



# IOWA DEPARTMENT OF NATURAL RESOURCES

LEADING IOWANS IN CARING FOR OUR NATURAL RESOURCES

Solid Waste Administrative Rule Review  
(SWRR)  
September 29, 2015

## Welcome!

### Team members:

- Amie Davidson
- Susan Johnson
- Theresa Stiner
- Chad Stobbe
- This presentation is being recorded and will be posted on our website.
- All phones are muted, please use the chat function to ask a question.
- For best audio quality, use the phone in option.

# Agenda



- Why we are doing this
  - Goals of review
  - Basic Principles
  - Constraints
  - Scope of review
  - Process
  - Big picture issues
  - What's next
- How to stay involved
- Discussion

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## Why Are We Doing This?



### Statutory Requirement

Iowa Code section 17A.7(2)

Beginning July 1, 2012, over each five-year period of time, an agency shall conduct an ongoing and comprehensive review of all of the agency's rules. **The goal of the review is the identification and elimination of all rules of the agency that are outdated, redundant, or inconsistent or incompatible with statute or its own rules or those of other agencies.** An agency shall commence its review by developing a plan of review in consultation with major stakeholders and constituent groups. When the agency completes the five-year review of the agency's own rules, the agency shall provide a summary of the results to the administrative rules coordinator and the administrative rules review committee.

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## Why Are We Doing This?

### Executive Order 71 :

- All state agencies to take steps to minimize the adverse impact on jobs and the development of new employment opportunities before proposing a rule.
- All state agencies to prepare a Jobs Impact Statement prior to publication of the rule, and solicit comments and information from stakeholders prior to preparing that document.

## Why Are we Doing This?

- Supports the DNR’s Strategic Plan goals and the Governor’s goals for less burdensome environmental regulations.
- Expands collaborative efforts with the regulated public to develop rules, improve compliance, and build stewardship of Iowa’s natural resources.



## Why We Are Doing This?

- Needs to be done – Prior DNR review in 2001.
- Wanted to take a more holistic approach by looking at all the solid waste chapters together.
- Want stakeholder involvement from the beginning...prior to drafting amendments.

## Scope of Review

- [567-100](#) - Definitions, Scope of Title
- [567-102](#) - Permits
- [567-103](#) - Sanitary Landfills: Coal Combustion Residue
- [567-104](#) - Sanitary Disposal Projects w/Processing
- [567-105](#) - Organic Materials Composting Facilities
- [567-106](#) - Citizen Convenience Centers and Transfer Stations
- [567-108](#) - Beneficial Use Determinations
- [567-109](#) - Special Waste Authorizations
- [567-110](#) - Hydrogeologic Investigation and Monitoring
- [567-112](#) - Sanitary Landfills: Biosolids Monofills
- [567-113](#) - Sanitary Landfills: Municipal Solid Waste
- [567-114](#) - Sanitary Landfills: Construction and Demolition Wastes
- [567-115](#) - Sanitary Landfills: Industrial Monofills
- [567-116](#) - Registration of Waste Tire Haulers
- [567-117](#) - Waste Tire Management
- [567-118](#) - Discarded Appliance Demanufacturing
- [567-120](#) - Landfarming of Petroleum Contaminated Soil
- [567-121](#) - Land Application of Wastes
- [567-122](#) - Cathode Ray Tube Device Recycling
- [567-218](#) – Waste Tire Stockpile Abatement Program



## Current Rulemaking Efforts

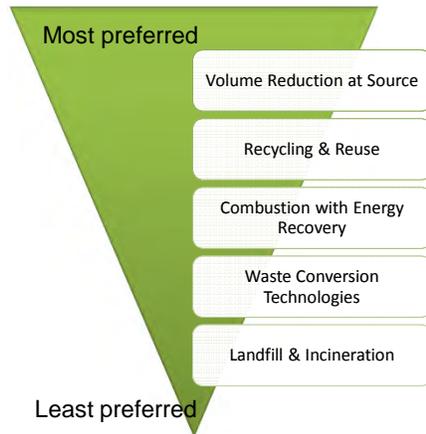
- 567 IAC 209 Solid Waste Alternatives Program
  - Adding Derelict Buildings Program
- Landfill disposal of yard waste
  - Changes to 567 IAC 105 and 567 IAC 113 to be consistent with recent legislative changes ([HF266](#))
- New chapter for permitting facilities that use waste conversion technology
  - Result of [HF544](#)
- 567 IAC 101 Solid Waste Comprehensive Planning Requirements
  - Amendments to make the administrative rules consistent with legislative changes
  - Removal of requirements that are redundant for those participating in Environmental Management Systems.

## Goals of Review

- Elimination of unnecessary regulations
- Remove duplication
- Ensure statutory authority exists for each chapter
- Meet present and future needs
- Plain spoken and logical
- Carry out state and federal laws without unnecessary regulatory burdens



## Basic Principles



### Waste Management Hierarchy

While recognizing the continued need for landfills, alternative methods of waste management which provide the most beneficial use of material and energy values of the solid waste will continue to be encouraged.

## Basic Principles

- Solid waste will be managed in a manner that is protective of human health and the environment.
- The DNR will be transparent, consistent, and flexible in its regulatory activities.
- Regulatory objectives will be accomplished in a manner that is least burdensome to the regulated community.
- Regulations will be consistent with the purpose, scope and intent of the enabling statute and federal solid waste regulations.
- The DNR seeks stakeholder feedback and welcomes innovative approaches. All suggestions will be considered, however not all suggestions can be accommodated.

## Constraints

- Iowa is not authorized to regulate hazardous waste.
- Iowa solid waste regulations cannot be less restrictive than federal solid waste regulations.
- Administrative rules must be consistent with statutory obligations.
- Flow control applies to all SDPs. It does not apply to material going to facilities that are not SDPs or going out of state.
- DNR Solid Waste cannot regulate an activity or type of facility unless given specific authority to do so.
- Staff resources and the time requirements for rulemaking.
- Funding framework for permit administration.

## Process: Phase 1 (Complete)

Identify and rescind chapters that are obsolete, outdated or no longer implemented.

Rescissions became effective May 20, 2015:

- **567 IAC 110 - Hydrogeologic Investigation and Monitoring Requirement;**
  - Provisions of this chapter have been incorporated into individual landfill chapters.
- **567 IAC - 112 Sanitary Landfills: Biosolids Monofills;**
  - There are no landfills that accept only biosolids in Iowa.
- **567 IAC 218 - Waste Tire Abatement Program;**
  - Funding expired at the end of fiscal year 2007.

## Process: Phase 2

- Internal review of the chapter (all chapters completed)
- External Stakeholder Rule Review (starts today)
- Discussion and Consensus Building
- Draft Proposed Revisions
- Begin formal rulemaking



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## Phase 2: Internal Review

An in depth review of each chapter:

- Protection of health, welfare and safety
- Legal authority
- Unintended consequences
- Opportunities to be more efficient
- Effect on business and industry
- Effect on job creation
- Paperwork required by the chapter
- Redundancies
- Clarity, organization and readability
- Correct citations and references
- Past stakeholder involvement



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## Big Picture Issues

- Regulatory Authority
- Properly applying the statutory requirements of Sanitary Disposal Projects (SDP)
- Defining what activities constitute legitimate recycling
- Differing standards for different types of landfills
- Inconsistencies between chapters
- Structure



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## Regulatory Authority

- [455B.305](#) - Authority to issue permits for Sanitary Disposal Projects
- [455D.9](#) - Land disposal of yard waste prohibited
- [455D.10](#) - Land disposal of lead-acid batteries prohibited
- [455D.11](#) - Land disposal of waste tires prohibited
- [455D.11A](#) - Financial assurance for waste tire collection or processing sites
- [455D.11B](#) - Permitting of waste tire collection or processing sites
- [455D.11C](#) - Waste tire management fund
- [455D.11G](#) - Waste tire disposal fees and abatement costs
- [455D.11I](#) - Registration of waste tire haulers



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## Regulatory Authority (Continued)

- [455D.6\(4\)](#) - Adoption of rules necessary to implement a strategy for white goods and waste oil
- [455D.6\(5\)](#) - Adoption of rules necessary to implement a strategy for the recycling of electronic goods
- [455B.304\(14\)](#) - Adoption of rules for the land application of soils resulting from underground storage tank releases
- [455B.304\(17\)](#) - Adoption of rules to establish a special waste authorization program
- [455B.304\(19\)](#) - Adoption of rules for determining when the utilization of a solid by-product, including energy recovery, constitutes beneficial use rather than disposal of solid waste.

## Sanitary Disposal Projects

Iowa Code 455B.305 gives DNR authority to issue permits for **sanitary disposal projects (SDP)**

SDP's are facilities that facilitate **final disposition** of solid waste.

**Final disposition** = disposal in a landfill or incineration without energy recovery.

Therefore; SDPs are **landfills, incinerators, transfer stations** and **citizen convenience centers**.

## SDP's are NOT

A facility whose primary purpose is recycling; for example:

- CRT / electronics recyclers
- Appliance Demanufacturers
- Tire recyclers

Compost facilities

Waste to energy facilities

Beneficial use projects

Remediation (Landfarming of PCS)

## SDP Impacts

- Subject to flow control (Waste may not be transported outside the planning area for disposal)
- Financial assurance required
- Emergency Response and Remedial Action Plan (ERRAP) required
- Obtain a permit
- Inclusion within a comprehensive plan

## What Qualifies as a Recycling Facility?

- Currently no definition of recycling facility.
- What % of material taken in can be disposed (residuals) and still be considered a recycling facility?
- When is a material recycled? When it's processed or when it's sold?
- How much and how long can preprocessed material be accumulated before it is considered a waste?
- Should there be a limit to how long and how much product can be accumulated before it is sold?



## Differing Standards for Landfills

- Liner requirements
  - MSW landfills - Composite liner required
  - CCR Landfills - No specific liner design
  - C&D and Industrial Landfills - Soil liner design
- Groundwater monitoring constituents
  - MSW landfills - Sample for parameters specified by EPA
  - CCR Landfills - Sample for parameters known to result from CCR waste
  - C&D and Industrial Landfills- Sample for a specified list of parameters that may or may not result from these waste types
- Final cover requirements
  - MSW landfills - require a composite cap
  - CCR Landfills - 3-foot cover
  - C&D and Industrial Landfills-require a 4-foot cover

## Inconsistencies Between Chapters

- Using coal combustion residue (CCR) for mine reclamation vs. disposal in a CCR monofill
- Remediation of petroleum contaminated soil (PCS) is addressed in three chapters with differing regulations in each.
- Definitions in 100 are often repeated and not always consistent with definitions in other chapters.



## Structure

- One chapter for all landfills or even all SDPs?
- Combine CRTs and Appliances?
- Combine tire hauling and tire processing?
- Eliminate a chapter specifically for definitions?
- Single financial assurance chapter for all SDPs?



## Recurring

- Switch from individual permits to general permits or permits by rule for some types of facilities.
- Move from a regulatory paradigm to a more education and assistance based paradigm.
- Eliminate regulations for which statutory authority does not exist.
- Address areas where statutory requirements are not being met.

## What's next?



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## Process

### **External Stakeholder Rule Review**

- Input from external stakeholders in regard to the DNR's initial analysis of existing rules.

### **Discussion and Consensus Building**

- Continued dialogue with external stakeholders to build consensus regarding proposed changes and rule revisions.

### **Draft Proposed Revisions.**

- Seek public input prior to submitting the proposed revisions to the Governor's Office for approval to proceed with formal rulemaking. All proposed rules will be analyzed for fiscal and job impacts.

### **Begin formal rulemaking.**

- This process is set out in Iowa Code chapter 17A and all proposed revisions will be open for interested party review and comment prior to any final agency action.

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## Rulemaking Groupings & General Order (tentative)

- Sanitary Landfills: Coal Combustion Residue (103)(started)
- Registration of Waste Tire Haulers (116), Waste Tire Management (117), Discarded Appliances Demanufacturing (118) and Cathode Ray Tube Recycling (122)
- Citizen's Convenience Centers and Transfer Stations (106), and Organic Materials Composting (105)
- Special Waste Authorization (109)
- Land Farming (120) and Land Application(121)
- Sanitary Landfills; Municipal Solid Waste (113), Construction and Demolition (114) and Industrial Monofills (115)
- Beneficial Use Determinations (108)
- Definitions, Scope of Title (100)\*, Permits (102)\* and Sanitary Disposal Projects with Processing Facilities (104)\*

\* As changes are made to other chapters corresponding changes may need to be made to these chapters.

## We need your help!

- Should the DNR consider an alternative approach?
- How might the objectives of this administrative chapter be better achieved?
- What considerations or information should the DNR take into account when developing rule revision language?



## We need your help!

The DNR seeks stakeholder input on opportunities for improvement identified during the rule review process. When preparing your comments be sure to:

- Explain your views as clearly as possible;
- Describe assumptions used;
- Provide technical information and/or data used to support your views;
- Explain how you arrived at your estimate for potential burdens, benefits or costs; and
- Provide specific examples to illustrate your views and offer alternatives.
- All written comments will be posted on the website.

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## Written Comments

### Submit comments to:

Solid Waste Administrative Rule Review  
Iowa Department of Natural Resources  
Wallace State Office Building  
502 East 9th Street  
Des Moines, IA 50319  
Fax: (515) 725-8202  
Email: [SWRR@dnr.iowa.gov](mailto:SWRR@dnr.iowa.gov)



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## Stay Connected

- E-mail list: to subscribe send a blank (no subject) e-mail to [join-dnrswrr@lists.ia.gov](mailto:join-dnrswrr@lists.ia.gov)
- Contact us at [SWRR@dnr.iowa.gov](mailto:SWRR@dnr.iowa.gov)
- All documents, meeting notes and more information is at [www.iowadnr.gov/SWRR](http://www.iowadnr.gov/SWRR)



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## Questions/Comments Regarding SWRR?



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## Discussion

How best to hold stakeholder meetings?

- All day or half day?
- One chapter at a time or several together?
- Around the state or centrally located?
- Webinars, conference calls?
- Other suggestions?
- Questions?

