

CHAPTER 102  
PERMITS AND RULES OF PRACTICE  
[Prior to 7/1/83, DEQ Ch 27]  
[Prior to 12/3/86, Water, Air and Waste Management[900]]

**567—102.1(455B) Permit required.** No public or private agency shall construct or operate a sanitary disposal project without first obtaining a permit from the director.

**567—102.2(455B) Types of permits.** There are four types of permits issued by the director. These are described in this rule.

**102.2(1) Sanitary disposal project permit.** This permit is issued by the director under the authority of Iowa Code section 455B.305. Such permits are issued for a term of three years and are renewable for similar terms.

*a.* Applications for renewal to be timely filed must be received at the department's office at least 90 days before the expiration date of the existing permit on a form provided by the department.

*b.* The department shall conduct an inspection of the sanitary disposal project following receipt of the application for renewal. Following the inspection, the permit holder shall be notified of all measures needed to bring the sanitary disposal project into conformance with Iowa Code chapter 455B and these rules.

*c.* A permit shall be renewed when a properly completed application has been received and all corrective measures required under 102.2(1) "b" have been completed.

**102.2(2) Temporary permit.** This permit is issued by the director under the authority of Iowa Code subsection 455B.307(1) for solid waste disposal sites which do not comply with the requirements of Iowa Code chapter 455B and these rules. Such permits are issued for a term of one year, and are renewable. Temporary permits may be renewed if the director finds that the public interest will be best served by granting a renewal and the terms of the previous temporary permit have been complied with.

*a.* Temporary permits shall incorporate as a condition a compliance schedule specifying how and when the applicant will meet the requirements of Iowa Code chapter 455B and these rules.

*b.* The decision of the director whether to issue a temporary permit, being discretionary, shall be a final decision. Once a temporary permit has been issued, it may be suspended or revoked only as provided in Iowa Code section 455B.305 and 567—Chapter 7.

**102.2(3) Developmental permit.** The director may issue a developmental permit for construction and operation of a sanitary disposal project which is not specifically described in these rules if the permit applicant demonstrates at a public hearing that the proposed project can provide satisfactory disposal of solid waste without adverse health-related or environmental effects.

*a.* No such permit shall be issued until the director, after public hearing, considers and approves the proposed project.

*b.* Developmental permits shall be issued for a term no less than one year and no more than three years.

*c.* Developmental permits may be renewed if the director finds, following public hearing, that the sanitary disposal project provided satisfactory disposal of solid waste without adverse health-related or environmental effects over the term of the prior permit.

**102.2(4) Closure permit.** This permit is issued by the director under the authority of Iowa Code section 455B.305 for sanitary disposal projects which no longer accept solid waste. Such permits are issued for a term of 30 years. The term of subsequent renewal of the permit, if the postclosure period is extended, will be determined on a site-specific basis. A sanitary disposal project shall require a closure permit until the department determines that postclosure maintenance, postclosure monitoring, and operation of required leachate control system are no longer necessary.

*a.* Application shall be filed at the time of departmental notification of intended closure as required by this rule.

*b.* The application for issuance of this permit shall be based on a previously approved comprehensive plan and other rules adopted pursuant to the authority of Iowa Code section 455B.306.

c. This permit shall require submission of an annual audit report detailing the status of the financial instrument and other funds as required to guarantee completion of postclosure and monitoring requirements.

d. This permit may be modified by the issuance of an amendment by the department. Requests for permit amendments may be initiated by the department or by the permit holder.

e. At the end of the applicable postclosure period, and upon satisfactory completion of all required postclosure activities as established by Iowa Code chapter 455B, written notification shall be issued by the director stating that a permit is no longer required for the facility.

This rule is intended to implement Iowa Code section 455B.304.  
[ARC 6982C, IAB 4/19/23, effective 5/24/23]

### **567—102.3(455B) Applications for permits.**

**102.3(1)** *Application requirements for permits and renewals.* More information can be found in subrule 102.2(1).

**102.3(2)** *Time limit on submittal of information.*

a. *Sanitary disposal project permit applications.* If an application for a sanitary disposal project permit is found to be incomplete by the department, the applicant will be notified of that fact and of the specific deficiencies. Thirty days following such notification, the application may be returned by the department as incomplete without prejudice to the applicant's right to reapply. The applicant may be granted, upon request, an additional 30 days to complete the application.

b. *Applications for renewal or amendment of a sanitary disposal project.* If an application for a sanitary disposal project permit renewal or amendment is found to be incomplete by the department, the applicant will be notified of that fact and of the specific deficiencies. Thirty days following such notification, the application may be denied by the department.

This rule is intended to implement Iowa Code section 455B.304.  
[ARC 6982C, IAB 4/19/23, effective 5/24/23]

**567—102.4(455B) Preparation of plans.** All plans and specifications submitted in the application for a sanitary disposal project permit or a developmental permit shall be prepared in conformance with Iowa Code chapter 114 and shall be submitted in triplicate.

**567—102.5(455B) Construction and operation.** All sanitary disposal projects shall be constructed and operated according to the plans and specifications as approved by the department and the terms of the permit. The approved plans and specifications shall constitute a term of the permit.

### **567—102.6(455B) Compliance with rule changes.**

**102.6(1)** *Design and construction.* Sanitary disposal projects designed and constructed in accordance with rules in effect at the time of construction shall not be required to be redesigned or reconstructed due to subsequent rule changes unless the department finds that such facilities are causing pollution. Such facilities shall be brought into compliance with rules in effect at the time of reconstruction, enlarging, or otherwise modifying the sanitary disposal project, or at the time of permit renewal.

**102.6(2)** *Operation.* If any new rule conflicts with an operating procedure prescribed in the engineering plans or the permit of a sanitary disposal project, the operation shall conform with the new rule.

**567—102.7(455B) Amendments.** Sanitary disposal project permits, temporary permits, and developmental permits may be modified by the issuance of an amendment by the department, except as provided in 102.6(1).

**567—102.8(455B) Transfer of title and permit.** If title to an operational sanitary disposal project is transferred, and the transferee desires to continue operation of the project, the transferee shall apply in writing to the department within 30 days of the transfer for a transfer of the permit.

**102.8(1)** The department shall transfer the permit when it determines that the sanitary disposal project is in compliance with Iowa Code chapter 455B and these rules and the terms of the permit, and that the transferee possesses the equipment and personnel to operate the project in conformance with chapter 455B and these rules and the terms of the permit.

**102.8(2)** No permit is valid after 60 days following transfer of title, unless the permit has been transferred by the department to the new titleholder pursuant to this rule.

**567—102.9(455B) Permit conditions.** Any permit may be issued subject to conditions specified in writing which are necessary to ensure the sanitary disposal project can be constructed and operated in compliance with these rules.

**567—102.10(455B) Effect of revocation.** If a permit held by any public or private agency for a sanitary disposal project is revoked by the director, no new permit shall be issued to that agency for that disposal project for a period of one year from the date of revocation. This shall not prohibit the issuance of a permit for the disposal project to another public or private agency.

This rule is intended to implement Iowa Code section 455B.305.

**567—102.11(455B) Inspection prior to start-up.** The department shall be notified when the initial construction of a sanitary disposal project has been completed, in order that an inspection may be made to determine that the project is constructed as designed. No solid waste shall be accepted by a sanitary disposal project until that project has been inspected and approved by the department.

**567—102.12(455B) Primary plan requirements for all sanitary disposal projects.** Every application for any permit issued by the department shall include the following. In addition, every application shall include the particular information required by the chapter describing the type of project to be constructed.

**102.12(1)** The name, address and telephone number of:

- a. Owner of site where project will be located.
- b. Permit applicant.
- c. Official responsible for operation of project.
- d. Design engineer.
- e. Agency to be served by the project, if any.
- f. Responsible official of agency served, if any.

**102.12(2)** A legal description of the site.

**102.12(3)** A map or aerial photograph locating the boundaries of the site and identifying:

- a. North or other principal compass points.
- b. Zoning and land use within one-half mile.
- c. Haul routes to and from the site with load limits or other restrictions.
- d. Homes and buildings within one-half mile.
- e. Section lines or other legal boundaries.
- f. Any nearby runway used or planned to be used by turbojet or piston-type aircraft at FAA certificated airports.

**102.12(4)** Type, source, and expected volume or weight of waste to be handled per day, week or year.

**102.12(5)** An organizational chart.

**102.12(6)** A detailed description of the disposal process to be used.

**102.12(7)** A table listing the equipment to be used, its design capacities and expected loads.

**102.12(8)** A contingency plan detailing specific procedures to be followed in case of equipment breakdown, maintenance downtime, or fire in equipment or vehicles, including methods to be used to remove or dispose of accumulated waste.

**102.12(9)** Proof of the applicant's ownership of the site or legal entitlement to use the site for the disposal of solid waste for the term of the permit for which application is made.

**102.12(10)** Closure/postclosure plan. A closure/postclosure plan shall be submitted which:

- a.* Details how and when the facility will be closed in accordance with applicable requirements.
- b.* Describes the proposed groundwater monitoring plan, leachate control system, and site inspection and maintenance activities necessary to comply with 567—Chapter 110.
- c.* States the name, address and telephone number of the person or office to serve as a contact with regard to the facility during the postclosure period.
- d.* The closure/postclosure plan shall be submitted at the time of the first permit renewal after enactment of this rule, but not less than 180 days prior to closure.

**102.12(11)** Such other information as may be required by the director.

This rule is intended to implement Iowa Code section 455B.305.

**567—102.13(455B) Operating requirements for all sanitary disposal projects.** Every application for any permit issued by the department shall detail the means by which the following operating requirements shall be complied with. All sanitary disposal projects shall be operated in conformance with these requirements.

**102.13(1)** Open burning shall be prohibited except when permitted by 567—Chapter 23. Any burning to be conducted at the site shall be at a location and separate and distinct from the operating area.

**102.13(2)** Litter shall be confined to the property on which the sanitary disposal project is located. At the conclusion of each day of operation, any litter strewn beyond the confines of the operating area shall be collected and stored in covered leakproof containers or properly disposed.

**102.13(3)** Scavenging shall be prohibited. Any salvaging to be conducted must be described in the permit application and all salvaged materials must be stored and removed from the sanitary disposal project site in conformance with the permit conditions.

**102.13(4)** Effective means shall be taken to control flies, other insects, rodents and other vermin.

**102.13(5)** Equipment designated in the plans and specifications or equivalent equipment shall be used to operate the site at all times.

**102.13(6)** The major internal roads shall be of all weather construction and maintained in good condition. Dust shall be controlled on internal roads.

**102.13(7)** Sites open to the public shall have a permanent sign posted at the site entrance specifying:

- a.* Name of the operation.
- b.* The site permit number.
- c.* The hours and days the site is open to the public.
- d.* The categories of waste which will be accepted for disposal or, as an alternative, identifies the categories of waste which are prohibited.
- e.* Telephone number of official responsible for the operation.

**102.13(8)** Free liquids or waste containing free liquids. No free liquids or waste containing free liquids shall be disposed in a sanitary landfill.

**102.13(9)** General closure requirements.

*a.* The owner or operator shall notify the department in writing at least 180 days prior to closure of the facility or suspension of operations.

*b.* Notice of closure shall be posted at least 180 days prior to closure at the facility indicating the date of closure and alternative solid waste management facilities. Notice of closure shall also be published at least 180 days prior to closure in a newspaper of local circulation. This notice shall include the date of closure and alternative solid waste management facilities.

*c.* Implementation of the closure/postclosure plan shall be completed within 90 days of the closure of the facility. The owner and an engineer registered in Iowa shall certify that the closure/postclosure plan has been implemented in compliance with the rules, the closure/postclosure plan and the permit.

*d.* Upon completion of closure activities, as-built plans shall be submitted showing changes from the original design plans, test results indicating compliance with final cover as applicable, waste removal, equipment decontamination, and other forms of documentation as required, to include a copy of the notation filed with the county recorder.

This rule is intended to implement Iowa Code section 455B.304.

**567—102.14(455B) Emergency response and remedial action plans.**

**102.14(1) Purpose.** The purpose of this rule is to implement Iowa Code section 455B.306(6) “d” by providing the criteria for developing a detailed emergency response and remedial action plan (ERRAP) for permitted sanitary disposal projects.

**102.14(2) Applicability.** The requirements of this rule apply to the owners or operators of all sanitary disposal projects that are permitted under 567—102.2(455B). Permitted project types include: municipal and industrial waste landfills; construction and demolition waste landfills; coal combustion residue landfills; waste storage facilities; waste processing facilities; recycling and material recovery facilities; transfer stations; composting facilities; incinerator facilities; regional collection centers; land application facilities; and any facility deemed necessary to have a project permit under sanitary disposal project definition. Centralized regional collection center ERRAP documents shall specifically address the ERRAP requirements for each of the regional collection center’s satellite facilities. This rule is not applicable to waste tire management facilities.

**102.14(3) Submittal requirements.**

a. The owner or operator of facilities that are subject to this rule and have been permitted prior to October 24, 2001, shall submit a complete detailed ERRAP that meets the requirements set forth in this rule no later than December 31, 2001.

b. Applications for a new permit after October 24, 2001, shall incorporate a complete detailed ERRAP that meets the requirements set forth in this rule.

c. An updated ERRAP that meets the requirements of this rule shall be submitted at the time of each permit renewal or permit reissuance application that is due after December 31, 2001.

d. An updated ERRAP shall be included with any request for permit modification to incorporate a facility expansion or significant changes in facility operation that require modification of the currently approved ERRAP.

e. Facilities that submitted an ERRAP meeting the requirements defined under Iowa Code section 455B.306(6) “d” by May 1, 2001, including regional collection centers that, prior to this date, have met the contingency plan submittal requirement described in 567—Chapter 211, and were approved by the department prior to October 24, 2001, are not required to submit an updated ERRAP that meets the requirements of this rule until the next permit renewal application due date after December 31, 2001.

f. Three sets of ERRAP documents shall be submitted for department approval.

**102.14(4) Content.** The content of ERRAP documents shall be concise and readily usable as a reference manual by facility managers and operators during emergency conditions. The ERRAP document content shall address at least the following primary issues in detail, unless project conditions render the specific issue as not applicable. The rationale for exclusion of any issue areas that are determined not to be applicable must be provided in either the body of the plan or as a supplement to facilitate department review. Additional emergency response and remedial action plan requirements unique to the facility shall be addressed, as applicable.

a. *Facility information.*

- (1) Permitted agency.
- (2) DNR permit number.
- (3) Facility description.
- (4) Responsible official and contact information.
- (5) Project location.
- (6) Site and environs map.

b. *Regulatory requirements.*

- (1) Iowa Code section 455B.306(6) “d” criteria citation.
- (2) Reference to provisions of the permit.

c. *Emergency conditions—response activities—remedial action.*

- (1) Failure of utilities.
  1. Short-term (48 hours or less).
  2. Long-term (over 48 hours).
- (2) Weather-related events.

1. Tornado.
2. Windstorms.
3. Intense rainstorms and erosion.
4. Lightning strikes.
5. Flooding.
6. Event and postevent conditions.
- (3) Fire and explosions.
  1. Waste materials.
  2. Buildings and site.
  3. Equipment.
  4. Fuels.
  5. Utilities.
  6. Facilities.
  7. Working area.
  8. Hot loads.
  9. Waste gases.
  10. Evacuation.
- (4) Regulated waste spills and releases.
  1. Waste materials.
  2. Leachate.
  3. Waste gases.
  4. Waste stockpiles and storage facilities.
  5. Waste transport systems.
  6. Litter and airborne particulates.
  7. Site drainage systems.
  8. Off-site releases.
- (5) Hazardous material spills and releases.
  1. Load check control points.
  2. Mixed waste deliveries.
  3. Fuels.
  4. Waste gases.
  5. Site drainage systems.
  6. Off-site releases.
- (6) Mass movement of land and waste.
  1. Earthquakes.
  2. Slope failure.
  3. Waste shifts.
  4. Waste subsidence.
- (7) Emergency and release notifications and reporting.
  1. Federal agencies.
  2. State agencies.
  3. County and city agencies.
  4. News media.
  5. Public and private facilities with special populations within five miles.
  6. Emergency response agencies and contact information.
  7. Reporting requirements and forms.
- (8) Emergency waste management procedures.
  1. Communications.
  2. Temporary discontinuation of services—short- and long-term.
  3. Facilities access and rerouting.
  4. Waste acceptance.
  5. Wastes in process.

- (9) Primary emergency equipment inventory.
  1. Major equipment.
  2. Fire hydrants and water sources.
  3. Off-site equipment resources.
- (10) Emergency aid.
  1. Responder contacts.
  2. Medical services.
  3. Contracts and agreements.
- (11) ERRAP training requirements.
  1. Training providers.
  2. Employee orientation.
  3. Annual training updates.
  4. Training completion and record keeping.
- (12) Reference tables, figures and maps.

**567—102.15(455B) Solid waste incinerator operator certification.** Solid waste incinerator operators shall be trained, tested, and certified by a department-approved certification program.

**102.15(1)** A solid waste incinerator operator shall be on duty during all hours of operation of a solid waste incinerator, consistent with the respective certification.

**102.15(2)** To become a certified operator, an individual shall complete a basic operator training course that has been approved by the department or alternative, equivalent training approved by the department and shall pass a departmental examination as specified by this rule. An operator certified by another state may have reciprocity subject to approval by the department.

**102.15(3)** A solid waste incinerator operator certification is valid from the date of issuance until June 30 of the following even-numbered year.

**102.15(4)** Basic operator training course. The required basic operator training course for a certified solid waste incinerator operator shall have at least 12 contact hours and shall address the following areas, at a minimum:

- a.* Description of types of wastes;
- b.* Incinerator design;
- c.* Interpreting and using engineering plans;
- d.* Incinerator operations;
- e.* Environmental monitoring;
- f.* Applicable laws and regulations;
- g.* Permitting processes;
- h.* Incinerator maintenance; and
- i.* Ash and residue disposal.

**102.15(5)** Alternative basic operator training must be approved by the department. It shall be the applicant's responsibility to submit any documentation the department may require to evaluate the equivalency of alternative training.

**102.15(6)** Fees.

- a.* The examination fee for each examination is \$20.
- b.* The initial certification fee is \$8 for each one-half year of a two-year period from the date of issuance to June 30 of the next even-numbered year.
- c.* The certification renewal fee is \$24.
- d.* The penalty fee is \$12.

**102.15(7)** Examinations.

*a.* The operator certification examinations will be based on the basic operator training course curriculum.

*b.* All persons wishing to take the examination required to become a certified operator of a solid waste incinerator shall complete the Operator Certification Examination Application, Form 542-1354. A listing of dates and locations of examinations is available from the department upon request. The

application form requires the applicant to indicate the basic operator training course taken. Evidence of training course completion must be submitted with the application for certification. The completed application and the application fee shall be sent to the Department of Natural Resources, 502 East 9th Street, Des Moines, Iowa 50319. Application for examination must be received by the department at least 30 days prior to the date of examination.

*c.* A properly completed application for examination shall be valid for one year from the date the application is approved by the department.

*d.* Upon failure of the first examination, the applicant may be reexamined at the next scheduled examination. Upon failure of the second examination, the applicant shall be required to wait a period of 180 days before taking a subsequent examination.

*e.* Upon each reexamination when a valid application is on file, the applicant shall submit to the department the examination fee at least ten days prior to the date of examination.

*f.* Failure to successfully complete the examination within one year from the date of approval of the application shall invalidate the application.

*g.* Completed examinations will be retained by the department for a period of one year, after which they will be destroyed.

*h.* Oral examinations may be given at the discretion of the department.

**102.15(8) Certification.**

*a.* All operators who passed the operator certification examination by July 1, 1991, are exempt from taking the required operator training course. Beginning July 1, 1991, all operators will be required to take the basic operator training course and pass the examination in order to become certified.

*b.* Application for certification must be received by the department within 30 days of the date the applicant receives notification of successful completion of the examination. All applications for certification shall be made on a form provided by the department and shall be accompanied by the certification fee.

*c.* Applications for certification by examination that are received more than 30 days but less than 60 days after notification of successful completion of the examination shall be accompanied by the certification fee and the penalty fee. Applicants who do not apply for certification within 60 days of notice of successful completion of the examination will not be certified on the basis of that examination.

*d.* For applicants who have been certified under other state mandatory certification programs, the equivalency of which has been previously reviewed and accepted by the department, certification without examination will be recommended.

*e.* For applicants who have been certified under voluntary certification programs in other states, certification will be considered. The applicant must have successfully completed a basic operator training course and an examination generally equivalent to the Iowa examination. The department may require the applicant to successfully complete the Iowa examination.

*f.* Applicants who seek Iowa certification pursuant to paragraph 102.15(8) “*d*” or 102.15(8) “*e*” shall submit an application for examination accompanied by a letter requesting certification pursuant to this subrule. Application for certification pursuant to this subrule shall be received by the department in accordance with paragraphs 102.15(8) “*b*” and 102.15(8) “*c*.”

**102.15(9)** All certificates shall expire every two years, on even-numbered years, and must be renewed every two years to maintain certification. The renewal application and fee are due prior to expiration of certification.

*a.* Late application for renewal of a certificate may be made provided that such late application shall be received by the department or postmarked within 30 days of the expiration of the certificate. Such late application shall be on forms provided by the department and accompanied by the penalty fee and the certification renewal fee.

*b.* If a certificate holder fails to apply for renewal within 30 days following expiration of the certificate, the right to renew the certificate automatically terminates. Certification may be allowed at any time following such termination, provided that the applicant successfully completes an examination. The applicant must then apply for certification in accordance with subrule 102.15(8).



*c.* An operator shall not continue to operate a solid waste incinerator after expiration of a certificate without renewal thereof.

*d.* Continuing education credits must be earned during the two-year certification period. All certified operators must earn ten contact hours per certificate during each two-year period. The two-year period will begin upon certification.

*e.* Only those operators fulfilling the continuing education requirements before the end of each two-year period will be allowed to renew their certificates. The certificates of operators not fulfilling the continuing education requirements shall be void upon expiration, unless an extension is granted.

*f.* All activities for which continuing education credit will be granted must be related to the subject matter of the particular certificate to which the credit is being applied.

*g.* The department may, in individual cases involving hardship or extenuating circumstances, grant an extension of time of up to three months within which the applicant may fulfill the minimum continuing education requirements. Hardship or extenuating circumstances include documented health-related confinement or other circumstances beyond the control of the certified operator that prevent attendance at the required activities. All requests for extensions must be made 60 days prior to expiration of certification.

*h.* The certified operator is responsible for notifying the department of the continuing education credits earned during the period. The continuing education credits earned during the period shall be shown on the application for renewal.

*i.* A certified operator shall be deemed to have complied with the continuing education requirements of this rule during periods that the operator serves honorably on active duty in the military service; or during periods that the operator is a resident of another state or district having a continuing education requirement for operators and meets all the requirements of that state or district for practice there; or during periods that the person is a government employee working as an operator and is assigned to duty outside of the United States; or during other periods of active practice and absence from the state approved by the department.

**102.15(10) Discipline of certified operators.**

*a.* Disciplinary action may be taken on any of the following grounds:

(1) Failure to use reasonable care or judgment or to apply knowledge or ability in performing the duties of a certified operator. Duties of certified operators include compliance with rules and permit conditions applicable to incinerator operation.

(2) Failure to submit required records of operation or other reports required under applicable permits or rules of the department, including failure to submit complete records or reports.

(3) Knowingly making any false statement, representation, or certification on any application, record, report, or document required to be maintained or submitted under any applicable permit or rule of the department.

*b.* Disciplinary sanctions allowable are as follows:

(1) Revocation of a certificate.

(2) Probation under specified conditions relevant to the specific grounds for disciplinary action. Additional education or training or reexamination may be required as a condition of probation.

*c.* The procedure for discipline is as follows:

(1) The department shall initiate disciplinary action. The commission may direct that the department investigate any alleged factual situation that may be grounds for disciplinary action under paragraph 102.15(10)“*a*” and report the results of the investigation to the commission.

(2) A disciplinary action may be prosecuted by the department.

(3) Written notice shall be given to an operator against whom disciplinary action is being considered. The notice shall state the informal and formal procedures available for determining the matter. The operator shall be given 20 days to present any relevant facts and indicate the operator’s position in the matter and to indicate whether informal resolution of the matter may be reached.

(4) An operator who receives notice shall communicate verbally, in writing, or in person with the department, and efforts shall be made to clarify the respective positions of the operator and department.

(5) The applicant's failure to communicate facts and positions relevant to the matter by the required date may be considered when appropriate disciplinary action is determined.

(6) If agreement as to appropriate disciplinary sanction, if any, can be reached with the operator and the commission concurs, a written stipulation and settlement between the department and the operator shall be entered into. The stipulation and settlement shall recite the basic facts and violations alleged, any facts brought forth by the operator, and the reasons for the particular sanctions imposed.

(7) If an agreement as to appropriate disciplinary action, if any, cannot be reached, the department may initiate formal hearing procedures. Notice and formal hearing shall be in accordance with 561—Chapter 7 related to contested and certain other cases pertaining to licensee discipline.

**102.15(11)** Upon revocation of a certificate, application for certification may be allowed after two years from the date of revocation. Any such applicant must successfully complete an examination and be certified in the same manner as a new applicant.

**102.15(12)** A temporary operator of a solid waste incinerator may be designated for a period of six months when an existing certified operator is no longer available to the facility. The facility must make application to the department, explain why a temporary certification is needed, identify the temporary operator, and identify the efforts that will be made to obtain a certified operator. A temporary operator designation shall not be approved for greater than a six-month period except for extenuating circumstances. In any event, not more than one six-month extension to the temporary operator designation may be granted. Approval of a temporary operator designation may be rescinded for cause as set forth in subrule 102.15(10).

This rule is intended to implement Iowa Code section 455B.304(12).  
[ARC 6982C, IAB 4/19/23, effective 5/24/23]

**567—102.16(455B) Disruption and excavation of sanitary landfills or closed dumps.** No person shall excavate, disrupt, or remove any deposited material from any active or discontinued sanitary landfill or closed dump without first having notified the department in writing.

**102.16(1)** Notification shall include an operational plan stating the area involved, lines and grades defining limits of excavation, estimated number of cubic yards of material to be excavated, sanitary disposal project where material is to be disposed, and estimated time required for excavation procedures.

**102.16(2)** An excavation shall be confined to an area consistent with the number of pieces of digging equipment and trucks used for haulage.

**102.16(3)** The disposal of all solid waste resulting from excavation shall be in conformity with Iowa Code chapter 455B and applicable solid or hazardous waste regulations.

This rule is intended to implement Iowa Code section 455B.304.  
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These rules are intended to implement Iowa Code sections 455B.304 and 455B.305.

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