

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 September 23, 2026, 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.

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