

567 IAC Chapter 100 - Scope of Title, Definitions, Rules of Practice (Final Draft, July 2024)

**The purpose of this document is to identify proposed revisions and to indicate where provisions from [567 IAC 100](#) and [567 IAC 102](#) have been incorporated within the proposed rulemaking. For ease of use, the DNR is focusing on substantive revisions within this document, and will not individually highlight minor revisions made for solely for clarification purposes.*

Subject	Rule Citation	Existing Rule	Proposed Rule Citation	Proposed Rule <i>(Description & Substantive Revisions)</i>	Iowa Code Citation	Notes/Discussion
Scope of title	100.1	567—100.1(455B,455D) Scope of title. The department has jurisdiction over the management, dumping, depositing, and disposal of solid waste by establishing standards for sanitary disposal projects and by regulating solid waste through a system of general rules and specific permits. The construction and operation of any sanitary disposal project requires a specific permit from the department. This chapter provides general definitions applicable to Title VIII (solid waste management and disposal) of the commission’s rules and general conditions of solid waste disposal. This rule is intended to implement Iowa Code section 455B.304 and chapter 455D.	100.1	Restated to include solid waste management permits. 567—100.1(455B,455D) Scope of title. The department has jurisdiction over the management, dumping, depositing, and disposal of solid waste by establishing standards and regulating solid waste through a system of general rules and specific permits. The construction and operation of any sanitary disposal project or solid waste management activity requires a specific permit from the department. This chapter provides general definitions applicable to Title VIII (solid waste management and disposal) of the commission’s rules and general conditions of solid waste disposal.	455B.304 & 455D	
Definition	100.2	567—100.2(455B,455D) Definitions.	100.2	Includes the definitions in Iowa Code chapter 455D to be considered to be incorporated verbatim in these rules. 567—100.2(455B,455D) Definitions. For the purpose of this title, the following terms shall have the meaning indicated in this chapter. The definitions set out in Iowa Code section 455B.301 and Iowa Code chapter 455D shall be considered to be incorporated verbatim in these rules.	4554B.301 & 455D	A review of the definitions in current 567—100.2(455B,455D) resulted in a couple definitions that could be removed because they were duplicative to statutory definitions or definitions were no longer being used within our administrative rules. This chapter centralizes the definitions applicable to our regulatory chapters. Only those definitions specific to an individual chapter will remain in those chapters.
Permit required	102.1	567—102.1(455B) Permit required.	100.3	567—100.3(455B,455D) Permit required. No public or private agency shall construct or operate a sanitary disposal project or solid waste management activity without first obtaining a permit from the department. In order to be issued a municipal solid waste sanitary disposal project permit, the permit applicant must also	455B.305 , 455B.306 , 455D.6 & 455D.7	Revisions included to emphasize the relationship between municipal solid waste sanitary disposal project permitting and solid waste comprehensive planning, and to clarify the limitations of the DNR’s permitting to

567 IAC Chapter 100 - Scope of Title, Definitions, Rules of Practice (Final Draft, July 2024)

				<p>satisfy the comprehensive planning requirements set forth in 567—Chapter 104. The issuance of a permit by the department in no way relieves the applicant of the responsibility of complying with all other local, state, or federal statutes, ordinances, and rules or other requirements applicable to the solid waste management activity.</p>		<p>other applicable regulations by external entities.</p>
Types of permits	102.2	567—102.2(455B) Types of permits.	100.4	<p>100.4(1) Sanitary disposal project permit. Revisions include extending the permitting timeframe beyond three years to align with how sanitary disposal project (SDP) permits are currently being issued. It was also clarified that the DNR may conduct an inspection of SDPs as part of renewal, rather than mandating it, which is not supported by statute or current practice.</p> <p>100.4(2) Solid waste management permit. This permit type was added to clarify the distinction between SDPs and the regulations that specifically apply to them, and other solid waste and recycling permits the DNR has specific regulatory authority to issue. Historically, the DNR grouped most permits under the heading of SDP, which is not supported by statutory authority, and which at times, inaccurately placed requirements upon non-SDPs (e.g., financial assurance).</p> <p>100.4(3) Developmental permit. This permit type was left unchanged except for the inclusion of solid waste management permits. This permit type serves to provide the DNR with the authority and flexibility to issue permits regarding unforeseen activities regarding solid waste management.</p> <p>100.4(4) Temporary permit. This SDP permit type has specific statutory authority in Iowa Code subsection 455B.307(1) and is unchanged.</p>	<p>455B.304, 455B.305, 455B.307, 455D.6 & 455D.7</p>	<p>As this chapter serves as an overarching permitting chapter, additional detail and clarification was needed to allow these provisions to apply to all solid waste management permitting types issued by the DNR's Solid Waste Section.</p>

567 IAC Chapter 100 - Scope of Title, Definitions, Rules of Practice (Final Draft, July 2024)

				<p>100.4(5) Closure permit. This SDP permit type is fundamentally unchanged, except that minor edits were made to provide additional clarification as to statutory authority and applicability.</p>	
Permit applications	102.3, 102.7 & 102.12	567—102.3(455B) Applications for permits. 567—102.7(455B) Amendments. 567—102.12(455B) Primary plan requirements for all sanitary disposal projects.	100.5	<p>567—100.5(455B,455D) Permit applications. Revisions are being proposed to consolidate and standardize requirements from multiple rules into a single permit application rule that applies to the majority of permit types issued pursuant to new 567—Chapters 101 and 102. For those provisions that may not be applicable to a particular facility or permit type, a simple rationale for exclusion shall be provided.</p> <p>100.5(2) Incomplete applications. This subrule mirrors the current requirements in 567 IAC 102.3(2).</p> <p>100.5(3) Request and approval of renewal. This subrule was expanded to clarify the DNR may request additional information be submitted to make a permit issuance decision and what factors are considered during permit renewal reviews.</p> <p>100.5(4) Request for permit modification. This subrule addresses the DNR’s process regarding requests for permit modification.</p>	455B.304 , 455B.305 , 455D.6 , 455D.7 & 455D.9
Construction and operations	102.5	567—102.5(455B) Construction and operation.	100.6	567—100.6(455B,455D) Construction and operation. This rule mirrors the current requirements in 567 IAC 102.5.	455B.304
Inspection prior to start-up	102.11	567—102.11(455B) Inspection prior to start-up.	100.7	567—100.7(455B,455D) Inspection prior to start-up. This rule was revised to include solid waste management activities. Otherwise this rule mirrors the current requirements in 567 IAC 102.11.	455B.305
Permit conditions	102.9	567—102.9(455B) Permit conditions.	100.8	567—100.8(455B,455D) Permit conditions. This rule was revised to include solid waste management activities and to specify the applicable statutory	455B.304 , 455D.6 & 455D.7

567 IAC Chapter 100 - Scope of Title, Definitions, Rules of Practice (Final Draft, July 2024)

				requirements. Otherwise this rule mirrors the current requirements in 567 IAC 102.9.		
General operating requirements	102.13	567—102.13(455B) Operating requirements for all sanitary disposal projects.	100.9	567—100.9(455B,455D) General operating requirements for sanitary disposal projects and solid waste management activities. This rule was revised to include solid waste management activities and to streamline and standardize the operating requirement that apply to these facilities. This rule does not prohibit individual permitting divisions within 567—Chapters 101 and 102 from placing additional operating requirements upon these facilities.	455B.304 , 455D.6 & 455D.7	The general closure provisions of current 567 IAC 102.13(9) have been struck from proposed rule 567—100.9(455B,455D) and instead have been incorporated into its own rule (proposed rule 567—100.10(455B,455D)).
	102.13(9)	102.13(9) General closure requirements.	100.10	567—100.10(455B,455D) General closure requirements for sanitary disposal projects and solid waste management activities. This rule closely mirrors the current requirements in 567 IAC 102.13(9), but that the timeframe for notifying the DNR of intent to closure and publishing such notice in a newspaper has been reduced from 180 days to 90 days. Experience has shown that most facilities that decide to close are not able to notify the DNR of this 6 months in advance.	455B.304 , 455B.306 & 455D.6	
Compliance with rule changes	102.6	567—102.6(455B) Compliance with rule changes.	100.11	567—100.11(455B,455D) Compliance with rule changes. This rule mirrors the current requirements in 567 IAC 102.6.	455B.304 , 455B.306 & 455D.7	
Transfer of title and permit.	102.8	567—102.8(455B) Transfer of title and permit.	100.12	567—100.12(455B,455D) Transfer of title. This rule was revised to include solid waste management activities and clarification that if the permit has not been transferred within the 60 days, the new titleholder shall submit a complete permit application. Otherwise, this rule mirrors the current requirements in 567 IAC 102.8.	455B.304 , 455B.306 & 455D.7	
Effect of revocation	102.10	567—102.10(455B) Effect of revocation.	100.13	567—100.13(455B,455D) Effect of revocation. This rule was revised to include solid waste management activities. Otherwise, this rule mirrors the current requirements in 567 IAC 102.10.	455B.304 , 455B.306 & 455D.7	
Emergency response and	102.14	567—102.14(455B) Emergency response and remedial action plans.	100.14	567—100.14(455B) Emergency response and remedial action plans.	455B.306 &	

567 IAC Chapter 100 - Scope of Title, Definitions, Rules of Practice (Final Draft, July 2024)

remedial action plans				This rule was revised to streamline and standardize the requirements for all SDPs. The current requirements for ERRAPs, which are included in several permitting chapters, are overly prescriptive and primarily focused on sanitary landfill operations.	455D.7	
Laboratory certification	NA	NA	100.15	567—100.15(455B) Laboratory certification. This rule was added to address the statutory obligation requiring laboratories reporting environmental data to the DNR be certified for the methods and parameters being measured.	455B.113	
Waivers	NA	NA	100.16	567—100.16(455B) Waivers. This rule was added to address the statutory obligation within the “Iowa Administrative Procedure Act” for any person to petition the DNR for a waiver from the requirements of a rule.	17A.9A	