

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).

[ARC 0483D, IAB 8/19/26, effective 9/23/26]