

455B.301 Definitions.

As used in this part 1 of [division IV](#), unless the context clearly indicates a contrary intent:

1. “*Actual cost*” means the operational, remedial and emergency action, closure, postclosure, and monitoring costs of a sanitary disposal project for the lifetime of the project.

2. “*Beneficial use*” means a specific utilization of a solid by-product as a resource that constitutes reuse rather than disposal, does not adversely affect human health or the environment, and is approved by the department.

3. “*Beverage*” means wine as defined in [section 123.3, subsection 54](#), alcoholic liquor as defined in [section 123.3, subsection 5](#), beer as defined in [section 123.3, subsection 7](#), wine cooler or drink, tea, potable water, soda water and similar carbonated soft drinks, mineral water, fruit juice, vegetable juice, or fruit or vegetable drinks, which are intended for human consumption.

4. “*Beverage container*” means a sealed glass, plastic, or metal bottle, can, jar, or carton containing a beverage.

5. “*Biodegradable*” means degradable through a process by which fungi or bacteria secrete enzymes to convert a complex molecular structure to simple gasses and organic compounds.

6. “*Closure*” means actions that will prevent, mitigate, or minimize the threat to public health and the environment posed by a closed sanitary landfill, including but not limited to application of final cover, grading and seeding of final cover, installation of an adequate monitoring system, and construction of ground and surface water diversion structures, if necessary.

7. “*Closure plan*” means the plan which specifies the methods and schedule by which an operator will complete or cease disposal operations of a sanitary disposal project, prepare the area for long-term care, and make the area suitable for other uses.

8. “*Degradable*” means capable of decomposing by biodegradation, photodegradation, or chemical process into harmless component parts after exposure to natural elements for not more than three hundred sixty-five days.

9. “*Financial assurance instrument*” means an instrument submitted by an applicant to ensure the operator’s financial capability to provide reasonable and necessary remedial responses.

a. The instrument shall be sufficient to ensure adequate response pursuant to [section 455B.304, subsection 6](#).

b. The instrument shall be sufficient to ensure the proper closure and postclosure care of the project, and corrective action, if necessary, in the event the operator fails to correctly perform those requirements.

c. The instrument may provide for one or more of the following:

- (1) The establishment of a secured trust fund.
- (2) The use of a cash or surety bond.
- (3) The obtaining of insurance.
- (4) The satisfaction of a corporate financial test.
- (5) The satisfaction of a local government financial test.
- (6) The obtaining of a corporate guarantee.
- (7) The obtaining of a local government guarantee.
- (8) The use of a local government dedicated fund.
- (9) The obtaining of an irrevocable letter of credit.

10. “*Gasification*” means a process through which recoverable feedstocks are heated and converted into a fuel and gas mixture in an oxygen-deficient atmosphere and the mixture is converted to crude oil, diesel, gasoline, home heating oil, or other fuels; chemicals, waxes, lubricants, chemical feedstocks, diesel and gasoline blendstocks, or other raw materials; or intermediate or final products that are returned to the economic mainstream in the form of raw materials, products, or fuels.

11. “*Gasification facility*” means a facility that receives, separates, stores, and converts post-use polymers and recoverable feedstocks using gasification. A gasification facility is not a sanitary disposal project, solid waste disposal facility, or processing facility.

12. “*Incinerator*” means any enclosed device using controlled flame combustion that does

not meet the criteria for classification as a boiler and is not listed as an industrial furnace. “Incinerator” does not include thermal oxidizers used for the treatment of gas emissions.

13. “Leachate” means fluid that has percolated through solid waste and which contains contaminants consisting of dissolved or suspended materials, chemicals, or microbial waste products from the solid waste.

14. “Lifetime of the project” means the projected period of years that a landfill will receive waste, from the time of opening until closure, based on the volume of waste to be received projected at the time of submittal of the initial project plan and the calculated refuse capacity of the landfill based upon the design of the project.

15. “Manufacturer” means a person who by labor, art, or skill transforms raw material into a finished product or article of trade.

16. “Photodegradable” means degradable through a process in which ultraviolet radiation in sunlight causes a chemical change in a material.

17. “Postclosure” and “postclosure care” mean the time and actions taken for the care, maintenance, and monitoring of a sanitary disposal project after closure that will prevent, mitigate, or minimize the threat to public health, safety, and welfare and the threat to the environment posed by the closed facility.

18. “Postclosure plan” means the plan which specifies the methods and schedule by which the operator will perform the necessary monitoring and care for the area after closure of a sanitary disposal project.

19. “Post-use polymer” means a plastic polymer to which all of the following apply:

a. The plastic polymer is derived from any industrial, commercial, agricultural, or domestic activities.

b. The plastic polymer is used or is intended to be used to manufacture crude oil, fuels, feedstocks, blendstocks, raw materials, or other intermediate products or final products using pyrolysis or gasification.

c. The plastic polymer may contain incidental contaminants or impurities, such as paper labels or metal rings.

20. “Private agency” means a private agency as defined in [section 28E.2](#).

21. “Public agency” means a public agency as defined in [section 28E.2](#).

22. “Pyrolysis” means a process through which post-use polymers are heated in the absence of oxygen until melted and thermally decomposed and are then cooled, condensed, and converted to crude oil, diesel, gasoline, home heating oil, or other fuels; chemicals, waxes, lubricants, chemical feedstocks, diesel and gasoline blendstocks, or other raw materials; or intermediate or final products that are returned to the economic mainstream in the form of raw materials, products, or fuels.

23. “Pyrolysis facility” means a facility that receives, separates, stores, and converts post-use polymers using pyrolysis. A pyrolysis facility is not a sanitary disposal project, solid waste disposal facility, or processing facility.

24. “Recoverable feedstock” means one or more of the following materials derived from recoverable waste that has been processed so that it may be used as feedstock in a gasification facility:

a. Post-use polymers.

b. Materials for which the United States environmental protection agency has made a nonwaste determination pursuant to [40 C.F.R. §241.3\(c\)](#), or has otherwise determined are not solid waste.

25. “Resource recovery system” means the recovery and separation of ferrous metals and nonferrous metals and glass and aluminum and the preparation and burning of solid waste as fuel for the production of electricity.

26. “Rubble” means dirt, stone, brick, or similar inorganic materials used for beneficial fill, landscaping, excavation, or grading at places other than a sanitary disposal project. “Rubble” includes asphalt waste only as long as it is not used in contact with water or in a floodplain. For purposes of [this chapter](#), “rubble” does not mean gypsum or gypsum wallboard, coal combustion residue, foundry sand, or other industrial process wastes unless those wastes are approved by the department.

27. “Sanitary disposal project” means all facilities and appurtenances including all

real and personal property connected with such facilities, which are acquired, purchased, constructed, reconstructed, equipped, improved, extended, maintained, or operated to facilitate the final disposition of solid waste without creating a significant hazard to the public health or safety, and which are approved by the executive director. “*Sanitary disposal project*” does not include a pyrolysis or gasification facility.

28. “*Sanitary landfill*” means a sanitary disposal project where solid waste is buried between layers of earth.

29. “*Solid waste*” means garbage, refuse, rubbish, and other similar discarded solid or semisolid materials, including but not limited to such materials resulting from industrial, commercial, agricultural, and domestic activities. “*Solid waste*” may include vehicles, as defined by [section 321.1, subsection 90](#). This definition does not prohibit the use of rubble at places other than a sanitary disposal project. “*Solid waste*” does not include any of the following:

a. Hazardous waste regulated under the federal Resource Conservation and Recovery Act, 42 U.S.C. §6921-6934.

b. Hazardous waste as defined in [section 455B.411](#), except to the extent that rules allowing for the disposal of specific wastes have been adopted by the commission.

c. Source, special nuclear, or by-product material as defined in the Atomic Energy Act of 1954, as amended to January 1, 1979.

d. Petroleum contaminated soil that has been remediated to acceptable state or federal standards.

e. Steel slag which is a product resulting from the steel manufacturing process and is managed as an item of value in a controlled manner and not as a discarded material.

f. Material that is legitimately recycled pursuant to [section 455D.4A](#).

g. Post-use polymers or recoverable feedstocks that are any of the following:

(1) Processed at a pyrolysis or gasification facility.

(2) Held at a pyrolysis or gasification facility prior to processing to ensure production is not interrupted.

30. “*Waste conversion technologies*” means thermal, chemical, mechanical, and biological processes capable of converting waste from which recyclable materials have been substantially diverted or removed into useful products and chemicals, green fuels such as ethanol and biodiesel, and clean, renewable energy. “*Waste conversion technologies*” includes but is not limited to anaerobic digestion, plasma gasification, and pyrolysis, except the term does not include gasification and pyrolysis facilities that process post-use polymers or recoverable feedstocks.

[C71, §406.2; C73, 75, 77, 79, 81, §455B.75]

C83, §455B.301

[85 Acts, ch 241, §1, 2](#); [86 Acts, ch 1175, §1](#); [87 Acts, ch 225, §404](#); [88 Acts, ch 1182, §1](#); [90 Acts, ch 1168, §50](#); [91 Acts, ch 252, §4](#); [92 Acts, ch 1182, §1](#); [2008 Acts, ch 1118, §1](#); [2013 Acts, ch 90, §109](#); [2014 Acts, ch 1039, §1](#); [2015 Acts, ch 112, §1](#); [2018 Acts, ch 1023, §4](#); [2019 Acts, ch 14, §1, 2](#)

Referred to in [§331.441](#), [331.461](#), [455B.306](#), [455B.482](#), [455D.3](#), [455E.11](#), [558.69](#)

Section amended