

567—108.2(455B,455D) Applicability and compliance.

108.2(1) These rules apply to industrial, commercial, and institutional generators and users or proposed users of solid by-products and to sanitary landfills utilizing or desiring to utilize alternative cover material. These rules apply to solid by-products that before receiving a beneficial use determination by the department were being disposed of as solid waste. These rules do not apply to solid by-products that have already been disposed of as solid waste by the generator.

108.2(2) These rules do not pertain to the land application of solid waste. For rules pertaining to the land application of solid waste, see 567—Chapter 121. However, for solid by-products that are land-applied pursuant to 567—Chapter 121, a variance from some or all of the requirements of 567—Chapter 121 may be gained through receipt of a beneficial use determination from the department.

108.2(3) These rules do not pertain to solid waste processing operations pursuant to 567—Chapter 104. However, for solid by-products that are processed pursuant to 567—Chapter 104, a variance from some or all of the requirements of 567—Chapter 104 may be gained through receipt of a beneficial use determination from the department.

108.2(4) These rules do not pertain to solid waste composting pursuant to 567—Chapter 105. However, for solid by-products that are composted pursuant to 567—Chapter 105, a variance from some or all of the requirements of 567—Chapter 105 may be gained through receipt of a beneficial use determination from the department.

108.2(5) Beneficial use determinations granted by the department before April 23, 2003, shall remain in effect unless specifically addressed by these rules or by written notification pursuant to 567—108.11(455B,455D).

108.2(6) The issuance of a beneficial use determination by the department relieves the generator and user(s) of all Iowa solid waste requirements specifically noted in the written determination. Requirements that may be relieved by a beneficial use determination may include rules, SDP permits, and permit conditions and variances. Solid by-products that have not received a beneficial use determination by the department are subject to all of Iowa's regulations pertaining to solid waste. 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.