

CHAPTER 109  
SPECIAL WASTE AUTHORIZATIONS

**567—109.1(455B,455D) Purpose.** The purpose of this chapter is to implement Iowa Code section 455B.304 and chapter 455D by providing rules for the disposal of special waste. The intent of these rules is to provide safe and proper management for disposal of special waste.

**567—109.2(455B,455D) Special waste authorization required.** No special wastes shall be delivered to or accepted by a municipal solid waste landfill unless disposal is authorized by a special waste authorization (SWA) issued by the department. Wastes for which an SWA has been issued shall be disposed of in accordance with the instructions, conditions, and limitations contained in the SWA. An SWA in effect on May 22, 2002, shall remain in effect until the SWA expires or until it is amended. Any amendment requests shall be handled under these rules.

**567—109.3(455B,455D) Definitions.**

*“General special waste”* means special wastes that are commonly accepted by landfills and have specific handling requirements for disposal that are explicitly listed in rule 567—109.11(455B,455D). General special wastes are required to be included in the landfill’s special waste acceptance criteria (SWAC), but do not require a special waste authorization (SWA). The following wastes are approved as general special wastes: asbestos-containing material; petroleum-contaminated soil; and stabilized grit, bar screenings and grease skimmings.

*“Industrial process waste”* means waste that is generated as a result of manufacturing activities, product processing or commercial activities. It does not include office waste, cafeteria waste, or other types of waste that are not the direct result of production processes.

*“Municipal solid waste landfill”* or *“MSWLF”* means a discrete area of land or an excavation that receives household waste, and that is not a land application site, surface impoundment, injection well, or waste pile, as those terms are defined under 40 CFR Part 257.2. An MSWLF may also receive other types of the federal Resource Conservation and Recovery Act (RCRA) Subtitle D wastes, such as commercial solid waste, nonhazardous dry sludge, and industrial solid waste. An MSWLF may be publicly or privately owned. An MSWLF may be a new MSWLF site, an existing MSWLF site, or a lateral expansion.

*“Pollution control waste”* means any solid waste residue extracted by, or resulting from, the operation of pollution control processes.

*“Solid waste”* is defined in Iowa Code section 455B.301.

*“Special handling”* means a specific procedure required for handling certain waste to protect the health and safety of employees, the public and the environment.

*“Special waste”* means any industrial process waste, pollution control waste, or toxic waste which presents a threat to human health or the environment or a waste with inherent properties which make the disposal of the waste in a sanitary landfill difficult to manage. Special waste does not include domestic, office, commercial, medical, or industrial waste that does not require special handling or limitations on its disposal. Special waste does not include hazardous wastes which are regulated under the federal Resource Conservation and Recovery Act (RCRA), hazardous waste as defined in Iowa Code section 455B.411, subsection 3, or hazardous wastes included in the list compiled in accordance with Iowa Code section 455B.464.

*“Toxic waste”* means material containing poisons, biocides, acids, caustics, pathological wastes, and similar harmful wastes which may require special handling and disposal procedures to protect the environment and the persons involved in the storage, transport, and disposal of the waste.

**567—109.4(455B,455D) Types of special wastes.** Rescinded IAB 6/11/03, effective 7/16/03.

**567—109.5(455B,455D) Applications.**

**109.5(1)** Generators of special waste shall make application for an SWA by submitting the form “Request for Special Waste Authorization” accompanied by supporting data as required by the

department. Two copies shall be submitted to the department, and the department will forward one of the copies to the disposal site after the department review process is completed. The application shall include the following information when applicable:

- a. Appropriate chemical analysis of the waste,
- b. Physical form of the waste,
- c. Weight or volume of the waste,
- d. Material safety data sheet (MSDS) for the waste or for the materials from which the waste is generated, if applicable,
- e. Toxicity characteristic leaching procedure (TCLP) test results when appropriate, which show that none of the federal limits in 40 CFR Part 261 are exceeded, and
- f. Any other information requested by the department.

**109.5(2) Additional requirements.**

- a. The waste shall not contain free liquids as defined at 567—100.2(455B,455D). The point of compliance shall be the working face.
- b. The waste shall not be a listed hazardous waste or meet the criteria for characteristic hazardous waste pursuant to the federal Resource Conservation and Recovery Act (RCRA).
- c. Wastes with PCB concentrations equal to or greater than 50 ppm shall not be authorized for disposal at a landfill.
- d. Polynuclear aromatic hydrocarbon (PAH) (SW 846 Method 8270) contaminated soil shall not be authorized for disposal at a landfill if the total PAH level exceeds 1600 ppm for the following compounds: acenaphthene, acenaphthylene, anthracene, benzo(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, benzo(g,h,i)perylene, benzo(k)fluoranthene, chrysene, dibenzo(a,h)anthracene, fluoranthene, fluorene, indeno(1,2,3-cd)pyrene, naphthalene, phenanthrene, and pyrene or if the total carcinogenic PAH level exceeds 200 ppm for the following compounds: benzo(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, benzo(k)fluoranthene, chrysene, dibenzo(a,h)anthracene, and indeno(1,2,3-cd)pyrene or if the cyanide level exceeds 1,000 ppm.
- e. Special waste authorizations may be issued for a period not to exceed three years.

**567—109.6(455B,455D) Restrictions.**

**109.6(1)** The department may revoke an SWA for cause at any time. Such cause may include, but is not limited to, evidence that indicates that the characteristics of the authorized quality of the waste vary from the authorized values, evidence that the continued disposal of the waste as authorized may pose a threat to the public health or the environment, or failure to comply with any condition in the SWA or the landfill's SWAC.

**109.6(2)** The holder of an SWA must apply for a renewal at least 30 days prior to the expiration of the SWA.

**109.6(3)** The issuance of an SWA does not obligate any waste disposal facility to accept the waste nor does it preclude the facility from imposing conditions or restrictions other than those listed in the SWA.

**109.6(4)** The issuance of an SWA does not exempt the party disposing of the waste from any local, state, or federal laws or regulations.

**567—109.7(455B,455D) Landfill responsibilities.**

**109.7(1)** Any public or private municipal solid waste landfill that refuses any particular solid waste type for management or disposal must identify another waste management facility for that waste within the planning area. In the case of special waste, if no other waste management facility for that waste type exists within the planning area, the city or county, in cooperation with the waste generator, must establish or arrange access to one.

**109.7(2)** All municipal solid waste landfills shall submit special waste acceptance criteria to the department. The SWAC shall list the different kinds of special waste that each landfill (facility specific) will accept and the instructions for disposal for each of those wastes. The SWAC shall be submitted within 90 days after May 22, 2002. The SWAC shall be submitted on forms provided by the department.

**109.7(3)** Landfills are required to ensure that special wastes delivered to the facility conform to the SWAC on file with the department.

**109.7(4)** Each municipal solid waste landfill shall provide to the department, on a quarterly basis, a report of SWA activity including each SWA number and the quantities of waste disposed of during the reporting period. This information shall be submitted as part of the Quarterly Solid Waste Fee Schedule and Retained Fees Report, Form 542-3276.

**567—109.8(455B,455D) Special waste generator responsibilities.** Special waste generator responsibilities shall include, but are not limited to, the following:

**109.8(1)** Prior to submission of an SWA application, the generator shall adhere to the solid waste management hierarchy. Alternatives include volume reduction at the source; recycling and reuse, including composting and land application; and other approved techniques of solid waste management including, but not limited to, combustion with energy recovery and combustion for waste disposal. The generator shall include, as part of the SWA application, a description of the review of the alternatives to landfilling for each waste for which an SWA is requested. The description should detail to what extent the waste could be recycled, reduced or reused so that landfilling is not necessary.

**109.8(2)** The generator shall follow the guidelines for submission of an SWA application as given in 109.5(455B,455D).

**109.8(3)** The generator shall ensure that special waste coming into the landfill shall arrive as a separate load and not be commingled with any other waste.

**109.8(4)** The generator shall submit analytical results supporting an SWA at a frequency to be determined by the landfill.

**109.8(5)** After receiving an SWA, the generator must contact the designated landfill for instructions on delivering the waste and instructions for adhering to the landfill's SWAC.

**109.8(6)** The generator shall notify the department and landfill, prior to disposal, of any change in the characteristics of the special wastes being disposed.

**109.8(7)** Generators shall notify the landfill in writing when a one-time disposal under an SWA has been completed. This requirement is for one-time disposals only.

**567—109.9(455B,455D) Infectious waste.** Infectious waste which is generated and treated at a medical clinic, doctor's office, nursing care facility, health care facility, dentist's office or other similar facility may be placed with municipal solid waste and not handled in a special way if it is rendered nonpathological, does not contain free liquids, and sharps are shredded, blunted, granulated, incinerated or mechanically destroyed. The generator of the infectious waste must notify the waste hauler and the sanitary landfill that infectious waste is being placed with the regular municipal solid waste and, with the notice, certify that the infectious waste is properly treated in accordance with the requirements of this rule.

**567—109.10(455B,455D) Other special wastes.**

**109.10(1) Radioactive waste.** Radioactive materials shall not be disposed of by a sanitary disposal project. Luminous timepieces are exempt.

**109.10(2) Sewage sludge.**

*a.* Sewage sludge, including unstabilized septic tank pumpings, shall not be disposed of in a sanitary landfill if it meets the criteria for Class I or II sewage sludge in 567—Chapter 67, except for use in daily, interim, or final cover according to the approved plan for the landfill. Class III sewage sludge may be disposed of at a sanitary landfill as provided in 567—Chapter 112.

*b.* Sewage sludge may be handled at processing facilities as provided in 567—Chapter 104.

*c.* Sewage sludge may be utilized for land application in accordance with 567—Chapter 67.

**109.10(3) Waste tires.** Pursuant to Iowa Code section 455D.11(2), land disposal of waste tires, as defined in 567—Chapter 117, is prohibited as of July 1, 1991, unless each tire is processed by, at a minimum, shredding, cutting or chopping each tire into pieces that are no longer than 18 inches on any side.

**567—109.11(455B,455D) Conditions and requirements for the disposal of general special wastes.**

**109.11(1) *Asbestos-containing material.*** The sanitary landfill permit holder shall comply with the following conditions and requirements whenever asbestos-containing waste materials are accepted and disposed of in a sanitary landfill.

*a.* Asbestos-containing material (ACM) wastes with 1 percent or less asbestos are not regulated and can be disposed of at the working face, the same as any other waste.

*b.* ACM wastes that contain greater than 1 percent asbestos are regulated under federal asbestos National Emission Standards for Hazardous Air Pollutants (NESHAP) and shall be managed in accordance with federal regulations defined in 40 CFR Part 61, Subpart M. Testing to determine asbestos content shall utilize the method specified in 40 CFR Part 763, Section 1, Appendix A of Subpart F.

*c.* Nonfriable ACM waste is defined as waste containing greater than 1 percent asbestos that when dry cannot be crumbled, pulverized, or reduced to powder by hand pressure. Nonfriable ACM waste includes asbestos-containing floor covering and asphalt roofing materials that show no evidence that they contain crumbled, pulverized or powdered ACM residues upon delivery to the landfill.

*d.* Friable ACM waste is defined as waste containing greater than 1 percent asbestos that when dry can be crumbled, pulverized or reduced to powder by hand pressure. Friable ACM waste includes acoustical, thermal and fireproofing insulation, as well as numerous building products with incorporated asbestos material. Waste transite siding shall be considered friable ACM waste.

*e.* ACM waste transporters should be encouraged by the landfill operator to notify the landfill at least 24 hours in advance when ACM waste will be arriving at the landfill. Upon arrival at the sanitary landfill, the transporter shall present to the landfill operator the ACM waste shipment records, which shall include a determination whether the ACM waste is friable or nonfriable, if known. The landfill operator must through visual inspection or testing verify whether the ACM waste is friable or nonfriable. If not verified as nonfriable, the waste must be handled as friable ACM waste.

*f.* Any federal NESHAP-regulated ACM waste shipments that show evidence of visible dust emissions or that are not properly containerized, wrapped, wetted, and covered shall be rejected upon arrival at the landfill.

*g.* ACM wastes with greater than 1 percent asbestos content that are nonfriable when received at the landfill may be disposed of at the working face. Care shall be taken when unloading and covering the waste so that it does not become friable at the working face.

*h.* ACM wastes with greater than 1 percent asbestos content, as determined by laboratory tests, which are confirmed as friable when received at the landfill shall be disposed of in an area separate from the regular working face. The wastes shall be covered carefully with a minimum of six inches of soil cover and compacted by no later than the end of the operating day. Care shall be taken at all times during disposal and covering to prevent rupture of asbestos-containing containers and wrapped waste systems. Covered ACM waste areas shall be protected from erosion at all times.

*i.* Upon delivery, friable ACM wastes must be wet and contained in labeled, leak-tight containers or wrapping which prevents asbestos from becoming airborne. Bulk demolition wastes with friable ACM need not be placed in leak-tight containers, but must remain wet at all times and be properly labeled and wrapped to prevent asbestos from becoming airborne during transport and disposal and covering at the landfill.

*j.* Extreme care shall be taken at all times when transporting, depositing, and covering federal NESHAP-regulated ACM waste to control the evolution of dust and airborne asbestos fibers and to not allow the rupture of asbestos containers and wraps.

*k.* After landfill acceptance, if any federal NESHAP-regulated ACM waste becomes dry prior to disposal, rewetting, or an approved alternative means of dust emissions control, is mandatory. When disposed of, the wet ACM waste must be properly covered before it can dry again.

*l.* In the event that any visible dust emissions from federal NESHAP-regulated ACM waste occur, protective safety equipment, consistent with federal NESHAP and OSHA regulations, shall be immediately utilized by landfill operating staff.

*m.* Daily records of the acceptance and disposal of all ACM wastes shall be maintained. Landfill records for each NESHAP-regulated ACM waste shipment shall include the following:

- (1) The date of ACM waste receipt.
- (2) The names, addresses, and telephone numbers of the originating waste generation site, facility owner, agent responsible for performing removal and the waste transporter.
- (3) The description of ACM wastes, quantity in cubic yards, weight and the number and type of containers or systems received.
- (4) The waste shipment record and any accompanying asbestos content laboratory test and friable status documentation.
- (5) The operational log notation relative to the landfill operator's visual confirmation of waste type compared to waste shipment records and the friable or nonfriable status for each federal NESHAP-regulated ACM waste shipment.
- (6) The operational log notation of any rejected ACM waste and the reasons for rejection by landfill staff.
- (7) The site operational area, coordinates location and vertical elevation keyed to site mapping and the quantity of buried waste in cubic yards for each federal NESHAP-regulated waste shipment disposed of within the disposal site.

*n.* Records for all federal NESHAP-regulated ACM wastes accepted at the landfill in accordance with 40 CFR Part 61, including required federal and state asbestos NESHAP program operational and site closure reports, shall be maintained. All records, except for waste shipment records, shall be maintained through site closure. Waste shipment records shall be retained for at least two years.

*o.* A copy of an Affidavit Explanatory of Title which has been file stamped by the county recorder shall be submitted to the department within 60 days of site closure. The affidavit shall appear at part of the property deed record and shall indicate that:

- (1) The landfill has been used for the disposal of ACM waste.
- (2) The survey plot and all records of the location and quantity of regulated ACM wastes have been filed with federal and state NESHAP program officials. Such documentation must be filed with the department, along with the notification.
- (3) The site is subject to the regulations under 40 CFR Part 61, Subpart M, and the site closure permit requirements issued by the department.

*p.* Strict adherence to federal NESHAP asbestos regulations under 40 CFR Part 61 is mandatory for all federal regulated ACM wastes. Questions on federal and state regulations should be addressed to the U.S. Environmental Protection Agency at (913)551-7391 or the department's air quality bureau at (515)281-8443. Questions regarding state asbestos abatement certification requirements should be addressed to the Iowa division of labor services at (515)281-6768.

**109.11(2) *Petroleum-contaminated soil.*** The sanitary landfill operator, the generator, and the hauler shall comply with the following conditions and requirements whenever petroleum-contaminated soil is disposed of in a sanitary landfill.

- a.* The waste cannot be a hazardous waste.
- b.* The waste cannot contain free liquids as determined by the paint filter liquids test.
- c.* Upon arrival at the landfill, the hauler shall identify the waste to the landfill attendant.
- d.* The landfill operator shall direct the hauler to the evaporation area. The soil borrow area or an area with intermediate cover may be used.
- e.* The contaminated soil may be spread up to a depth of 4 inches. The contaminated soil shall be allowed to aerate for at least 14 days and until the hydrocarbon level is less than 100 ppm. Fourteen days is a minimum. Longer times may be needed if weather conditions are unfavorable or if contamination levels are unusually high.
- f.* The soil shall be turned or disked at least three times per week.
- g.* Alternative procedures other than those procedures defined in 109.11(2) "e" and 109.11(2) "f" may be used if it can be demonstrated that soil treatment meeting the requirements of 109.11(2) "h" can be consistently achieved and if approved under permit amendment.
- h.* After the contaminant has evaporated and the total hydrocarbon content is less than 100 ppm, the soil may be used as daily cover material or incorporated into the working face. The soil may not be used for capping or lining.

*i.* Once every three months, petroleum-contaminated soil that has been treated at the evaporation area shall be sampled and analyzed for total hydrocarbon content. This sampling can be done at any time during the three-month period depending on the availability of treated soil.

**109.11(3) *Stabilized grit, bar screenings, and grease skimmings.*** The sanitary landfill operator, the generator, and the hauler shall comply with the following conditions and requirements whenever stabilized grit, bar screenings, or grease skimmings are disposed of in a sanitary landfill.

- a.* The waste cannot contain any free liquids as determined by the paint filter liquids test.
- b.* The generator shall stabilize the grit, bar screenings, and grease skimmings prior to their disposal at the landfill in order to destroy any pathogenic organisms. Stabilization can be done by addition of lime to raise the pH to at least 12 for two hours.
- c.* The generator shall prearrange a delivery schedule with the landfill operator.
- d.* Upon arrival at the landfill, the hauler shall identify the waste to the landfill attendant.
- e.* The landfill operator shall direct the hauler to the working face.
- f.* The waste shall be deposited at the working face, covered with regular refuse or soil and compacted.

These rules are intended to implement Iowa Code section 455B.304.

[Filed 3/27/02, Notice 12/12/01—published 4/17/02, effective 5/22/02]

[Filed 11/21/02, Notice 9/18/02—published 12/11/02, effective 1/15/03]

[Filed 5/22/03, Notice 3/19/03—published 6/11/03, effective 7/16/03]