

## 567 IAC 102, Division V, Waste Tire Management ([Final Draft, April 2024](#))

*\*The purpose of this document is to identify proposed revisions and to indicate where provisions from [567 IAC 116](#) and [567 IAC 117](#) 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 &amp; Substantive Revisions)</i>	Iowa Code Citation	Notes/Discussion
<b>Purpose</b>	116.1 & 117.1	<p><b>567—116.1(455B,455D) Purpose.</b> The purpose of this chapter is to establish guidelines for the registration of waste tire haulers that provide waste tire collection and hauling services for a fee. The registration process shall ensure the proper management of waste tires collected by a waste tire hauler. This chapter shall not exempt a waste tire hauler from compliance with other applicable statutes or requirements regarding waste tires that are hauled to or from other states.</p> <p><b>567—117.1(455B,455D) Purpose.</b> The purpose of this 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. The chapter shall not be construed to exempt a waste tire storage site or processing site from compliance with more stringent local ordinances, fire codes, or other applicable statutes.</p>	102.400	<p>Restated and simplified to encompass both prior administrative provisions:</p> <p><b>567—102.400(455D) Purpose.</b> The purpose of this division is to establish guidelines for the proper management of waste tires, including collection, hauling, storage, processing, disposal, and beneficial reuse of waste tires and processed waste tire materials. This division shall not be construed to exempt a waste tire storage site, processing site or waste tire hauler from compliance with more stringent local ordinances, fire codes, or other applicable statutes.</p>	<a href="#">455D.11</a>	
<b>Definitions</b>	116.2 & 117.2	<p><b>567—116.2(455B,455D) Definitions.</b> As used in this chapter:</p> <p><b>567—117.2(455B,455D) Definitions.</b> As used in this chapter:</p>	102.401	<p>Revision to account for statutory definitions and those in proposed 567 IAC 100:</p> <p><b>567—102.401(455D) Definitions and incorporation by reference.</b> In addition to the definitions in Iowa Code sections 455D.11, 455D.11I and in 567—Chapter 100, the following definitions shall apply to Division V of this chapter:</p> <p>The definitions of “Bagel cut” and “Baled tire” have been struck as there is no need for bagel cut term, and baled tires are defined as a whole tire.</p>		<p>The average passenger tire size and weight (including SUVs and light trucks) has increased in the last 30 years. The Tire Industry Association updated average PTE weight as of May 2021 to 25 pounds. The average rim diameter of a PTE is 19 inches, and experience with estimating PTEs within a given volume, has shown an average of 10 PTEs per cubic yard (State of California and State of Michigan have recently adopted 10 PTEs per cubic yard). These changes are designed to provide a more accurate method</p>

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				<p>The definition of “Processed tire” was revised to more clearly align with Iowa Code section 455D.11(2).</p> <p>The definition of “Passenger tire equivalent” (PTE) was revised to provide more accurate comparisons of average tire size, weight, and volume, based on industry standards.</p>		to convert tire weights and volumes to a descriptive “PTE.”
<b>Registration of waste tire haulers</b>	116.3	<b>567—116.3(455B,455D) Registration requirement. 567—116.4(455B,455D) Registration form. 567—116.5(455B,455D) Registration fee.</b>	102.402	<p>Revision to consolidate registration requirements from three separate rules in prior 567 IAC 116.</p> <p><b>567—102.402(455D) Registration of waste tire haulers.</b> 102.402(1) Registration exemption. 102.402(2) Annual registration 102.402(3) Registration form. 102.402(4) Waste tire hauler registration fee.</p>	<a href="#">455D.11(7)</a> & <a href="#">455D.11</a>	
<b>Waste tire hauler bond</b>	116.6	<b>567—116.6(455B,455D) Bond form</b>	102.403	<p>The requirements have not changed except for renumbering.</p> <p><b>567—102.403(455D) Waste tire hauler bond.</b> 102.403(1) Minimum of \$150,000 102.403(2) Bond requirements</p>	<a href="#">455D.11(6)</a>	This portion of 567 IAC 116 recently underwent rulemaking (increase bond amount from \$10,000 to \$150,000), which took effect in February 2022 ( <a href="#">ARC 6147C</a> ).
<b>Marking of equipment</b>	116.7	<b>567—116.7(455B,455D) Marking of equipment.</b>	102.404	<p>The requirements have not changed except for renumbering.</p> <p><b>567—102.404(455D) Marking of equipment.</b></p>	<a href="#">455D.11(7)</a>	
<b>Disposition of waste tires collected</b>	116.8	<b>567—116.8(455B,455D) Disposition of waste tires collected.</b>	102.405	<p>The requirements have not changed except for renumbering.</p> <p><b>567—102.405(455D) Disposition of waste tires collected.</b></p>	<a href="#">455D.11(7)</a>	
<b>Reporting requirements</b>	116.9	<b>567—116.9(455B,455D) Reporting requirements.</b>	102.406	<p>The requirements have not changed except for renumbering.</p> <p><b>567—102.406(455D) Waste tire hauler reporting requirements.</b></p>	<a href="#">455D.11(7)</a>	

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<b>Waste tire disposal</b>	117.3	<p><b>567—117.3(455B,455D) Waste tire disposal.</b>  <b>117.3(1) Land disposal prohibited.</b> Land disposal of waste tires, in whole, cut, or shredded form, is prohibited. Waste tires shall be accepted at a permitted sanitary landfill for final disposal if the tires have first been cut into pieces that are not more than 18 inches on any one side.  <b>117.3(2) Transport to permitted facilities.</b> A person who transports waste tires for final disposal is required to dispose of the tires only at a permitted facility.  <b>117.3(3) Registered waste tire hauler.</b> A person who contracts with another person to transport more than 40 waste tires in a single load is required to contract only with a person registered as a waste tire hauler, pursuant to Iowa Code section 455D.11I.</p>		<p>Rule 567—117.3(455B,455D) was struck as it is duplicative of the statutory authorities already referenced within the proposed revisions of the consolidated rulemaking.</p>	<a href="#">455D.11</a>	
<b>Waste tire storage permits and requirements</b>	117.4	<p><b>567—117.4(455B,455D) Waste tire storage permits and requirements</b></p>	102.407	<p>Minor revisions for clarification are being proposed in new rule 567—102.407(455D). Requirements have been retained and renumbered.</p> <p><b>567—102.407(455D) Waste tire stockpiling.</b>  102.407(1) Storage quantity limitations.  102.407(2) Waste tire stockpile permits.</p> <p>102.407(3) Permitted stockpiling requirements. With regard to stockpiling, the requirements have been streamlined within the location designations (i.e., Open area and Enclosed area).</p> <p>102.407(4) Reporting requirements.</p>	<a href="#">455D.11(4)</a> & <a href="#">455D.11B</a>	<p>Using “stockpiling” instead of “storage” to align with Iowa Code. The differentiation is that a “stockpile” is for waste tires and “staged” is for processed tire commodities and used tires...as they’ve not been discarded (i.e. a waste) yet.</p> <p>The allowance for underground storage (567 IAC 117.4(3)“c”) has been struck as this provision only applied to a single facility, which has been addressed through subsequent Legal action.</p>
<b>Used tire storage.</b>	117.5	<p><b>567—117.5(455B,455D) Used tire storage.</b></p>	102.408	<p>The requirements have not changed except for renumbering.</p> <p><b>567—102.408(455D) Used tires.</b></p>	<a href="#">455D.11</a> & <a href="#">455D.11G(1)</a>	
<b>Waste tire processing facility permits and requirements</b>	117.6	<p><b>567—117.6(455B,455D) Waste tire processing facility permits and requirements</b></p>	102.409	<p>Minor revisions are being proposed in new rule 567—102.409(455D). Requirements have been retained and renumbered.</p>	<a href="#">455D.11</a> & <a href="#">455D.11A</a> & <a href="#">455D.11B</a>	<p>Prior paragraph 117.6(3)“e” stated, “Any tire bales produced or stored at a tire processing facility shall count toward the maximum allowable quantity of preprocessed waste tire</p>

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				<p><b>567—102.409(455D) Waste tire processing.</b>  Paragraph 102.409(1)“d” states, “Businesses or individuals who cut, grind, or compact for disposal waste tires generated directly from operations at their own on-site manufacturing operation or vehicle or equipment service facility, shall not be required to obtain a waste tire processing permit provided all waste tire materials processed on site are disposed of at least every 30 days at a permitted facility.” This revision removes the monthly processing limitation of 500 waste tires and instead relies upon the 30-day removal timeframe.</p> <p>Paragraph 102.409(3)“e” states, “ Preprocessed whole waste tires stockpiled outdoors shall comply with subparagraphs 102.407(3)“a”(2) through (16) and any waste tires stockpiled in trucks, trailers, or mobile containers must be at least 10 feet from any property line or building.” Proposed edits were made to consolidate outdoor stockpiling requirements for consistency and to reduce duplication of requirements.</p>		<p>storage.” All references to tire bales have been struck within this proposed rulemaking.</p>
<p><b>Financial assurance for waste tire sites.</b></p>	117.7	<p><b>567—117.7(455B,455D) Financial assurance for waste tire sites.</b></p>	102.410	<p>Revisions were made to this section to ensure administrative rules addressed the statutory obligations of Iowa Code. Specifically, current 567 IAC 117 failed to adequately address the allowable financial assurance instruments mandated by <a href="#">Iowa Code section 455D.11A</a>.</p> <p><b>567—102.410(455D) Financial assurance requirements.</b></p> <p>102.410(1) No permit without financial assurance.  102.410(2) Financial assurance amounts required.</p> <p>102.410(3) Allowable financial assurance instruments. This subrule was expanded to include and specifically detail the requirements for each of the statutorily-mandated financial assurance instruments.</p> <p>102.410(4) Use of multiple financial assurance</p>	<p><a href="#">455D.11A</a></p>	<p>This portion of 567 IAC 117 recently underwent rulemaking (increase price per tire for stockpiled/stored tires), which took effect in February 2022 (<a href="#">ARC 6147C</a>).</p>

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				<p>instruments. This subrule was incorporated to provide greater flexibility to permitted entities in comply with the statutorily-mandate financial assurance requirements.</p> <p>102.410(5) Exemption. The requirement has not changed except for renumbering.</p> <p>102.410(6) &amp; 102.410(7). These subrules were incorporated to clarify the conditions under which the department may gain access to the financial assurance instrument(s).</p> <p>102.410(8) Financial assurance cancellation and permit suspension. Minor changes have been made to align and make consistent with the financial assurance requirements applicable to all DNR-issued permits and licenses.</p>		
<b>Beneficial Uses of Waste Tires</b>	117.8	<b>567—117.8(455B,455D) Beneficial uses of waste tires</b>	102.411	<p><b>567—102.411(455D) Beneficial use of waste tires.</b></p> <p>The rules define approved uses of whole or processed waste tires that do not pose a threat to the environment or to the public health, welfare, and safety, and provides the department the authority to approve or deny beneficial uses applications that are not specifically defined. Revisions include removing references to products and commodities manufactured from waste tires, including crumb rubber, carbon black, and tire-derived fuel, as these materials would no longer be defined as a solid waste, and therefore not subject to the necessity of providing a beneficial uses designation. The rules remove previously defined beneficial uses for certain land applications of waste tires for erosion control structures, residential structures, drainage culverts, and land application of tire bales, as such uses have proven not meet practical and sound engineering practices.</p>	<p><a href="#">1996 Acts, House File 2433, Section 9.</a></p>	<p>This legislation stated, “Sec. 9. RULES. The department shall adopt rules to allow beneficial uses of whole or processed waste tires.”</p> <p>Uses removed from previous beneficial use designations have shown that they do not function long-term as originally indicated, as tire erosion control structures, tire bales, and culverts in contact with waterflows have consistently failed in design and structures, resulting in significant costs to landowners, both on and off site, for removal and alternative disposal of the waste tire material. Previous beneficial uses for residential structures and military and police training structures, such as gun ranges, have shown to not function for sound engineering, and resulting in large costs for disposal. These uses have shown a significant, negative</p>

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						impact to the environment and public welfare, and are therefore not a beneficial use.
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