Fields of Opportunities

STATE OF IOWA

TERRY E. BRANSTAD, GOVERNOR
KIM REYNOLDS, LT. GOVERNOR

DEPARTMENT OF NATURAL RESOURCES
ROGER L. LANDE, DIRECTOR

# Operational Procedure Order for Solid Waste Provisions

The Iowa Department of Natural Resources (Department) has adopted these policies on a temporary, emergency basis to provide guidance to the regulated public on management of solid waste resulting from the flooding in Woodbury, Monona, Harrison, Pottawattamie, Mills, and Fremont counties. Some of the policies may be interpreted to vary from existing agency rules or expand existing rules to deal with these unique circumstances. In some cases, the emergency rules may establish new policy which existing agency rules do not address. The Department believes the Iowa Administrative Procedures Act (Iowa Code chapter 17A) and Iowa Code section 29C.19 authorize adoption of emergency policy within its statutory authority. To the extent this emergency policy and the regulated public's compliance with it may be contrary to current agency rules, the Department intends to exercise its enforcement discretion and not pursue enforcement action so long as the regulated public affected by the disaster follows the emergency policy.

Guidance regarding the disposal of other types of flood-related waste will be provided by the Department upon request. All regular waste disposal activities for cities and rural areas not impacted by or having minimal impact from flooding should continue to be managed in accordance with normal waste management procedures.

This Operation Procedure Order (Order) applies to debris waste resulting from the flood disaster in counties covered by a disaster declaration issued pursuant to Chapter 29C of the Code of Iowa and is in effect for 90 days from the day of issuance. After 90 days, the Department shall review conditions in the impacted areas and revise or reissue this authorization as necessary.

For the areas within the counties designated by the Governor's Disaster Proclamation (http://www.iowahomelandsecurity.org/) and the regulated public affected by the disaster, the following authorizations and clarifications shall be effective for the term of this Order:

1. Pursuant to Chapter 567 IAC 106.2, a "transfer station" and a "citizen convenience center" are both defined as permanent, fixed-location facilities. Temporary locations established for the collection and transfer of flood-related solid wastes are not permanent, fixed-location facilities and shall not be required to obtain an individual permit pursuant to Chapter 106.

2. Pursuant to 567 IAC 106.3(11) the Department may issue an emergency solid waste transfer permit if:
a. It is not technically feasible to direct haul with solid waste collection vehicles and manage the solid waste at another sanitary disposal project or combination thereof in the service area or surrounding service areas; and
b. Solid waste must be transferred from the area in order to protect human health and the environment.

The conditions of an emergency solid waste transfer permit shall be determined by the department and may be used as an alternative to the requirements of Chapter 106. If seeking FEMA reimbursement for waste handling and disposal operations, contact your local emergency management coordinator prior to selecting the emergency transfer station site to determine

what additional eligibility requirements or guidelines FEMA may have for the emergency transfer station.

3. Pursuant to 567 IAC 106.3(11), the Department hereby issues an emergency solid waste transfer permit as follows:

a. The emergency permit is hereby issued to each local solid waste management agency within the areas covered by this Order.
b. The emergency transfer facility must be under the control or direction of the local solid waste management agency.
c. The agency operating the emergency transfer station shall notify the Department within 24 hours of beginning and finalizing transfer operations.
d. Consideration should be given to neighboring properties when locating the emergency transfer station so that odor concerns are minimized.
e. Waste transfer may occur outdoors on an impervious surface that minimizes infiltration of liquids into the ground surface below.
f. An all weather access road within the property shall be provided.
g. Adequate equipment and personnel must be on site to operate the emergency transfer station based on the expected daily volume of debris to be received.
h. Wastes delivered to the emergency transfer station shall be loaded into transfer trailers as soon as practicable after delivery.
j. Reasonable steps shall be taken by the local solid waste agency to limit site access, control vectors, control dust and litter, and contain stormwater and other liquids.
j. No open burning of any type shall be allowed within the property boundary of the emergency transfer station.
k. Steps must be taken to ensure the property is returned as it was accepted.

4. Municipal Solid Waste Landfills are hereby authorized to accept and dispose of non-hazardous contaminated soils without the need to remediate those soils. Such soils shall not be used as alternate daily cover unless a request is made and the landfill permit is amended prior to its use.

5. Pursuant to 567 IAC 101.7(3)"b", debris arising from a natural disaster in a county covered by a disaster declaration issued pursuant to Chapter 29C of the Code of Iowa are exempt from the solid waste tonnage fee imposed by section 455B.310. Pursuant to paragraph 101.7(3)"b", a request to waive tonnage fees may be made within 6 months after the initial disposal of the debris.

6. The Department recognizes that disaster debris may be commingled with other solid wastes, making it difficult to quantify the amount of debris exempted from the state tonnage fee for purposes of paragraph 101.7(3)"b". The Department hereby authorizes solid waste agencies for the areas covered by this Order to use reported tonnage for the corresponding 1st quarter of fiscal year 2011 (July 1, 2010 through September 30, 2010) to determine the tonnage fee due for the 1st quarter of fiscal year 2012 (July 1, 2011 through September 30, 2011). If a solid waste agency is able to accurately track disaster debris from normal solid waste received then tonnage fee payment based on actual normal solid waste received will be accepted.

7. Department approval of engineering plans and specifications is necessary prior to construction of any new disposal areas; however, where construction of additional disposal capacity is necessary within the next 90 days to accommodate flood debris, the Department hereby waives the 30-day time period for public notice prior to authorization of a permit action

request provisions of 567 IAC 113.4(12)"c". This waiver is based upon a need for rapid authorization of permits and permit amendments in order to protect human health and the environment. The Department has determined that the waiver of this provision is in compliance with 561 IAC 10.4, as adopted by reference at 567 IAC 13.1. Interested persons may submit comments to the Department within 30 days of the issuance of a final permit or final permit amendment subject to this waiver and the Department will consider those comments to determine whether further modification of the permit or other action by the Department is appropriate.

8. Sanitary landfills within the area covered by this Order that are unable to deliver leachate to the wastewater treatment facility designated in the landfill permit are authorized to dispose of leachate at any permitted facility capable of accepting the leachate without violating the discharge permit of the receiving facility. If a sanitary landfill is unable to locate a feasible disposal option, the sanitary landfill shall contact the Department Field Office with jurisdiction over the landfill to determine appropriate temporary leachate management options.

9. Temporary storage of more than 1,000 discarded appliances (white goods) stored at a location prior to demanufacturing is hereby authorized in those areas covered by this Order as follows:

a. The temporary storage location may exist as authorized by the local solid waste agency, city or county having local jurisdiction over the storage location.
b. The Department shall be notified of the storage location within 24 hours of beginning storage.
c. All storage shall occur on an impervious surface.
d. Appliances must be stored as to prevent electrical capacitors, refrigerant lines and compressors, and mercury-containing components from being damaged and allowing a release into the environment.
e. No method of handling discarded appliances may be used which in any way damages, cuts or breaks refrigerant lines or crushes compressors, capacitors, or mercury-containing components, or may cause a release of refrigerant, PCBs or mercury into the environment.
f. Discarded appliances may not be stored for more than 270 days before being demanufactured.

10. The Department hereby waives the Department notification and sanitary landfill permit amendment requirements of 567 IAC 108.8(455B, 455D) for the use of sandbags as alternative daily cover at a sanitary landfill. The total tonnage of sandbags used as cover shall be reported as alternative daily cover using the Quarterly Solid Waste Fee Schedule and Retained Fees Report.

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