



## Department of Natural Resources

### Five-Year Rule Review Worksheet

#### Basic Information, and Parts A and B

*(Instructions: Part C of this Worksheet, pertaining to Phase 2, is contained in a separate document. If Part C is applicable to the relevant rules chapter, please also fill out Part C for that chapter.)*

#### BASIC INFORMATION

Date Parts A and B Review Concluded: September 1, 2014

Reviewer Name(s): Chad A. Stobbe

561

565

567

571

575

Chapter Number: 117

Chapter Name: Waste Tire Management

Purpose of chapter: The purpose of this administrative chapter is to establish guidelines for the proper management of waste tires, including disposal, collection, storage, processing, and beneficial reuse of waste tires and processed waste tire materials in a manner that is protective of human health and the environment.

*\*(Instructions: If this chapter is lengthy or it covers diverse subject matter, then you may wish to break the chapter into portions and fill out one "Five-Year Rule Review Worksheet" for each portion of the chapter. If you chose this option, please specify the portion of the chapter reviewed in each Worksheet (for example "561 Iowa Administrative Code chapter 3, rules 3.1 through 3.6").)*

Legal authority:

[Iowa Code section 455D.11](#) - 455D.11(1) through (7)

[Iowa Code section 455D.11A](#)

[Iowa Code section 455D.11B](#)

[Iowa Code section 455D.11C](#) - 455D.11C(1) and (2)

*(Instructions: At the end of each chapter, there should be a sentence stating: “These rules are intended to implement Iowa Code chapter(s) ....” These citations provide the general legal authority for the rules chapter. To find this sentence, please go to the URL provided for the appropriate Iowa Administrative Code agency number (ex: 565 or 567), scroll down to the appropriate chapter, and click on the “PDF” box for that chapter. At the end of each chapter, you will find the above-mentioned sentence as well as the **effective date** of the chapter. **Note:** Be sure to click on the **PDF** link below for the **entire chapter**. If you click on the other available links, such as for the Word versions or the “Rules” links, the statutory authority may not be included. The PDF version is identical to the hard copy version which contains the statutory authority.)*

<b>Title</b>	<b>URL</b>
561	<a href="https://www.legis.iowa.gov/IowaLaw/AdminCode/chapterDocs.aspx?pubDate=01-23-2013&amp;agency=561">https://www.legis.iowa.gov/IowaLaw/AdminCode/chapterDocs.aspx?pubDate=01-23-2013&amp;agency=561</a>
565	<a href="https://www.legis.iowa.gov/IowaLaw/AdminCode/chapterDocs.aspx?pubDate=01-23-2013&amp;agency=565">https://www.legis.iowa.gov/IowaLaw/AdminCode/chapterDocs.aspx?pubDate=01-23-2013&amp;agency=565</a>
567	<a href="https://www.legis.iowa.gov/IowaLaw/AdminCode/chapterDocs.aspx?pubDate=01-23-2013&amp;agency=567">https://www.legis.iowa.gov/IowaLaw/AdminCode/chapterDocs.aspx?pubDate=01-23-2013&amp;agency=567</a>
571	<a href="https://www.legis.iowa.gov/IowaLaw/AdminCode/chapterDocs.aspx?pubDate=01-23-2013&amp;agency=571">https://www.legis.iowa.gov/IowaLaw/AdminCode/chapterDocs.aspx?pubDate=01-23-2013&amp;agency=571</a>
575	<a href="https://www.legis.iowa.gov/IowaLaw/AdminCode/chapterDocs.aspx?pubDate=01-23-2013&amp;agency=575">https://www.legis.iowa.gov/IowaLaw/AdminCode/chapterDocs.aspx?pubDate=01-23-2013&amp;agency=575</a>

*Further information regarding the legal authority for the chapter may be stated somewhere in the chapter or in a preamble relating to rulemaking pertaining to the chapter. If you cannot find the legal authority for the chapter or the portion of the chapter that is the subject of your Worksheet, and you need assistance, please consult with the assigned attorney.)*

**Part A**  
**EVALUATION TO DETERMINE WHETHER CURRENT RULE CHANGES ARE NEEDED**

*(Instructions: Please answer the following questions to determine whether current rule changes are needed to the chapter or portion of a chapter that is the subject of this Worksheet. If you can answer "yes" to any of the following questions, then this chapter does not need further review at this time.)*

1. Was this chapter or portion of a chapter adopted within the past five years?

Yes    No    **(check or circle)**

1a. If yes, then what is the effective date of this chapter or portion of a chapter?

*(Instructions: If the answer to question 1 is "yes," then answer any sub questions and **STOP**. This chapter or portion of a chapter does not need further review under the five-year rule review plan. If the answer to question 1 is "no," then proceed to the next question.*

*For instructions regarding how to find the **effective date** of a chapter, please refer to the instructions above in the "Basic Information" portion of the worksheet.)*

2. Was this chapter or portion of a chapter revised extensively within the past five years?

Yes    No    **(check or circle)**

2a. If yes, then did the revisions occur with stakeholder assistance that occurred outside of the Iowa Code chapter 17A public participation process?

*(Instructions: If the answer to question 2 is "yes," then answer any sub questions and **STOP**. This chapter or portion of a chapter does not need further review under the five-year rule review plan. If the answer to question 2 is "no," then proceed to the next questions.)*

3. Does legal authority for this chapter or portion of a chapter continue to exist?

Yes    No    **(check or circle)**

4. If this chapter or portion of a chapter was adopted more than five years ago, does it continue to serve the purpose for which it was intended?

Yes    No    **(check or circle)**

5. Does this chapter or portion of a chapter comply with applicable current federal requirements? (This would include sections that adopt by reference current federal requirements.)

Yes     No    (check or circle)

*(Instructions: If the answer to questions 3, 4, and 5 is "yes," then **STOP**. This chapter or portion of a chapter does not need further review under the five-year rule review plan. If the answer to question 3, 4, or 5 is "no," then proceed to Part B.)*

## Part B

### EVALUATION TO DETERMINE ELIGIBILITY FOR PHASE 1

*(Instructions: Please answer the following questions to determine the eligibility of this chapter or portion of the chapter for Phase 1 rulemaking. If you can answer "yes" to **any one** of the following questions, then this chapter or portion of a chapter is eligible for Phase 1 rulemaking. If the response to a question is unclear or needs further review, and you did not answer "yes" to any of the other questions, then the chapter or portion of a chapter may be a candidate for Phase 2 rulemaking.)*

1. Is this chapter or portion of a chapter **outdated** because the Iowa statutory authority for this chapter or portion of a chapter no longer exists?

Yes     No    (check or circle)

2. Is this chapter or portion of a chapter **outdated** because the federal statutory authority or federal regulatory/rule authority for this chapter or portion of a chapter no longer exists?

Yes     No    (check or circle)

3. Is this chapter or portion of a chapter **outdated** because the chapter or portion of a chapter is no longer implemented?

Yes     No    (check or circle)

4. Is this chapter or portion of a chapter **outdated** because the program this chapter or portion of a chapter was intended to implement no longer exists?

Yes     No    (check or circle)

5. Is this chapter or portion of a chapter currently clearly **inconsistent** with (a) federal statutes or rules, (b) another chapter of Iowa rules or an Iowa statute, or (c) other provisions of this chapter?

Yes       No      **(check or circle)**

5a. If this chapter or portion of a chapter is inconsistent with another provision of law, please summarize the inconsistency and give the citation of the inconsistent law.

History has shown that waste tires are unlikely to ever have a positive value due to more stringent air quality regulations and the difficulty in breaking down waste tires into various commodities. No other waste material is allowed to accumulate indefinitely with no clear plans of recycling or disposal. 567 IAC 117.4(2) should be considered for rescission from this administrative chapter, as stockpiling tires without any end-market is not a proper management method. This allowance also conflicts with the illegal dumping provisions of Iowa Code section 455B.307(1).

6. Is there a clear **lack of legal authority** for this chapter or portion of a chapter?

Yes       No      **(check or circle)**

7. Does another Iowa agency implement the same or similar rules in a way that causes this chapter or portion of a chapter to be **redundant**?

Yes       No      **(check or circle)**

7a. Please give the citation of the same or similar rules.