

IOWA DEPARTMENT OF NATURAL RESOURCES

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Solid Waste Administrative Rule Review: 567 IAC 116

Registration of Waste Tire Haulers

This summary is an invitation for stakeholders to participate in the Iowa DNR's solid waste administrative rule review process. We would like your input and to discuss your concerns before developing draft rule revisions.

Why is the DNR seeking stakeholder input?

The Solid Waste Section is conducting a detailed review of Iowa's solid waste regulations in accordance with Iowa Code section 17A.7(2), which requires all state agencies perform ongoing comprehensive five-year reviews of all administrative rules. The intent of this review is to eliminate unnecessary regulations, remove duplication and confusion, and ensure statutory authority exists for each chapter. Our goal is to ensure all solid waste administrative rules meet present and future needs, are plain-spoken and logical, and carry out the laws of Iowa and federally-mandated programs without imposing unnecessary regulatory burdens upon stakeholders.

The purpose of 567 IAC 116

The intent of this administrative chapter was to establish guidelines for the registration of waste tire haulers that provide waste tire collection and hauling services, to ensure it's done in a manner that is protective of human health and the environment. Improper management of waste tires may lead to future problems such as the burning of tires, risk of disease from discarded tires creating a breeding ground for disease carrying mosquitoes and rodents, and blight on the landscape that may attract further dumping of other solid waste.

DNR's legal authority

The provisions of this administrative chapter directly implement the statutory obligations expressed in Iowa Code section 455D.11I, by establishing a waste tire hauler registration program.

Improvement opportunities for discussion

- Iowa Code section 455D.11I(6) states that a waste tire hauler must obtain a \$10,000 surety bond as financial assurance. Statutorily limiting the financial assurance mechanism to only the surety bond and dictating the amount, has likely kept some prospective registrants from getting into the waste tire hauling business. Multiple financial assurance instruments are available to sanitary disposal projects pursuant to Iowa Code section 455B.301, and comparable financial assurance instrument options should be available to entities wanting to haul waste tires.

How can I provide input?

The DNR seeks stakeholder input on opportunities for improvement identified during the rule review process. When preparing your comments be sure to:

- Explain your views as clearly as possible;
- Describe assumptions used;
- Provide technical information and/or data used to support your views;
- Explain how you arrived at your estimate for potential burdens, benefits or costs; and
- Provide specific examples to illustrate your views and offer alternatives.

Please submit comments to:

Solid Waste Administrative Rule Review
Iowa Department of Natural Resources
Wallace State Office Building
502 East 9th Street
Des Moines, IA 50319
Fax: (515) 725-8202
Email: SWRR@dnr.iowa.gov

For more information

If you have questions about the DNR's solid waste administrative rule review process or information contained within this summary, please submit them to SWRR@dnr.iowa.gov.

- Further clarification is needed in regard to how the DNR defines “vehicle.” The registration requirements in 567 IAC 116.4 refer specifically to motor vehicle, however, the marking requirements of 567 IAC 116.7 indicate information should be “displayed on each side of equipment used for the hauling of waste tires.” Iowa Code section 455D.11(3) states in part, “A certificate of registration shall at all times be carried and displayed in the vehicle used for transportation of waste tires and shall be shown to a representative of the department of natural resources or the state department of transportation, upon request.” Perhaps amend “motor vehicle” to “container” for the purpose of clarifying that all containers holding waste tires shall be marked properly.
- 567 IAC 116.8(2) states in part that waste tire haulers “...may not establish or operate any intermediate storage...” unless a permit has been issued in accordance with 567 IAC 117. However, 567 IAC 117.4(1) indicates quantity limits and operational requirements for which a waste tire stockpile permit would not be needed. These two provisions contradict one another. So long as they comply with 567 IAC 117.4, intermediate storage and storage beyond 72 hours of initial pick up seems authorized. Iowa Code section 455D.11(7)(b) states, “That a person who transports waste tires for final disposal is required to only dispose of the tires at a permitted sanitary disposal facility.” This statutory provision does not prohibit intermediate storage.
- While Iowa Code section 455D.11(5) states that the DNR “shall develop criteria for the issuance of permits and shall issue permits to qualified stockpiling facilities,” perhaps the DNR should re-evaluate whether it should be authorizing this activity, as these approved stockpile sites became some of the most expensive clean ups as part of the waste tire abatement fund. The stockpiling of waste tires in anticipation of some future waste tire market creates the potential for illegal disposal and expensive site remediation costs if the entity decides to walk away.

What input does the DNR seek?

- Should the DNR consider an alternative approach?
- How might the objectives of this chapter be better achieved?
- What considerations or information should the DNR take into account when developing rule revision language?

Rulemaking process

Because this review effort encompasses multiple chapters, spanning a broad range of complex issues, they will be divided into smaller groupings to facilitate a more manageable and phased rulemaking approach. All chapters will follow the process outlined below:

- **External Stakeholder Rule Review.** This step is intended to obtain input from external stakeholders in regard to the DNR’s initial analysis of existing rules. To facilitate an open and collaborative dialogue, the DNR will host a series of stakeholder meetings and accept written stakeholder input on the preliminary rule reviews.
- **Discussion and Consensus Building.** This step entails continued dialogue with external stakeholders to build consensus regarding proposed changes and rule revisions. After the initial stakeholder review period, the DNR will evaluate feedback received and facilitate additional stakeholder engagement as needed, to further develop supported administrative rule revisions.
- **Draft Proposed Revisions.** This step will seek public input prior to submitting the proposed revisions to the Governor’s Office for approval to proceed with formal rulemaking. All proposed rules will at this stage, go through an external stakeholder input process and be analyzed for fiscal and job impacts.
- **Begin formal rulemaking.** This process is set out in Iowa Code chapter 17A. All proposed revisions will be open for interested party review and comment prior to final adoption or repeal by the DNR, in accordance with the procedures expressed in Iowa Code chapter 17A. It should be noted that Iowa Code chapter 17A provides additional opportunities for public comment on draft rule revisions prior to any final agency action.

Throughout this process, further in-depth rule reviews, meeting summaries, and submitted comments will be available at www.iowadnr.gov/SWRR.

How can I track rules review and development progress?

Stakeholders are encouraged to sign up for the DNR’s electronic mailing list, which provides automatic updates regarding the solid waste administrative rule review process. Registered users will receive periodic progress updates and be notified when information is posted to the rulemaking website. To subscribe, please send a blank e-mail to join-dnrswrr@lists.ia.gov. The subject line is left blank.

*Further in-depth rule reviews and supporting documents are available at www.iowadnr.gov/SWRR.