

Guidance Information



Comprehensive Planning Area Changes – City or County

This guidance document should be of assistance when one or more cities or a county is considering leaving a Solid Waste Planning area. This document provides references to Iowa Administrative Rule/Code obligations. It is a guidance document and is not meant to be all-inclusive.

Iowa Administrative Code (IAC) 567 Chapter 101 references: (see link on webpage for complete code chapter)

<http://www.iowadnr.gov/Environmental-Protection/Land-Quality/Solid-Waste/Comprehensive-Planning>

Iowa Code references for IAC Chapter 567 are [455B.301](#) and [455B.302](#)

567—101.4 - Duties of cities and counties. Every city and county of this state shall, for the solid waste generated within the jurisdiction of its political subdivision, provide for the establishment and operation of an integrated solid waste management system consistent with the waste management hierarchy under rule 567—101.3(455B,455D) and designed to meet the state’s waste reduction and recycling goals. Integrated systems and municipal solid waste sanitary disposal projects may be established separately or through cooperative efforts, including Iowa Code chapter 28E agreements as provided by law.

101.4(3) All cities and counties or Iowa Code chapter 28E agencies established for the purpose of managing solid waste or implementing integrated solid waste management systems, or both, on behalf of cities and counties shall demonstrate compliance with the provisions of this chapter by their participation in a comprehensive plan approved by the department.

567.101.13 - Cities and counties planning to use a municipal solid waste sanitary disposal project in Iowa must participate in a comprehensive plan with all other cities and counties using that municipal solid waste sanitary disposal project. Cities and counties planning to use an out-of-state disposal facility(ies) must file a comprehensive plan that identifies the out-of-state facility(ies) used. Cities or counties using an out-of-state disposal facility(ies) are still required to meet all comprehensive plan submittal requirements.

101.13(7) - Comprehensive plan amendments. If a municipal solid waste sanitary disposal project or city or county requests to be included in a planning area after completion of an initial comprehensive plan or a comprehensive plan update but before the next comprehensive plan update is due, and the planning area participants agree to include the city, county, or municipal solid waste sanitary disposal project, the following procedure is required:

a. A letter must be submitted to the department by the facility operator describing the facility’s operation and the amount of waste to be managed, or by the city or county describing that local government’s intention to participate in the specified comprehensive plan.

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- b. In a letter that must be submitted to the department, the planning agency must agree to accept the city, county, or municipal solid waste sanitary disposal project in the planning agency's planning area and must state how the change will affect the planning area's waste stream, including an explanation of the change in the planning area, the amount of waste involved and details of waste reduction and recycling efforts that will be implemented in any new communities, if applicable.
- c. The next comprehensive plan update submitted by the planning agency shall include the amended city, county, or municipal solid waste sanitary disposal project.
- d. If a city or county joins a planning area, a resolution must be submitted to the department stating the city's or county's commitment to the comprehensive plan of the planning area, and stating that the city or county will work to implement the comprehensive plan of the planning area. Note: If a change to a planning area increases or decreases the population or the disposal tonnage of the planning area by more than 30 percent, the original planning area will need to submit a new comprehensive plan.

Notes:

The letter, referenced in **101.13(7)a** - submitted by the "facility operator" means by the organization operating the facility or the facility manager. The planning agency, working with the facility operator should evaluate questions posed in **101.13(7)b**, and provide answers in a letter to DNR.

101.13(7)d. The city or county joining the planning area should submit a resolution to DNR (similar to Comprehensive Plan Resolutions) stating commitment to implement of the most recently approved Comprehensive Plan of the Planning area they are joining. DNR staff can furnish a copy of most recent Comprehensive Plan Updates and example resolutions to anyone needing them.

101.13(7)c. Once satisfied with the submissions provided for **101.13(7)a, b and d**, DNR staff will amend the Planning area(s) and will provide the updated information to all parties. The new Planning area will include the newly amended parties. If the parties leaving the former Planning area are starting a new Planning area, consult **101.13(1)**, and contact the DNR staff person below regarding submittal of an Initial Comprehensive Plan.

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Other things to consider:

The city/county entering a different planning area, or starting a new planning area should make arrangements with the planning area they are leaving regarding on-going contractual arrangements, 28E agreements, hauler contracts etc. DNR is not involved in those contract details or negotiations.

If there are questions regarding funding of a Closure/Post Closure Account for an open or closed landfill, contracts and 28E Agreements often spell out those obligations. For information contact the DNR.

Solid Waste Planning areas are unique. If you would like answers specific to your situation, or example documents, call or email:

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