

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).

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