

#### **455D.11 Waste tires land disposal prohibited.**

1. As used in this section, unless the context otherwise requires:

*a. "Permit"* means a permit issued by the department to establish, construct, modify, own, or operate a tire stockpiling facility.

*b. "Processing"* means producing or manufacturing usable materials from waste tires.

*c. "Processing site"* means a site which is used for the processing of waste tires and which is owned or operated by a tire processor who has a permit for the site.

*d. "Tire collector"* means either a person who owns or operates a site used for the storage, collection, or deposit of more than five hundred waste tires or an authorized vehicle recycler who is licensed by the state department of transportation pursuant to section 321H.4 and who owns or operates a site used for the storage, collection, or deposit of more than three thousand five hundred waste tires.

*e. "Tire processor"* means a person engaged in the processing of waste tires.

*f. "Waste tire"* means a tire that is no longer suitable for its originally intended purpose due to wear, damage, or defect. "Waste tire" does not include a nonpneumatic tire.

*g. "Waste tire collection site"* means a site which is used for the storage, collection, or deposit of waste tires.

2. Land disposal of waste tires is prohibited beginning July 1, 1991, unless the tire has been processed in a manner established by the department. A sanitary landfill shall not refuse to accept a waste tire which has been properly processed.

3. The department shall conduct a study and make recommendations to the general assembly by January 1, 1991, concerning a waste tire abatement program which includes but is not limited to the following:

*a.* The number and geographic distribution of waste tires generated and existing in the state.

*b.* The development of markets for the recycling and processing of waste tires, in the midwestern states.

*c.* The methods to establish reliable sources of waste tires for users of waste tires.

*d.* The permitting of waste tire collection sites, waste tire processing facilities, and waste tire haulers.

*e.* The methods for the cleanup of existing stockpiles of waste tires.

4. Upon completion of the study pursuant to subsection 3, the department shall determine the number of stockpiling facilities which are necessary and shall develop rules for stockpiling facilities which include but are not limited to the following:

*a.* The prohibition of burning within one hundred yards of a tire stockpile.

*b.* The maximum height, width, and length of a tire stockpile.

*c.* Plans to control mosquitoes and rodents.

*d.* A facility closure plan.

*e.* Specifications for fire lanes between stockpiles.

*f.* Limitations of the total number of tires allowed at a single stockpile site.

5. The department shall develop criteria for the issuance of permits and shall issue permits to qualified stockpiling facilities.

6. The department shall provide financial assistance to persons who establish recycling and processing sites for waste tires, subject to the rules established by the department for the establishment of such sites and subject to the conditions prescribed by the department for application for and awarding of such financial assistance.

7. The commission shall adopt rules which provide the following:

*a.* That a person who contracts with another person to transport more than forty waste tires is required to contract only with a person registered as a waste tire hauler pursuant to section 455D.11I.

*b.* That a person who transports waste tires for final disposal is required to only dispose of the tires at a permitted sanitary disposal facility.

*c.* A person who does not comply with this subsection is subject to the penalty imposed pursuant to section 455D.11I and the moneys allocated shall be deposited and used pursuant to section 455D.11I.

8. The department shall adopt rules relating to the storage and disposal of nonpneumatic tires and processed tires.

9. The commission or the director may issue any order necessary to secure compliance with or prevent a violation of a provision of this section or a rule adopted pursuant to this section. The attorney general shall, upon request by the department, institute any civil or criminal legal proceeding necessary to obtain compliance with an order of the commission or director or to prosecute a person for a violation of a provision of this section or a rule adopted pursuant to this section.

Unless otherwise provided in this section, a person who violates a provision of this section, a rule adopted pursuant to this section, or a condition of a permit or order issued pursuant to this section shall be subject to a civil penalty not to exceed five thousand dollars for each day of such violation.

89 Acts, ch 272, § 11; 91 Acts, ch 257, § 7; 92 Acts, ch 1218, § 3; 96 Acts, ch 1117, § 2; 97 Acts, ch 24, §1; 2002 Acts, ch 1121, §2; 2004 Acts, ch 1030, §1