

567 IAC Chapter 101, Division VI, Solid Waste Incinerators (Final Draft, July 2024)

**The purpose of this document is to identify proposed revisions and to indicate where provisions from [rule 567—102.15\(455B\)](#) have been incorporated within the proposed rulemaking.*

Subject	Rule Citation	Existing Rule	Proposed Rule Citation	Proposed Rule <i>(Description & Substantive Revisions)</i>	Iowa Code Citation	Notes/Discussion
Purpose	None	No prior Purpose stated as this was a rule contained within a broader sanitary disposal project permitting chapter.	101.500	Revision to provide greater clarity. 567—101.500(455D) Purpose. The purpose of this division is to implement Iowa Code subsection 455B.304(12) by providing the criteria for establishing the certification of operators of solid waste incinerators.	§455B.304(12)	The goal of this rulemaking was to move the solid waste incinerator operator certification requirements to a stand-alone administrative chapter and to clarify who this statutory requirement applies to. It's important to note that Iowa Code does not define nor provide the DNR specific authority to adopt rules for the permitting of Solid Waste Incinerators. The DNR will seek legislative clarification and determine whether this requirement is better suited to DNR Air Quality to administer.
Applicability	None	No prior Applicability stated as this was a rule contained within a broader sanitary disposal project permitting chapter.	101.501	Revision to provide greater clarity. 567—101.501(455B) Applicability. The requirements of this division apply to all owners and operators of solid waste incinerators.	§455B.304(12)	
Solid waste incinerator operator certification	102.15	567—102.15(455B) Solid waste incinerator operator certification	101.502	Minor revisions for clarification are being proposed in rule 567—101.502(455B). Subrule 101.502(4) (current 102.15(4)) was revised to reduce the contact hours from 12 to 8 based upon a review of available incinerator trainings. Paragraph 101.502(4)“e” (current 102.15(4)“e”) was changed from “Environmental monitoring” to “Combustion controls and monitoring” under the recommendation of DNR Air Quality. The justification for this proposed revision was that the current language is overly broad raising the question of its value as a topic. Instead, monitoring of temperature in	§455B.304(12)	

567 IAC Chapter 101, Division VI, Solid Waste Incinerators (Final Draft, July 2024)

				<p>the primary chamber is important for proper incineration; monitoring of temperature in the secondary chamber (i.e. location of afterburner) is important to ensure that smoke and odors are destroyed...which the DNR feels is better covered by “Combustion controls and monitoring.”</p> <p>Paragraph 101.502(7)“b” (current 102.15(7)“b”) was revised to update the location of the DNR’s main offices, as well as to remove the 30-day timeframe for application for examination submission. To remove regulatory language, applicants just need to submit the application before they take the exam.</p> <p>Paragraph 101.502(7)“e” (current 102.15(7)“e”) was revised to strike the 10-days timeframe for examination fee submission to the DNR. Again, to remove regulatory language, applicants just need to submit the examination fee before they take the exam.</p> <p>Paragraph 101.502(8)“a” (current 102.15(8)“a”) was revised to strike the July 1, 1991 exemption. This date has long passed, and given there are no permitted solid waste incinerators in Iowa, this division currently does not apply to anyone. Upon the permitting of such a unit, any operator shall be required to take the basic operator training course and pass the examination in order to become certified.</p> <p>Paragraph 101.502(9)“d” (current 102.15(9)“d”) was revised to reduce the contact hours from 10 to 6 based upon a review of available incinerator trainings.</p>		
Discipline of certified operators	102.15(10)	567—101.503(455B) Discipline of certified operators	101.503	The “Discipline of certified operators” provisions in current subrule 102.15(10), as well as the provisions of subrule 102.15(11), were combined into a single proposed rule 567—101.503(455B).	§455B.304(12)	
Temporary operator designation	102.15(12)	567—101.504(455B) Temporary operator designation	101.504	The “Temporary operator designation” provisions in current subrule 102.15(12) were moved to a single proposed rule 567—101.504(455B).	§455B.304(12)	
Waivers	NA	NA	100.505	567—101.505(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	