for visibility to those offsite, that state: "Highly flammable materials on-site. Burning in area not recommended."

(16) All waste tire piles shall be located at least 300 feet from any property line, street, or public right-of-way.

b. A permitted waste tire stockpile site in an enclosed area shall meet the minimum permit conditions in 102.407(3)*"a"*(2) through *"a"*(6), as well as the following:

(1) To qualify as an enclosed area, the area must be enclosed in a structure with a permanent roof and lateral protection to prevent precipitation from accumulating within the waste tires.

(2) An enclosed stockpiling structure shall not contain more than 50,000 passenger tire equivalents.

(3) Combustible materials other than waste tires or volatile chemicals shall not be stored in a structure permitted for waste tire stockpiling unless stored in approved fire-resistant containers or cabinets.

(4) A 20-pound Class ABC dry chemical fire extinguisher shall be available within 50 feet of any one portion of the waste tire stockpiling area.

(5) The structure must be secured from unauthorized access.

(6) No open burning of any type shall be allowed at the permitted stockpile site. All fueling of vehicles and equipment and any other work or activity that may release sparks or flame shall be

conducted at least 50 feet from any waste tire stockpiling area. The exterior of the enclosed stockpiling area shall be posted with signs, placed every 100 feet, that state: "Highly flammable materials stored inside. Burning on-site prohibited."

102.407(4) *Reporting requirements.* The holder of a permit for a waste tire stockpile facility shall submit a semiannual report to the department on a form prescribed by the department. The report shall state the following:

a. Quantity of waste tires stockpiled at the facility at the time of reporting determined by count or weight and reported in passenger tire equivalents.

b. Quantity of waste tires received from in-state sources for the reporting period.

c. Quantity of waste tires received from out-of-state sources for the reporting period.

d. For any waste tires removed from the permitted waste tire stockpile facility during the reporting period, quantity given by equivalent count or weight of such waste tires removed. Documentation shall be provided to denote how the reported quantity of tires were disposed of at a permitted facility, processed, or reused.

567—102.408(455D) Used tires.

102.408(1) *Used tire storage.* A used tire other than a waste tire shall be stored in a manner that provides for the following:

a. Prevention of the collection of water, dirt, or debris within the tire.

b. Organized storage through stacking, rows, and sorting that provides for accurate descriptions and counts of the types and sizes of tires.

c. Storage conforms to applicable local and state fire codes.

102.408(2) *Quantity limitations.* Used tires stored for more than one year without documentation of active resale or reuse, of tire inventory in a proportion equal to 75 percent of the amount stored, shall be considered waste tires and shall be subject to the applicable waste tire stockpiling and disposal rules of this division.

567—102.409(455D) Waste tire processing.

102.409(1) *Waste tire processing permits.*

a. Any business or individual operating a tire processing facility shall obtain a waste tire processing permit prior to initiating operations. The permit shall be issued to the owner of the site or the individual that will be operating the waste tire processing facility.

b. A permitted sanitary disposal project that accepts waste tires to cut, grind, or compact only for final disposal shall not be required to obtain a waste tire processing permit. Such facilities shall not store any cut or shredded waste tire materials for more than 30 days prior to final disposal.

c. Businesses or individuals operating mobile waste tire processing equipment shall be required to obtain a waste tire processing permit. The permit shall authorize the operator to provide waste tire processing services statewide; however, mobile operations shall not be allowed to store any processed or whole waste tires at any facility or site owned or operated by the permittee unless specifically authorized in writing by the department.

d. Businesses or individuals who cut, grind, or compact for disposal waste tires generated directly from operations at their own on-site manufacturing operation or vehicle or equipment service facility shall not be required to obtain a waste tire processing permit provided all waste tire materials processed on site are disposed of at least every 30 days at a permitted facility.

e. Processing permits shall have an annual fee of $850, payable to the department upon the application for a permit, and due annually beginning each July 1 thereafter at the rate of $850. Permit fees shall not be prorated. The permit shall be valid for a period of three years from date of issuance. Failure to remit the annual renewal fee shall be cause for revocation pursuant to 567—100.13(455B,455D).

f. A permitted waste tire processing facility shall have a site closure plan. The plan shall describe the actions that would be taken to properly dispose of all waste tire materials, in whole or processed form, at the site 30 days prior to any intent to discontinue operations so that, upon discontinuance of operations, no violation of waste tire or solid waste disposal laws exist.

g. A permitted processing facility shall have an emergency response and remedial action plan, developed and implemented according to 567—100.14(455B). The applicant shall provide documentation that an opportunity for input and review of the plan was extended to the local fire department and local emergency management coordinator.

h. A permitted waste tire processing facility shall obtain financial assurance in accordance with 567—102.410(455D), as necessary.

i. Application for a permit shall be on a form prescribed by the department and include, at a minimum, the following:

(1) The name, address, and telephone number of the individual who directly owns the tire processing facility.

(2) The name, address, and telephone number of the operator of the waste tire processing facility, if different from the owner.

(3) The type of processing operations to be conducted, including descriptions of processing equipment and its hourly capacity, operating hours of the facility, and types of processed tire materials to be produced.

(4) A scaled map showing all areas proposed for waste tire stockpiling and processing operations, all property boundaries of the site, and the location of all buildings and major improvements on the site and within 300 feet of the property boundary.

(5) A site closure plan as referenced in 102.409(1)*"f."*

(6) An emergency response and remedial action plan as referenced in 102.409(1)*"g."*

(7) A certified check for $850 made payable to the Iowa Department of Natural Resources.

(8) A financial assurance instrument as referenced in 102.409(1)*"h."*

102.409(2) *Permitted processing requirements.* A permitted waste tire processing facility shall meet the following minimum permit requirements.

a. The site must be graded to prevent any standing pools of water and to limit the runoff and run-on of precipitation in all areas where waste tires are stockpiled or processed tire material is staged prior to sale.

b. The processing facility site must be secured by a fence or barrier of a minimum of six feet in height to impede unauthorized vehicle and personal access. All gates and entry points shall be secured and locked when site personnel are not present.

c. No open burning of any type shall be allowed at the permitted waste tire processing facility. All fueling of vehicles and equipment and any other work or activity that may release sparks or flame shall be conducted at least 50 feet from any waste tire stockpiling area.

d. Signs shall be posted every 100 feet on site, placed for visibility of personnel on site, and state: "Open burning on-site prohibited." The perimeter of the site shall be posted with signs every 100 feet, placed for visibility to those offsite, that state: "Highly flammable materials on-site. Burning in area not recommended."

102.409(3) *Preprocessed whole waste tire stockpiling.*

a. Permitted stockpiling of whole waste tires on site prior to processing shall be limited to the quantity of waste tires that the facility has the ability to process within a three-day period. This quantity shall be determined by multiplying the actual number of working hours that processing is normally to occur during a typical three-day period by 80 percent of the manufacturer's specifications of hourly capacity of the processing equipment. After one year of the facility's operation, documented actual hourly production shall be used for this permit determination in lieu of the manufacturer's equipment specifications.

b. A permitted waste tire processor may stockpile an additional three-day capacity of preprocessed whole waste tires, above the initial three-day capacity, using the same quantity determination as stated in 102.409(3)*"a,"* subject to the tire processor's obtaining and maintaining financial assurance for these additional waste tires to be stockpiled prior to processing in accordance with 567—102.410(455D).

c. Under no circumstance shall a permitted waste tire processor be allowed to stockpile more than 75,000 preprocessed whole waste tires, measured as passenger tire equivalents, through any combination of processing performance or financial assurance. All waste tires on site, including those stored indoors

or outdoors or in trucks, trailers, or mobile cages, shall be counted in determining compliance with this subrule.

d. Any single waste tire shall not be stockpiled at the processing facility for more than 30 days before the tire is processed.

e. Preprocessed whole waste tires stockpiled outdoors shall comply with 102.407(3)*"a"*(2) through *"a"*(16), and any waste tires stockpiled in trucks, trailers, or mobile containers must be at least ten feet from any property line or building.

f. Indoor stockpiling of whole waste tires shall not be allowed within 20 feet of any waste tire processing or handling equipment. All waste tires being actively unloaded and fed into processing equipment, including those being off-loaded from trucks, trailers, or mobile containers, shall be cleared at least 20 feet away from the processing equipment by the end of the last working shift of the day. Any remaining indoor stockpiling shall comply with the requirements of 102.407(3)*"b"*(3) through *"b"*(6) and the following:

(1) No more than 25,000 passenger tire equivalents shall be stockpiled indoors.

(2) Combustible materials or volatile chemicals shall not be stored within 25 feet of any waste tire stockpile area unless they are stored in approved containers pursuant to applicable fire codes.

(3) A 20-pound Class ABC dry chemical fire extinguisher shall be available within 50 feet of any one portion of indoor tire stockpile area.

(4) The stockpiling structure must be secured from unauthorized access.

102.409(4) *Processed waste tire storage.*

a. Storage of processed waste tire materials at a waste tire processing facility shall be limited to the volume of material in aggregate that the processor manufactures within a consecutive 60-day period, using the facility's daily average capacity for processing whole waste tires as determined in 102.409(3)*"a."* The department shall have the final authority for determining the allowable quantities of processed tire materials to be stored.

b. Under no circumstances shall the equivalent of more than 500,000 processed tires, or 5,000 tons of material, be stored at the permitted waste tire processing site.

c. All processed waste tire material at the site of processing shall be stored as follows:

(1) Processed tires shall be stored in piles no more than 15 feet in height, 100 feet in length, and 50 feet in width and shall contain no more than 75,000 cubic feet of product by volume.

(2) A 50-foot fire lane must be maintained between piles of processed tire material, with the base of the lane kept free from the accumulation of waste tire-derived residuals or materials or other debris.

(3) All processed waste tire material shall be stored at least 50 feet from any property line, street, public right-of-way, or building.

(4) Trees and brush shall be cleared within 50 feet of the storage of all processed waste tire material.

(5) A 20-pound Class ABC dry chemical fire extinguisher shall be available within 100 feet of any one portion of processed waste tire stockpile area.

d. For indoor storage of more than 5,000 cubic feet of processed waste tire material, the material shall be stored on concrete floors and all retaining walls, bins, barriers, and roofing material for the material storage shall be constructed of nonflammable materials.

e. The processor must demonstrate a reasonable market demand for all types and quantities of processed product stored at the waste tire processing facility. Market demand for processed waste tire products shall be demonstrated by the processor through at least one of the following criteria:

(1) Active contracts, purchase orders, or supply agreements with an end user, noting quantities of material required by the end user, specifications of the quality of the product required by the end user, and monthly or annual demand of product by the end user from the processor. This information shall be made available for review by the department as required to determine compliance with this subrule.

(2) Historic, ongoing demand for product by an end user or type of end user within the state or surrounding region.

(3) Information and evidence that any proposed new product or use for processed waste tires produced by the tire processor will be marketed in a timely fashion, with sufficient demand and consumption by end user markets.

f. The department shall have the final authority in determining storage limitations, including prohibition, for processed waste tire products when active markets are not evident from information provided by the waste tire processor.

102.409(5) *Reporting requirements.* The holder of a permit for a waste tire processing facility shall submit a semiannual report to the department on a form prescribed by the department. The report shall state the following:

a. Quantity of waste tires received by the facility during the reporting period.

b. Quantity of waste tires received by the facility from in-state sources.

c. Quantity of waste tires received by the facility from out-of-state sources.

d. Quantity of unprocessed waste tires on hand at the facility at the time of reporting.

e. Quantity of waste tires processed and delivered to end users during the reporting period, by product type, with determinations of quantities of product delivered to identified in-state and out-of-state markets or sites.

f. Quantity of processed tire material currently stored at the facility, by product type.

102.409(6) *Disposal of solid wastes.*

a. All waste materials, residuals, and scraps derived from waste tire processing operations shall be regulated as solid waste. These materials include but are not limited to tire bead rings, metal wire, synthetic fibers, and cording.

b. All of these solid wastes must be disposed of at least every 60 days at a permitted sanitary disposal project, scrap recycler, or location, as approved by the department.

c. Documentation of the disposal of these solid wastes must be kept at the waste tire processing facility for a period of three years and shall be available for audit or inspection at the request of the department.

567—102.410(455D) Financial assurance requirements. Permitted waste tire processing sites and waste tire stockpile sites must obtain and submit a financial assurance instrument to the department in accordance with Iowa Code section 455D.11A and this rule.

102.410(1) *No permit without financial assurance.* The department shall not issue or renew a permit to an owner or operator of a waste tire processing or stockpile site until a financial assurance instrument(s) has been submitted to and approved by the department, as necessary.

102.410(2) *Financial assurance amounts required.*

a. Waste tire stockpile sites shall have financial assurance coverage equal to $2.50 per passenger tire equivalent collected and stockpiled.

b. Waste tire processing sites shall have financial assurance coverage equal to $2.50 per passenger tire equivalent stockpiled above the permitted three-day processing capacity, in accordance with 102.409(3)*"b."*

102.410(3) *Allowable financial assurance instruments.* The instruments used to demonstrate financial assurance must ensure that the funds necessary to properly dispose of any waste tires that may remain at a permitted waste tire stockpile or waste tire processing site due to the owner's or operator's failure to properly close the site within 30 days of permit termination, revocation, or expiration. The financial assurance instrument must be legally valid, binding, and enforceable under Iowa law and shall not be canceled, revoked, disbursed, released, or allowed to terminate without the approval of the department. Owners or operators must choose from options in 102.410(3)*"a"* through *"e,"* as provided for in Iowa Code section 455D.11A(3).

a. Cash. Cash payments shall be provided by a certified check, made payable to the Iowa Department of Natural Resources.

b. Surety bond. An owner or operator may demonstrate financial assurance for closure by obtaining a payment or performance surety bond, which conforms to the requirements of this paragraph. The surety bond agreement shall be on a form prescribed by the department and executed by a surety company authorized by the commissioner of insurance to do business in Iowa. The owner or operator

shall provide the department with a statement from the surety with each permit renewal application, noting that the bond is paid and current for the period for which the applicant has applied for permit renewal. The executed surety bond provided to the department shall be an original, or copy thereof, that addresses the following:

(1) The penal sum of the bond must be in an amount at least equal to the amount specified in 102.410(2).

(2) Under the terms of the bond, the surety will become liable on the bond obligation when the owner or operator fails to perform as guaranteed by the bond and upon notice from the department pursuant to 102.410(8)*"e."*

(3) The owner or operator must also establish a standby trust fund. The standby trust fund must meet the requirements of 102.410(3)*"d."*

(4) Payments made under the terms of the letter of credit will be deposited by the issuing institution directly into the standby trust fund. Payments from the trust fund must be authorized by the trustee pursuant to 102.410(3)*"d"*(3).

c. Letter of credit. An owner or operator may demonstrate financial assurance for closure by obtaining an irrevocable standby letter of credit, which conforms to the requirements of this paragraph. The letter of credit agreement shall be on a form prescribed by the department, and the issuing institution must be an entity that has the authority to issue letters of credit and whose letter-of-credit operations are regulated and examined by a federal or state agency. The owner or operator shall provide the department with a statement from the issuing institution with each permit renewal application, noting that the letter of credit is paid and current for the period for which the applicant has applied for permit renewal. The executed letter of credit provided to the department shall be an original, or copy thereof, that addresses the following:

(1) The letter of credit must be irrevocable and issued for a period of at least one year in an amount at least equal to the amount specified in 102.410(2).

(2) The provision of funds by the issuer of the letter of credit shall be considered an issuance of a loan to the owner or operator, and the terms of that loan shall be governed by the letter of credit or subsequent agreement between those parties.

(3) A letter from the owner or operator referring to the letter of credit by number, issuing institution, and date; providing the name and address of the facility; and providing the amount of funds assured must be included with the letter of credit submitted to the department.

(4) The owner or operator must also establish a standby trust fund. The standby trust fund must meet the requirements of 102.410(3)*"d."*

(5) Payments made under the terms of the letter of credit will be deposited by the issuing institution directly into the standby trust fund. Payments from the trust fund must be authorized by the trustee pursuant to 102.410(3)*"d"*(3).

d. Trust fund. An owner or operator may demonstrate financial assurance for closure by establishing a trust fund that conforms to the requirements of this paragraph. The trust fund agreement shall be on a form prescribed by the department, and the trustee must be an entity that has the authority to act as a trustee and whose trust operations are regulated and examined by a federal or state agency. The executed trust fund provided to the department shall be an original, or copy thereof, that addresses the following:

(1) The trust fund shall be in an amount least equal to the amount specified in 102.410(2).

(2) The owner or operator shall provide the department with a statement from the trustee with each permit renewal application, documenting the current value of the trust fund complies with 102.410(2).

(3) The owner or operator, department, or other person authorized to conduct closure may request reimbursement from the trustee for these expenditures as they are incurred. Requests for reimbursement will be granted by the trustee only if sufficient funds are remaining in the trust fund to cover the remaining costs of proper site closure. The owner or operator, or other person authorized to conduct closure, must submit to the department documentation of the justification for reimbursement and verification that reimbursement has been received.

e. Corporate guarantee. An owner or operator that satisfies the requirements of this paragraph may demonstrate financial assurance for closure by obtaining a written guarantee.

(1) Affiliation. The guarantor must be the direct or higher-tier parent corporation of the owner or operator, a firm whose parent corporation is also the parent corporation of the owner or operator, or a firm with a substantial business relationship with the owner or operator. A certified copy of the executed guarantee must be placed in the facility's operating record along with copies of the letter from the guarantor's chief financial officer and the independent certified public accountant's opinion(s). If the guarantor's parent corporation is also the parent corporation of the owner or operator, the letter from the guarantor's chief financial officer must describe the value received in consideration of the guarantee. If the guarantor is a firm with a substantial business relationship with the owner or operator, this letter must describe this substantial business relationship and the value received in consideration of the guarantee.

(2) Terms of the written guarantee. The guarantee must be effective and all required submissions made to the department prior to the initial receipt of waste tires or before the cancellation of an alternative financial assurance instrument, in the case of closure. The guarantee must provide that:

1. If the owner or operator fails to perform proper closure of a site covered by the guarantee, or fails to obtain alternative financial assurance within 90 days of notice of intent to cancel pursuant to 102.410(8), the guarantor will:

- Perform, or pay a third party to perform, proper closure as required (performance guarantee); or
- Establish a fully funded trust fund as specified in 102.410(3)*"d"* in the name of the owner or operator (payment guarantee);

2. The guarantee will remain in force for as long as the owner or operator must comply with the applicable financial assurance requirements of this rule unless the guarantor sends prior notice of cancellation by certified mail to the owner or operator and to the department pursuant to 102.410(8).

(3) The department may, based on a reasonable belief that the corporate guarantor may no longer assure the funds of the written guarantee, require at any time the corporate guarantor to provide reports of its financial condition. If a corporate guarantor can no longer assure the funds of the written guarantee, the owner or operator must submit to the department proof of alternative financial assurance within 90-days of written notification by the department.

102.410(4) *Use of multiple financial assurance instruments.* An owner or operator may satisfy the requirements of 567—102.410(455D) by establishing more than one financial assurance instrument per site, except that instruments guaranteeing performance rather than payment may not be combined with other instruments. The instruments must be a combination of those instruments outlined in 102.410(3) and must provide financial assurance for an amount sufficient to satisfy the requirements of 102.410(2).

102.410(5) *Exemption.* The requirement for financial assurance shall not apply to waste tire stockpiling or processing sites operated by a city or county or operated in conjunction with a permitted sanitary landfill.

102.410(6) *Benefit of creditors; final judgment.* The financial assurance instrument shall not be assigned for the benefit of creditors with the exception of the state and shall not be used to pay any final judgment against a permit holder arising out of the ownership or operation of the site.

102.410(7) *Failure to undertake closure activities.* The department shall have full rights of access to all funds existing in a permitted facility's financial assurance instrument(s), at the sole discretion of the department, if the permit holder fails to undertake closure activities after being directed to do so by a final agency action of the department. These funds shall be used only for the purposes of funding closure activities at the site.

102.410(8) *Financial assurance cancellation and permit suspension.*

a. A financial assurance instrument may be terminated by the owner or operator only if the owner or operator substitutes alternative financial assurance prior to cancellation or if the owner or operator is no longer required to demonstrate financial responsibility in accordance with this rule.

b. A financial assurance instrument shall be continuous in nature until canceled by the financial assurance provider, or until the department gives written notification to the owner or operator and the financial assurance provider, that the covered site has demonstrated compliance with the applicable closure requirements. The financial assurance provider shall give at least 90 days' notice in writing to

the owner or operator and to the department in the event of any intent to cancel a financial assurance instrument, as evidenced by the return receipts.

c. Within 30 days of receipt of a written notice of cancellation of a financial assurance instrument, the owner or operator must provide the department with proof of alternative financial assurance or notice from the issuing institution of withdrawal of the cancellation. If a means of continued financial assurance is not provided within the 30-day time frame, the department shall suspend the permit.

d. The owner or operator shall perform proper closure within 30 days of the permit suspension, termination, revocation, or expiration. For the purpose of this subrule, proper closure means removal of all waste tires and related products from the site or facility through acceptable disposal or processing options.

e. If the owner or operator does not properly close the site within the 30-day period allowed, this shall constitute a failure to perform and the department shall file a claim with the financial assurance instrument provider to collect the amount of funds necessary to properly close the site prior to the expiration of the 90-day notice period.

f. Any financial assurance instrument provided to the department must remain in continuous effect until the department gives written notification to the owner, operator, and financial assurance provider that the covered site has been properly closed. An owner or operator who elects to terminate a permitted activity, whose renewal application has been denied, or whose permit has been suspended or revoked for cause must submit within 30 days of the termination of the permit a schedule for completing proper closure of the terminated activity. Closure completion cannot exceed 180 days from the date of termination of the permit.

g. The department may request payment from any financial assurance provider for the purpose of completing proper site closure when the owner or operator declares an economic inability to comply with this rule either by sending written notification to the department or through an action such as but not limited to filing for bankruptcy.

567—102.411(455D) Beneficial use of waste tires.

102.411(1) *Role of the department.* In order to ensure that proposed uses of whole or processed waste tires do not pose a threat to the environment or to the public health, welfare, and safety, the department shall have the authority to determine if a proposed use is beneficial and shall have the authority to approve or deny applications if such a benefit is not evident. Proposed beneficial uses in which the primary purpose of the project is as a land disposal mechanism shall not be approved.

102.411(2) *Beneficial uses for whole waste tires.* The following applications shall be considered acceptable beneficial uses for whole waste tires:

a. Tire swings, sandboxes, or other equipment for child play areas on residential lots or at schools, care centers, and recreational areas;

b. Dock bumpers at vehicle loading/unloading docks or marine docks;

c. Crash barriers at racetracks;

d. Agricultural uses to hold down covers over hay, silage, and other agricultural commodities. When not in use, the tires should be neatly stacked.

102.411(3) *Required notifications and approval for whole waste tire uses.* Prior to the installation or placement of waste tires for a beneficial use as allowed in 102.411(2), the owner or operator of the site of end use shall properly notify or seek approval from the department for the proposed beneficial use under the following circumstances. These circumstances apply to the total combined amount of waste tire material that already is, or is intended to be, used at the site:

a. For applications of less than 250 whole waste tires, notification to the department is not required.

b. For applications of 250 to 500 whole waste tires, the department shall be notified in writing no less than 30 days prior to the construction or placement of waste tires for a proposed beneficial use, with the following information provided:

(1) The name, address, and telephone number of the owner, operator, or individual responsible for the beneficial use application at the site of end use;

(2) The address of the site of beneficial end use;

(3) The estimated total number of waste tires to be used;

(4) A description of the beneficial use application;

(5) A project timeline, including proposed project start and end dates; and

(6) A statement that explains how the site owner shall properly dispose of such waste tires in the event that the beneficial use is discontinued or dismantled.

c. For applications of more than 500 waste tires, approval by the department shall be obtained prior to any such applications. Approval requests shall be made to the department in writing and shall contain all information as requested in 102.411(3)*"b,"* as well as a scaled plan of the site of end use with areas noted where whole waste tires are to be placed, including locations of the site of end use property lines and the location of any structures within 300 feet of the site of end use.

102.411(4) *Prevention of public health risks for whole waste tire uses.* All beneficial uses of whole waste tires as approved in this rule shall have incorporated into their design and construction measures to prevent the retention and stagnation of water in the event that such conditions are likely to exist. These measures shall include, at a minimum, the piercing or drilling of holes in whole waste tires to allow for water drainage. Such measures shall be designed to minimize risks to public health and safety caused by the breeding of disease-carrying insects and rodents.

102.411(5) *Beneficial uses for processed waste tires.* This subrule establishes acceptable beneficial uses for waste tires that have been processed and required design criteria that shall be observed in the placement of processed waste tires at the site of end use. The following applications shall be considered acceptable beneficial uses for processed waste tires:

a. On-site wastewater treatment and disposal system construction, to include use of processed waste tires in lateral trenches and as fill to cover distribution pipes under the following conditions:

(1) The on-site wastewater treatment and disposal system is constructed and permitted according to the requirements of 567—Chapter 69;

(2) Processed waste tires used in the system have a minimum dimension of one inch on any one side and a maximum dimension of three inches on any one side; and

(3) The administrative authority responsible for issuance of the permit approves the beneficial use. The authority shall have the sole discretion to deny use of processed waste tires in system construction based on any engineering or design principle concerns.

b. Lightweight fill in public roads, public road embankment construction, and other public civil engineering applications if all of the following conditions are met:

(1) The waste tire pieces are of uniform composition and sizing;

(2) The waste tire pieces are not mixed with other solid wastes, vegetation, composted materials, or other processed waste tire products, including separated tire bead wire, steel cording, or nylon fibers;

(3) The waste tires are not placed in direct contact with surface water or groundwater;

(4) The processed waste tires are isolated from overburden materials by a protective membrane or liner to prevent intrusion and settling of overburden; and

(5) An Iowa-licensed professional engineer designs and supervises the incorporation of processed waste tires.

c. Structural foundation drainage material used in a project as approved through a local building permit.

d. A bulking agent for composting operations at permitted composting facilities, with processed waste tire pieces no larger than three inches on any one side.

e. Leachate drainage medium at a permitted sanitary landfill, provided that the medium meets engineering and design requirements for the landfill's operating permit pursuant to 567—Chapter 101, Divisions I through IV.

f. Agricultural uses to hold down covers over hay, silage, and other agricultural commodities.

g. Traffic control devices for use in public roadway construction projects.

h. Portable surfaces manufactured from tire sidewalls or tread.

i. Tire sidewalls used for underturf water conservation and turf growth enhancement systems at golf courses.

102.411(6) *Requests for approval of other beneficial use applications.* The department shall have the authority to approve or deny requests for beneficial use applications for waste tires and waste tire material not specifically addressed within this rule. Requests for such use determinations shall be made to the department on a form prescribed by the department. The department may request project descriptions and supporting scientific and engineering data to determine if a request for a beneficial use determination is warranted. The department shall have the sole authority to deny a beneficial use request if the department determines that any one of the following conditions exists:

a. The requested beneficial use application poses a risk to the environment or to the public health, welfare, and safety;

b. The requested beneficial use application is determined to have the primary purpose as a land disposal mechanism, and any beneficial use would be incidental in nature; or

c. The requested beneficial use application would not be in accordance with other applicable federal, state, or local laws, regulations, and ordinances.

102.411(7) *Storage of waste tires prior to beneficial use.* Waste tires to be used for a beneficial use may be stored at the site of end use, subject to the following requirements:

a. Such waste tire materials shall be stored for no longer than 60 days prior to the date of application, except for whole waste tires for agricultural uses as specified in 102.411(2)*"d."*

b. All storage of such waste tire materials shall be conducted in accordance with the uniform fire code and the requirements of 102.409(3) and 102.409(4)*"c"* as applicable.

c. Any storage of waste tires associated with a proposed beneficial reuse project at a site of end use for longer than 60 days without implementation of completion of a beneficial reuse project shall be subject to the waste tire storage permitting requirements as contained in 567—102.407(455D).

567—102.412 to **102.499** Reserved.

These rules are intended to implement Iowa Code sections 455D.11, 455D.11A, 455D.11B, and 455D.11I.

DIVISION VI
SPECIAL WASTE AUTHORIZATIONS

567—102.500(455B,455D) Purpose. The purpose of this division is to implement Iowa Code section 455B.304 by providing rules for the disposal of special waste.

567—102.501(455B,455D) Applicability.

102.501(1) This division shall apply to generators of special waste and municipal solid waste landfills that accept special waste. No special wastes shall be delivered to or accepted by a MSWLF unless disposal is authorized by a special waste authorization (SWA) issued by the department or is general special waste pursuant to 567—102.508(455B,455D). Wastes for which an SWA has been issued shall be disposed of in accordance with the instructions, conditions, and limitations contained in the SWA. Any amendment requests shall be handled under these rules.

102.501(2) All rules, standards, technical guidance, and other similar legal or technical documents referenced in this division shall be the version of those documents in effect on August 1, 2025, unless otherwise noted in these rules, and except for references to the Iowa Code and Iowa Administrative Code, which shall always be the most recent version unless otherwise noted in these rules.

567—102.502(455B,455D) Definitions. For the purposes of this division, the definitions in Iowa Code section 455B.301 and 567—Chapter 100 shall apply.

567—102.503(455B,455D) Restrictions. Special wastes regulated by this division shall comply with the following provisions.

102.503(1) The waste shall not contain free liquids.

102.503(2) The waste shall not be a listed hazardous waste or meet the criteria for characteristic hazardous waste pursuant to the federal Resource Conservation and Recovery Act (RCRA).

102.503(3) Wastes with PCB concentrations equal to or greater than 50 ppm shall not be authorized for disposal at an MSWLF unless the waste is defined as PCB bulk product waste in 40 CFR 761.3.

102.503(4) Wastes that are used beneficially at an MSWLF are not special wastes.

567—102.504(455B,455D) Issuance of SWA.

102.504(1) Generators of special waste shall initiate an application for a SWA by providing the following to the receiving MSWLF.

a. Appropriate chemical analysis of the waste,

b. Description of the process that generates the waste and verification that no RCRA listings in 40 CFR 261 apply,

c. Toxicity characteristic leaching procedure (TCLP) test results when appropriate, which show that none of the federal limits in 40 CFR Part 261 are exceeded,

d. Physical form of the waste,

e. Weight or volume of the waste,

f. Safety data sheet (SDS) for the waste or for the materials from which the waste is generated, if applicable,

g. A description of the review of the alternatives to landfilling for each waste for which an SWA is requested, including details as to the extent the waste could be recycled, reduced, or reused so that landfilling is not necessary, and

h. Any other information requested by the department or the MSWLF.

102.504(2) The receiving MSWLF shall review the submitted materials. If after review it is determined that the waste is a special waste and the MSWLF is willing to accept the waste, the MSWLF shall develop a special waste acceptance criteria (SWAC) that includes instructions for disposal of waste. The MSWLF shall submit the SWAC and materials provided by the waste generator to the department for approval.

102.504(3) An SWA may be issued for a period not to exceed three years.

102.504(4) The holder of an SWA must apply for a renewal prior to the expiration of the SWA.

102.504(5) The department may revoke an SWA for cause at any time. Such cause may include but is not limited to evidence that indicates that the characteristics of the authorized quality of the waste vary from the authorized values, evidence that the continued disposal of the waste as authorized may pose a threat to the public health or the environment, or failure to comply with any condition in the SWA or the MSWLF's SWAC.

102.504(6) The issuance of an SWA does not obligate any waste disposal facility to accept the waste nor does it preclude the facility from imposing conditions or restrictions other than those listed in the SWA.

102.504(7) The issuance of an SWA does not exempt the waste generator or the MSWLF from any local, state, or federal laws or regulations.

567—102.505(455B,455D) MSWLF responsibilities.

102.505(1) MSWLFs shall submit special waste acceptance criteria to the department with each special waste request.

102.505(2) MSWLFs are required to ensure that special wastes delivered to the facility conform to the SWAC on file with the department.

102.505(3) Each MSWLF shall provide to the department, on a quarterly basis, a report of SWA activity including each SWA number and the quantities of waste disposed of during the reporting period. This information shall be submitted on a form prescribed by the department.

567—102.506(455B,455D) Special waste generator responsibilities. Special waste generator responsibilities shall include the following in addition to any requirements in the SWA or SWAC.

102.506(1) The generator shall adhere to the solid waste management hierarchy unless otherwise approved in an SWA. Alternatives include volume reduction at the source; recycling and reuse, including composting and land application; and other approved techniques of solid waste management including but not limited to combustion with energy recovery and combustion for waste disposal.

102.506(2) The generator shall ensure that waste regulated by a SWA arrives at the receiving MSWLF as a separate load and is not commingled with any other waste.

102.506(3) The generator shall make a waste determination as required by federal regulations and submit it and analytical results supporting an SWA to the MSWLF at a frequency to be determined by the MSWLF.

102.506(4) The generator must contact the designated MSWLF for instructions on delivering the waste and instructions for adhering to the MSWLF's SWAC.

102.506(5) The generator shall notify the department and MSWLF, prior to disposal, of any change in the characteristics of the special wastes being disposed.

102.506(6) Generators shall notify the MSWLF in writing when a one-time disposal under an SWA has been completed. This requirement is for one-time disposals only.

567—102.507(455B,455D) Additional requirements for specific types of special wastes.

102.507(1) *Sewage sludge.* Sewage sludge, including stabilized septic tank pumpings, shall not be disposed of in a MSWLF if it meets the criteria for Class I or II sewage sludge in 567—Chapter 67, except for use in daily, interim, or final cover according to the approved plan for the landfill. Class III sewage sludge may be disposed of at a MSWLF if stabilized according to 567—Chapter 67.

102.507(2) *Infectious waste.* Infectious waste may be placed with municipal solid waste if it is rendered nonpathological; it does not contain free liquids; and sharps are shredded, blunted, granulated, incinerated, or mechanically destroyed. The generator of the infectious waste must notify the waste hauler and the MSWLF that infectious waste is being placed with the regular municipal solid waste and, with the notice, certify that the infectious waste is properly treated in accordance with the requirements of this rule.

567—102.508(455B,455D) Conditions and requirements for the disposal of general special wastes. Disposal of general special waste shall be in accordance this rule. An SWA is not required for general special wastes. The following wastes are approved as general special wastes: asbestos-containing material (ACM), stabilized grit, bar screenings, and grease skimmings.

102.508(1) *Asbestos-containing material.* The MSWLF permit holder shall comply with the following conditions and requirements whenever asbestos-containing waste materials are accepted and disposed of in an MSWLF.

a. ACM wastes with 1 percent or less asbestos can be disposed of at the working face.

b. ACM wastes that contain greater than 1 percent asbestos are regulated under federal asbestos National Emission Standards for Hazardous Air Pollutants (NESHAP) and shall be managed in accordance with federal regulations defined in 40 CFR Part 61, Subpart M. Testing to determine asbestos content shall utilize the method specified in 40 CFR Part 763, Section 1, Subpart F, Appendix A.

c. Upon arrival at the MSWLF, the transporter shall present to the landfill operator the ACM waste shipment records, which shall include a determination whether the ACM waste is friable or nonfriable, if known. The landfill operator must through visual inspection or testing verify whether the ACM waste is friable or nonfriable. If the waste is friable or the inspection or testing cannot verify that the ACM is nonfriable, the waste must be handled as friable ACM waste.

d. Any federal NESHAP-regulated ACM waste shipments that show evidence of visible dust emissions or that are not properly containerized, wrapped, wetted, and covered shall be rejected upon arrival at the landfill.

e. ACM wastes with greater than 1 percent asbestos content that are nonfriable when received at the landfill may be disposed of at the working face. Care shall be taken when unloading and covering the waste so that it does not become friable at the working face.

f. ACM wastes with greater than 1 percent asbestos content that are confirmed as friable when received at the landfill shall be disposed of in an area separate from the regular working face. The wastes shall be covered carefully with a minimum of six inches of soil cover and compacted by no later than the end of the operating day. Care shall be taken at all times during disposal and covering to prevent rupture of asbestos-containing containers and wrapped waste systems. Covered ACM waste areas shall be protected from erosion at all times.

g. Upon delivery, friable ACM wastes must be wet and contained in labeled, leak-tight containers or wrapping that prevents asbestos from becoming airborne. Bulk demolition wastes with friable ACM need not be placed in leak-tight containers but must remain wet at all times and be properly labeled and wrapped to prevent asbestos from becoming airborne during transport and disposal and covering at the landfill.

h. Care shall be taken at all times when transporting, depositing, and covering federal NESHAP-regulated ACM waste to control the evolution of dust and airborne asbestos fibers and to not allow the rupture of asbestos containers and wraps.

i. After landfill acceptance, if any federal NESHAP-regulated ACM waste becomes dry prior to disposal, rewetting or an approved alternative means of dust emissions control is mandatory. When disposed of, the wet ACM waste must be properly covered before it can dry again.

j. In the event that any visible dust emissions from federal NESHAP-regulated ACM waste occur, protective safety equipment, consistent with federal NESHAP and OSHA regulations, shall be immediately utilized by landfill operating staff.

k. Daily records of the acceptance and disposal of all ACM wastes shall be maintained. Landfill records for each NESHAP-regulated ACM waste shipment shall include the following:

(1) The date of ACM waste receipt.

(2) The names, addresses, and telephone numbers of the originating waste generation site, facility owner, agent responsible for performing removal and the waste transporter.

(3) The description of ACM wastes, quantity in cubic yards, weight and the number and type of containers or systems received.

(4) The waste shipment record and any accompanying asbestos content laboratory test and friable status documentation.

(5) The operational log notation relative to the landfill operator's visual confirmation of waste type compared to waste shipment records and the friable or nonfriable status for each federal NESHAP-regulated ACM waste shipment.

(6) The operational log notation of any rejected ACM waste and the reasons for rejection by landfill staff.

(7) The site operational area, coordinates location, and vertical elevation keyed to site mapping and the quantity of buried waste in cubic yards for each federal NESHAP-regulated waste shipment disposed of within the disposal site.

l. Records for all federal NESHAP-regulated ACM wastes accepted at the landfill in accordance with 40 CFR Part 61, including required federal and state asbestos NESHAP program operational and site closure reports, shall be maintained. All records, except for waste shipment records, shall be maintained through site closure. Waste shipment records shall be retained for at least two years.

m. A copy of an Affidavit Explanatory of Title that has been file stamped by the county recorder shall be submitted to the department within 60 days of site closure. The affidavit shall appear at part of the property deed record and shall indicate that:

(1) The landfill has been used for the disposal of ACM waste.

(2) The survey plot and all records of the location and quantity of regulated ACM wastes have been filed with federal and state NESHAP program officials. Such documentation must be filed with the department, along with the notification.

(3) The site is subject to the regulations under 40 CFR Part 61, Subpart M, and the site closure permit requirements issued by the department.

n. Strict adherence to federal NESHAP asbestos regulations under 40 CFR Part 61 is mandatory for all federal regulated ACM wastes.

102.508(2) *Stabilized grit, bar screenings, and grease skimmings.* The MSWLF operator, the generator, and the hauler shall comply with the following conditions and requirements whenever stabilized grit, bar screenings, or grease skimmings are disposed of in a MSWLF.

a. The generator shall stabilize the grit, bar screenings, and grease skimmings prior to their disposal at the landfill in order to destroy any pathogenic organisms. Stabilization shall be done by

addition of lime to raise the pH to at least 12 for two hours. In lieu of stabilization for bar screenings, a system that flushes organic matter then dewaters and bags the screenings may be utilized.

b. The generator shall prearrange a delivery schedule with the landfill operator.

c. Upon arrival at the landfill, the hauler shall identify the waste to the landfill attendant.

d. The landfill operator shall direct the hauler to the working face.

e. The waste shall be deposited at the working face, covered with regular refuse or soil and compacted.

567—102.509 to **102.599** Reserved.

These rules are intended to implement Iowa Code section 455B.304.

DIVISION VII
DISCARDED APPLIANCE DEMANUFACTURING

567—102.600(455D) Purpose; applicability; compliance. This division is to ensure the proper removal and disposal of electrical parts containing polychlorinated biphenyls (PCBs), components containing mercury, and refrigerants (e.g., CFCs and HCFCs) from discarded appliances.

102.600(1) All discarded appliances must be demanufactured pursuant to this division before being disposed of or recycled. This division does not apply to the service, repair, reuse, or rebuilding of appliances or components for their original purpose. These rules do not apply to the removal of capacitors, refrigerants, or components containing mercury during the maintenance or service of equipment containing such items.

102.600(2) Compliance with this division in no way relieves the appliance demanufacturer of the responsibility of complying with all other local, state, or federal statutes, ordinances, and rules and other applicable requirements.

102.600(3) All rules, standards, technical guidance, and other similar legal or technical documents referenced in this division shall be the version of those documents in effect on August 1, 2025, unless otherwise noted in these rules, and except for references to the Iowa Code and Iowa Administrative Code, which shall always be the most recent version unless otherwise noted in these rules.

567—102.601(455B,455D) Definitions. The definitions in Iowa Code section 455B.301 and 567—Chapter 100 apply to this division.

567—102.602(455D) Storage and handling of appliances prior to demanufacturing.

102.602(1) Any person collecting and storing discarded appliances must store the appliances so as to prevent electrical capacitors, refrigerant lines and compressors, and mercury-containing components from being damaged and allowing a release into the environment.

102.602(2) No method of handling discarded appliances may be used that in any way damages, cuts, or breaks refrigerant lines; crushes compressors, capacitors, or mercury-containing components; or may cause a release of refrigerant, PCBs, or mercury into the environment.

102.602(3) No more than 1,000 discarded appliances may be stored at a location prior to demanufacturing.

102.602(4) Discarded appliances may not be stored for more than 270 days before being demanufactured.

567—102.603(455D) Appliance demanufacturing permits.

102.603(1) *Permit required.* A person must obtain a Solid Waste Management permit pursuant to 567—subrule 100.4(2) for appliance demanufacturing from the department before conducting any demanufacturing activities.

102.603(2) *Types of permits.*

a. A person may request a permit that excludes appliances that contain a particular type of material (e.g., refrigerants, sodium chromate, PCBs, or mercury switches). Persons may not demanufacture or place their unique mark on an appliance that once contained a material that is excluded from their

permit. An appliance demanufacturing facility must clearly post the types of appliances the facility does not accept.

b. Permits may be issued for both fixed facilities and mobile operations.

102.603(3) *Factors in permit issuance decisions.* The department may request that additional information be submitted for review to make a permit issuance decision. The department may review and inspect the facility, its agents and operators, and compliance history. The department may review whether a good-faith effort to maintain compliance and protect human health and the environment is being made and whether a compliance schedule is being followed. The department may issue a permit on a trial basis. After review of the permit application or a trial period, the department may require financial assurance as a condition of a permit. Any such condition will be consistent with those types detailed in Iowa Code section 455B.301(9).

567—102.604(455D) Appliance demanufacturing permit application requirements. In addition to the permit application requirements in 567—100.5(455B,455D), the applicant shall submit the following:

1. Type, source and expected number or weight of appliances to be handled per year.
2. For a fixed facility, schematic site plans of the facility, including the schematic floor plans of any buildings showing where activities will take place and where waste is stored.
3. For mobile operations, schematic plans, or a description and photographs of the mobile van or trailer.
4. The EPA-approved refrigerant removal equipment that will be used.
5. Operation plan: a detailed summary of the activities that will be performed on each type of appliance considered for demanufacturing. This summary must include step-by-step activities of the demanufacturing process.
6. A contingency plan detailing the specific procedures to be used in case of equipment breakdown or fire, including methods to be used to remove or dispose of accumulated waste.
7. A copy of the NPDES Stormwater General Permit Authorization number, if applicable.
8. A copy of EPA Notification of PCB Activity Form 7710-53 and a return response from EPA.
9. Documentation showing compliance with 567—102.606(455D).
10. A copy of the unique mark to be applied to each discarded appliance after demanufacturing.
11. Documentation that a permanent appliance demanufacturing facility meets local zoning requirements.

567—102.605(455D) Operations. The following removal and disposal requirements must be met by both fixed facilities and mobile operations.

102.605(1) Demanufacturing of appliances must take place on an impervious floor, including but not limited to concrete, ceramic tile, or metal, but not including wood. Any spills must be contained and picked up with proper equipment and procedures and be disposed of properly.

102.605(2) The point of demanufacturing must be located at least 50 feet from a well and any water of the state.

102.605(3) The facility must be located above the 100-year floodwater elevation.

102.605(4) A permanent facility must meet local zoning requirements.

102.605(5) Every operation must have a unique mark that signifies all refrigerants, PCB-containing articles, and mercury-containing components have been removed. The unique mark must be a minimum of nine inches by nine inches. The unique mark must be applied to appliances after demanufacturing.

567—102.606(455D) Training.

102.606(1) At least one owner or employee of an appliance demanufacturing facility must have a training certificate from a department-approved demanufacturer training course. A person who has completed the department-approved training course must be on site at all times when discarded appliances are being demanufactured.

102.606(2) To be approved by the department, the training must, at a minimum, cover the following topics.

a. State and federal regulations for the removal, storage, transportation, and disposal of refrigerant, PCB-containing articles, and mercury-containing components from appliances.

b. Recordkeeping requirements.

c. Safety precautions for handling appliances and hazardous materials.

d. Spill prevention and cleanup procedures appropriate for appliance demanufacturing.

e. The proper methods of loading and unloading discarded appliances.

f. General demanufacturing procedures.

567—102.607(455D) Refrigerant removal requirements.

102.607(1) All demanufacturers of refrigerant containing appliances shall comply with 40 CFR 82.155 as amended March 7, 2025.

102.607(2) The removal of refrigerant from refrigeration appliances must take place in an area where the temperature of the surrounding air and of the appliance being demanufactured is 45°F or greater.

102.607(3) Facilities that are not EPA-certified refrigerant reclaimers must transport recovered refrigerant to an EPA-certified reclamation facility or properly dispose of the refrigerant at an EPA-permitted facility. Reclamation may take place on site only if the appliance demanufacturing facility is certified as a reclaimer by the EPA.

102.607(4) The following rules apply to the demanufacturing of appliances containing compressor oil.

a. Compressor oil from refrigeration unit compressors may be removed during the demanufacturing process, and any oil removed must be stored in accordance with 40 CFR 279.22 as amended March 3, 2025.

b. Compressor oil is not hazardous and may be burned in used oil-fired space heaters, provided the heaters have a capacity of 0.5 British thermal units (BTUs) per hour or more.

c. Compressor oil may be sold to a marketer of used oil.

102.607(5) The following rules apply to the demanufacturing of ammonia gas-operated refrigerators and air conditioners.

a. Ammonia gas must be vented into water.

b. Sodium chromate must be removed from refrigeration equipment containing sodium chromate.

c. Sodium chromate liquid is a hazardous waste and must be disposed of at an EPA-permitted facility.

d. Removal of sodium chromate liquid must take place on an impervious surface. In case of a spill, the spilled liquid and the material used as absorbent must be handled as a hazardous waste and disposed of as a hazardous waste.

e. Sodium chromate must be stored in a department of transportation-approved (DOT-approved) container that shows no sign of damage. The container must be labeled with a proper EPA-approved chromium label stating “chromium” or “hazardous waste” as required by 40 CFR 262.32 as amended March 3, 2025, and 49 CFR 172.304 as amended March 3, 2025, in both English and the predominant language of any non-English-reading workers.

f. Prior to shipment, sodium chromate must be packaged to prevent leakage and all containers must be sealed.

g. A person generating sodium chromate waste must maintain records to determine if the person is a very small quantity generator (VSQG), small quantity generator (SQG), or large quantity generator (LQG) of hazardous waste.

567—102.608(455D) Mercury-containing component removal and disposal requirements.

102.608(1) All components containing mercury shall be removed from appliances. Precautions shall be taken to prevent breakage of the mercury-containing components and the release of mercury.

102.608(2) All mercury-containing component storage containers must be labeled with the proper EPA-approved mercury label stating: “Universal Waste—Mercury Containing Equipment” or “Waste Mercury-Containing Equipment” or “Used Mercury-Containing Equipment” in both English and the predominant language of any non-English-reading workers.

102.608(3) The date when the first mercury-containing component was placed in the container shall be affixed to the container.

102.608(4) Mercury-containing components may be stored for no longer than one year.

102.608(5) Accumulation of mercury-containing components shall not exceed 5,000 kg (11,025 lbs) at any time.

102.608(6) All mercury containers must be sealed prior to shipment.

102.608(7) All components containing mercury must be disposed of at an EPA-approved mercury recycling/recovery facility.

102.608(8) Fluorescent tubes, lamps, bulbs, and similar items must be placed in a container and packaged to prevent breakage for shipment to an EPA-approved recycler or must be processed in a manner that complies with state and federal regulations.

102.608(9) All mercury-containing components must be managed in accordance with 40 CFR 273 as amended March 3, 2025, and all state and federal regulations.

567—102.609(455D) Capacitor removal requirements.

102.609(1) All capacitors must be removed from discarded appliances unless the appliance manufacturer certifies in writing that no PCBs were used in the manufacture of the appliance.

102.609(2) Capacitors that meet one or more of the following criteria may be disposed of or recycled as solid waste. The capacitor:

a. Is proven to be free of PCBs by an approved laboratory.

b. Is imprinted by the manufacturer with the words "No PCBs" on the body of the capacitor.

c. Is certified in writing by the manufacturer of the capacitor not to contain PCBs.

d. Does not contain dielectric fluid.

102.609(3) The following rules apply to the storage and disposal of PCB-containing items. PCB-containing items must be stored and transported according to the Toxic Substances Control Act (TSCA) and 40 CFR 761 as amended March 3, 2025, and disposed of at a TSCA-permitted disposal facility. Facilities used for the storage of PCB-containing items designated for disposal must meet the following storage requirements:

a. Facilities shall register with the EPA and receive an EPA identification number.

b. PCB-containing items must be stored in a manner that provides adequate protection from the elements and adequate secondary containment. This storage must take place on an impervious material above the 100-year floodwater elevation.

c. The point of demanufacturing must be located above the 100-year floodwater elevation.

d. All capacitors containing or suspected of containing PCBs must be placed in a DOT-approved container that shows no signs of damage. The bottom of the container must be filled to a depth of two inches with absorbent material such as sand, oil-dry, or kitty litter.

e. All DOT-approved containers must be affixed with the large PCB mark as described in 40 CFR 761.45 as amended March 3, 2025.

f. The date when the first PCB-containing item was placed in the container shall be placed on the container.

g. Nonleaking small PCB capacitors may be stored for up to 30 days from the date of removal in an area that does not comply with the requirements in 102.609(4)*"a"* through *"f"* provided a notation is placed on the PCB capacitor indicating the date the item was removed from the appliance.

h. PCB-containing items may be stored for no more than 270 days. The storage area must be labeled with the PCB $M_L$mark. The storage area must be inspected every 30 days, and the inspection must be documented.

i. If a demanufacturer stores more than 45 kg (99.4 lbs) at any one time, the demanufacturer must maintain annual written records and the annual document log as required by 40 CFR 761.180 as amended March 3, 2025.

102.609(4) All capacitors not meeting the criteria in 102.609(2) must be disposed of as follows:

a. Appliance demanufacturers may dispose of PCB capacitors by one of two means. If the facility is a VSQG, the demanufacturer may send the properly marked and dated container of capacitors to a regional collection center (RCC) licensed under 567—Chapter 103 for disposal. If the facility is not a

VSQG, the capacitors must be manifested and shipped for disposal in accordance with 40 CFR 761.65 as amended March 3, 2025.

b. Disposal through an RCC. Shipments from a VSQG to an RCC shall be considered equivalent to disposal as municipal solid waste for the purposes of 40 CFR 761.60(b)(2)(iii) as amended March 3, 2025; capacitors may not be disposed of in a landfill. An RCC may accept PCB capacitors without having to provide a certificate of disposal. The RCC shall provide the appliance demanufacturer with a receipt specifying the name of the RCC, the appliance demanufacturer from which the capacitors were received, the weight or number of capacitors, and the date the capacitors were received. Copies of this document must be retained for three years at both locations. The date that capacitors are received shall be considered the date the capacitors are determined to be PCB-containing waste for the purposes of 40 CFR 761.65(a)(1) as amended March 3, 2025. Capacitors may be consolidated in DOT-approved shipping containers for transport for disposal.

c. Disposal through EPA-approved facility for the disposal of PCB waste. The labeled and dated DOT-approved container must be transported by a transporter with a valid EPA identification number, using an EPA Uniform Hazardous Waste Manifest Form. All containers must be sealed prior to shipment. The demanufacturer has one year from the date the first PCB-containing item is placed in the container to properly dispose of the contents by incineration, recycling, or another approved method pursuant to 40 CFR 761.60(b) as amended March 3, 2025, or 761.60(c) as amended March 3, 2025. Disposal must be documented and the record kept by the demanufacturer for three years from the date the PCB-containing waste was accepted by the initial transporter.

d. PCB-containing items shall be properly disposed of within one year of removal from the appliance. The generator shall obtain a certificate of disposal within 30 days of the date that disposal of the PCB-containing items was completed at a PCB disposal facility. If a certificate of disposal is not obtained within 30 days, the EPA regional administrator must be notified pursuant to 40 CFR 761.218(d) as amended March 3, 2025.

567—102.610(455D) Spills.

102.610(1) Any spills from leaking or cracked capacitors must be handled by placing the capacitor and any contaminated rags, clothing, and soil into a container for shipment to an EPA-approved waste disposal facility. Spills of liquid PCBs that occur outside a DOT-approved container must be cleaned and the cleanup verified by sampling as described at 40 CFR 761.130 as amended March 3, 2025. Detailed records of such cleanups and sampling must be maintained as described at 40 CFR 761.180 as amended March 3, 2025.

102.610(2) Mercury spill kits (with a mercury absorbent in the kits) must be on hand and used in the event of a mercury spill. Any waste from the cleanup of a mercury spill must be disposed of as a hazardous waste.

102.610(3) In the event a spill results in a hazardous condition, the facility must follow the requirements in 567—Chapter 105, Division I.

567—102.611(455D) Recordkeeping and reporting.

102.611(1) Annual reports with the information required in 102.611(2) are:

a. To be submitted to the solid waste and contaminated sites section of the department's main office;

b. Due January 31 each year for the activities of the previous calendar year;

c. To be submitted on forms provided by the department; and

d. To be retained by the permit holder for at least three years.

102.611(2) Annual reports shall contain the following information for the previous calendar year.

a. Number of appliances demanufactured in each of the following categories:

(1) Refrigerators and freezers.

(2) Commercial coolers.

(3) Air-conditioning units.

(4) Dehumidifiers.

(5) Gas water heaters.

(6) Furnaces.
(7) Clothes washers and clothes dryers.
(8) Dishwashers.
(9) Microwave ovens.
(10) Other items containing mercury, refrigerant or PCB-containing articles.

b. Number of mercury switches removed from appliances.

c. Number of mercury thermocouples removed from appliances.

d. Date the first item was placed in the mercury storage drum that is in use on December 31.

e. Number of fluorescent tubes removed from appliances.

f. Number of sodium chromate-containing appliances shipped to another demanufacturer.

g. Amount of refrigerant removed.

h. Number of PCB capacitors removed.

i. Number of PCB ballasts removed.

j. Date the first PCB-containing item was placed in the storage drum that is in use on December 31.

102.611(3) A permitted appliance demanufacturing facility shall retain the following records on site for a minimum of three years.

a. All hazardous waste manifests and bills of lading for shipments of refrigerant, mercury switches, PCB-containing materials, and any hazardous waste.

b. Receipts for any sodium chromate-containing units that were sent to another facility for processing.

c. Documentation of destruction or receipt from a regional collection center for all PCB materials shipped.

d. Documentation of inspections of the PCB storage area as required by 102.607*"h."*

e. Annual written records and annual document log if required by 102.607(4)*"i."*

f. Copy of the annual report as required in 102.609(1).

567—102.612(455D) Appliance demanufacturing facility closure requirements. In addition to the requirements in 567—100.10(455B), an appliance demanufacturing facility shall do the following prior to closure:

1. Remove all appliances that have not been demanufactured.
2. Properly dispose of all refrigerant, PCBs, mercury, and all hazardous materials.
3. Submit an annual report covering January 1, through the last disposal of hazardous materials, PCBs, and refrigerant.

567—102.613(455D) Shredding of appliances.

102.613(1) Facilities shredding demanufactured appliances shall sample the fluff from the shredding of demanufactured appliances at least quarterly and analyze the fluff for the presence of PCBs, and according to the TCLP for arsenic, barium, cadmium, chromium, lead, mercury, selenium, and silver. The waste shall be sampled once a day for seven consecutive working days to make a composite sample. If the concentrations of heavy metals do not exceed concentrations listed in 40 CFR 261.24 as amended March 3, 2025, the fluff may be landfilled in Iowa. Results must be retained on site for a minimum of three years and be submitted to the department within 30 days of the end of each quarter.

102.613(2) Fluff from the shredding of demanufactured appliances may be sampled and tested by the department at any time.

102.613(3) A person or facility engaged in demanufacturing in the state may not shred, crush, or bale any appliances that have not been demanufactured. A person or facility located in Iowa that does not engage in demanufacturing but accepts appliances from demanufacturers for recycling or disposal may shred, crush, or bale only appliances that have been demanufactured in accordance with federal regulations and the laws of the state from which the appliances are received.

567—102.614 to **102.699** Reserved.

These rules are intended to implement Iowa Code section 455D.6(4).

DIVISION VIII
CATHODE RAY TUBE RECYCLING

567—102.700(455D) Purpose. The purpose of this division is to implement rules for the recycling of discarded CRTs and the disassembly and removal of toxic parts from discarded CRTs in a manner that is safe for human health and the environment.

567—102.701(455D) Applicability and compliance. This division applies to discarded CRTs that are collected for recycling and to CRT glass processed for recycling. This division does not apply to CRTs collected for disposal.

102.701(1) This division applies to facilities and short-term CRT collection events that perform CRT recycling functions including but not limited to the collection, demanufacturing, and processing of discarded CRTs.

102.701(2) This division does not apply to CRT reuse activities, CRT service and repair activities, or CRT refurbishing activities that do not otherwise qualify as CRT recycling.

102.701(3) The issuance of a permit or registration by the department in no way relieves the applicant of the responsibility of complying with all other local, state, or federal statutes, ordinances, and rules or other requirements applicable to the construction, operation, and closure of a CRT collection facility or CRT recycling facility.

102.701(4) All discarded CRTs collected for recycling, including those generated by a household, once collected by a CRT collection facility or CRT recycling facility, shall be managed in accordance with 40 CFR 261.39 and this division. If there is a conflict, the more stringent regulation applies.

102.701(5) All rules, standards, technical guidance, and other similar legal or technical documents referenced in this division shall be the version of those documents in effect on August 1, 2025, unless otherwise noted in these rules, and except for references to the Iowa Code and Iowa Administrative Code, which shall always be the most recent version unless otherwise noted in these rules.

567—102.702(455D) Definitions. For the purposes of this division, the definitions in 567—Chapter 100 and Iowa Code section 455B.301 and chapter 455D shall apply.

567—102.703(455D) Short-term CRT collection events. All short-term CRT collection events shall be conducted in a manner that complies with this rule. Short-term CRT collection event organizers are not required to register the event as a CRT collection facility.

102.703(1) Within one week of collection, all discarded CRTs and CRT glass shall be transported to a properly permitted CRT recycling facility or registered CRT collection facility.

102.703(2) During the period between collection and transport, all broken CRTs and CRT glass shall be stored in one of the following ways:

a. In a fully enclosed building with a roof, floor, and walls, or

b. In a container that is constructed, filled, and closed to minimize releases to the environment of CRT glass (including fine solid materials).

102.703(3) During the period between collection and transport, intact discarded CRTs shall be stored in one of the following ways:

a. In a fully enclosed building with a roof, floor, and walls, or

b. In a secure container (e.g., package or vehicle) that is constructed and maintained to minimize breakage of electronic waste and to prevent releases of hazardous materials to the environment.

567—102.704(455D) Registration for CRT collection facilities. A CRT collection facility shall register with the department using a form provided by the department.

102.704(1) The registration application shall include proof of the applicant's ownership of the property or legal entitlement to use the property for CRT collection. If the facility is leased, the application shall also include a statement, signed by the property owner, stating that the property owner

is aware that CRT collection is taking place at the site and that the property owner may be held liable for wastes abandoned at the property.

102.704(2) Registration will expire March 1 of each year if renewal has not been made and approved.

102.704(3) Annual registration renewal occurs by complying with the reporting requirements in 567—102.710(455D). Once a complete report is received and confirmed complete in writing by the department, the facility's registration will be renewed until March 1 of the following year.

102.704(4) The department may deny or revoke CRT collection facility registration if one or more of the following is determined by the department:

a. The registration application is incomplete.

b. There is a violation of a requirement of this division, including but not limited to failing to submit accurate and timely reports as required in 567—102.710(455D).

c. There is or was a misrepresentation made in obtaining a registration or registration renewal under this division.

d. The registrant fails to correct a condition as agreed to in an agreed order with the department or fails to come into compliance with this division within the time frame established in the agreed order.

e. The permittee has lost legal entitlement to use the property identified in the registration.

f. Upon notice to the department by the permittee that the permittee no longer wishes to retain the registration for future operation.

567—102.705(455D) CRT recycling facility permits.

102.705(1) *Permit required.* A CRT recycling facility shall not be operated without a solid waste management permit for CRT recycling from the department as per 567—subrule 100.4(2).

102.705(2) *Notification of change in status.* CRT recycling facilities must notify the department 30 days prior to any significant change of status of the operation, including any change in the ownership or operation of the facility or location of the facility.

102.705(3) *Denial or revocation of permit.* The department may deny, revoke, or limit the length of a permit if one or more of the following is determined:

a. The department has revoked the applicant's previous permit under this division.

b. There is a violation of a requirement of this division or a condition of the permit.

c. There is a failure to disclose all relevant facts in obtaining a permit under this division.

d. There is a misrepresentation made in obtaining a permit under this division.

e. There is a misrepresentation in the annual report required in 567—102.710(455D).

f. The permittee fails to meet the requirements for a permit.

g. The permittee fails to correct a condition as agreed to in an agreed order with the department or fails to come into compliance with the permit or this division within the time frame established in the agreed order.

h. The permittee has lost legal entitlement to use the property identified in the permit.

i. Upon notice to the department by the permittee that the permittee no longer wishes to retain the permit for future operation.

102.705(4) *Permit conditions.* The department may place conditions on any permit deemed necessary by the department to ensure compliance with this division and to protect human health and the environment.

102.705(5) *Effect of revocation.* If a permit held by any public or private agency is revoked by the director, then no new permit shall be issued to that agency for that CRT recycling facility for a period of one year from the date of revocation. Such revocation shall not prohibit the issuance of a permit for the facility to another public or private agency.

102.705(6) *Permits without expiration date.* CRT recycling permits that were issued prior to [the effective date of these rules] that do not have an expiration date will expire [five years following the effective date of these rules]. The permit holder shall file an application for renewal as per 567—paragraph 100.4(2)*"a."*

567—102.706(455D) CRT recycling facility permit application requirements. In addition to the requirements in 567—subrule 100.5(1), a CRT recycling facility permit applicant shall submit the following information to the department.

102.706(1) The physical location of any collection sites if separate from the main facility.

102.706(2) If the facility is leased, a signed statement from the property owner stating that the property owner is aware that CRT collection or recycling is taking place at the property and that the property owner may be held liable for wastes left at the property.

102.706(3) A brief description of the facility and the CRT processing that will take place.

567—102.707(455D) Discarded CRT management requirements. CRT collection facilities and CRT recycling facilities shall manage all discarded CRTs in accordance with 40 CFR 261.39 and 40 CFR 40 CFR 260.43.

102.707(1) Discarded CRTs and processed CRT glass shall not be speculatively accumulated pursuant to 40 CFR 261.1(c)(8).

102.707(2) Broken CRTs and processed CRT glass shall be stored either:

a. In a building with a roof, floor, and walls, or

b. In a container (e.g., a package or a vehicle) that is constructed, filled, and closed to minimize releases to the environment of CRT glass (including fine solid materials).

102.707(3) Intact discarded CRTs shall be stored either:

a. In a building with a roof, floor, and walls, or

b. In a secure container (e.g., package or vehicle) that is constructed and maintained to minimize breakage of electronic waste and to prevent releases of hazardous materials to the environment.

102.707(4) Each container of broken CRTs or CRT glass must be labeled or marked clearly with one of the following phrases: “Used cathode ray tube(s)-contains leaded glass. Do not mix with other glass materials” or “Leaded glass from televisions or computers. Do not mix with other glass materials.” Each container shall also be labeled with the first date that material began to be accumulated in the container.

102.707(5) Each container or pallet of intact discarded CRTs shall be labeled with the first date that any material began to accumulate in the container or on the pallet.

102.707(6) Broken CRTs must be transported in a container meeting the requirements of 122.8(2).

102.707(7) CRT collection facilities or CRT recycling facilities that export broken CRTs shall also comply with 40 CFR 261.39(a)(5).

102.707(8) All processing of CRTs shall be processed according to 40 CFR 261.39(b).

102.707(9) Failure to comply with this rule and the referenced CFR sections is grounds for termination of any permit or registration authorized by this rule.

567—102.708(455D) Recordkeeping requirements for CRT collection facilities.

102.708(1) All CRT collection facilities shall maintain the following records on a calendar year basis:

a. The name and address of the facility receiving a shipment that left the CRT collection facility and contact information for the receiving facility.

b. The type of service the receiving facility will provide to the CRT collection facility.

c. A description of the shipment contents.

d. All bills of lading.

e. All hazardous waste manifests.

102.708(2) Records must be maintained at the facility, must be submitted to the department upon request, and may be destroyed after three years.

567—102.709(455D) Recordkeeping requirements for CRT recycling facilities.

102.709(1) All CRT recycling facilities shall maintain the following records on a calendar year basis:

a. The total aggregate weight and receipt date of each shipment of discarded CRTs received from businesses, institutions, CRT collection facilities, short-term CRT collection events, and other permitted CRT recycling facilities.

b. The name, address, and contact information for shipments reported pursuant to 102.710(2).

c. The total aggregate weight and date of each shipment leaving the CRT recycling facility.

d. The name and address of the facility receiving a shipment that left the CRT recycling facility, contact information for the receiving facility, and a description of the shipment contents including all applicable bills of lading.

e. The type of service the receiving facility will provide to the CRT recycling facility.

f. All hazardous waste manifests.

102.709(2) Records must be maintained at the facility, must be available for review by the department on demand, and may be destroyed after three years.

567—102.710(455D) Reporting requirements. CRT collection facilities and CRT recycling facilities shall report the following information, on a form provided by the department, to the department by February 1 of each year for the previous calendar year.

102.710(1) The amount, either by weight or volume, of discarded CRTs and processed CRT glass on site on January 1.

102.710(2) The amount, either by weight or by volume, of discarded CRTs and CRT glass recycled or transferred for recycling during the calendar year.

102.710(3) The amount, either by weight or by volume, of discarded CRTs and processed CRT glass on site on December 31.

102.710(4) Indication of whether the CRTs received over the past year were generated by households, businesses, or both households and businesses.

These rules are intended to implement Iowa Code section 455D.6(5).

ITEM 2. Rescind and reserve **567—Chapter 108**.

ITEM 3. Rescind and reserve **567—Chapter 116**.

ITEM 4. Rescind and reserve **567—Chapter 117**.

ITEM 5. Rescind and reserve **567—Chapter 118**.

ITEM 6. Rescind and reserve **567—Chapter 120**.

ITEM 7. Rescind and reserve **567—Chapter 121**.

ITEM 8. Rescind and reserve **567—Chapter 122**.