

# IOWA DEPARTMENT OF NATURAL RESOURCES

## LEADING IOWANS IN CARING FOR OUR NATURAL RESOURCES

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### Solid Waste Administrative Rule Review: 567 IAC 117

#### Waste Tire Management

**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 117

The intent of this administrative chapter was 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. 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 sections 455D.11, 455D.11A, and 455D.11B by establishing permitting programs for waste tire stockpile and processing sites to ensure such activities are conducted in a manner that is protective of human health and the environment.

#### Improvement opportunities for discussion

- 567 IAC 117.4(2) and (3) provide for the issuance of waste tire stockpile permits to those facilities that store more than 500 passenger tire equivalents (PTEs) on any one site. This permit was originally devised as a way to allow entities to collect tires in an environmentally responsible way, with the hopes of the waste tires becoming a commodity. These sites then became some of the largest waste tire clean-ups paid for by the taxpayers of Iowa. No other waste material is allowed to accumulate

#### 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 9<sup>th</sup> Street  
Des Moines, IA 50319  
Fax: (515) 725-8202  
Email: [SWRR@dnr.iowa.gov](mailto: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](mailto:SWRR@dnr.iowa.gov).

indefinitely with no clear plans of recycling or disposal, and therefore these stockpile provisions should be considered for removal from this administrative chapter.

- 567 IAC 117.4(2)“a” makes allowances for authorized vehicle recyclers (as licensed by the Iowa Department of Transportation (IDOT)) for storage of up to 3,500 PTEs without a waste tire stockpile permit. 567 IAC 117.6(1)“d” goes on further to exempt businesses and individuals (that cut, grind, or compact for disposal waste tires generated directly from operations at their own on-site manufacturing operation or service facility) from a waste tire processing permit if the processed tires are disposed of at least every 30 days at a permitted facility and no more than 500 waste tires are processed monthly. These exemption criteria are vague and difficult for the DNR to verify compliance. Additional discussion with the industry and interested parties is needed to determine whether these businesses should be treated differently than any other business under 567 IAC 117.4(1).
- Because all waste tire provisions (i.e. hauling, processing, storage and beneficial use) are outside of Iowa Code Chapter 455B, Division IV “Solid Waste Disposal,” Part 1 “Solid Waste,” those chapters dealing with waste tire management (i.e. 567 IAC 116 and 117) should likely remain separate from any consolidated solid waste permitting chapter(s). However, combining those provisions of 567 IAC 116 and 117 that have statutory authority into a single administrative chapter should be further evaluated as a means to streamline and consolidate.

### 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](http://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](mailto: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](http://www.iowadnr.gov/SWRR).**