EPC COMMISSION
MINUTES & AGENDA

MONTH April

YEAR 1989

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Minutes of the Environmental Protection Commission Meeting

April 17, 1989

Wallace State Office Building, Des Moines, Iowa

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APRIL 1989 COMMISSION MEETING

The meeting of the Environmental Protection Commission was held in the Wallace State Office Building, Des Moines, Iowa, convening at 1:30 p.m. on April 17 1989.

MEMBERS PRESENT

Gary Priebe, Donna Hammitt, Robert Schlutz, Charlotte Mohr, Catherine Dunn, and Clark Yeager.

MEMBERS ABSENT

Nancylee Siebenmann

ADOPTION OF AGENDA

The following items were added to the agenda:

Appointment - Frank Sloan at 2:00 p.m.
Statement by Catherine Dunn
Statement by Donna Hammitt
Recess at 3:45 p.m. to convene meeting of the Hazardous Waste Site License Commission

Motion was made by Charlotte Mohr to approve the agenda as amended. Seconded by Clark Yeager. Motion carried unanimously.

ADOPTION OF MINUTES

Motion was made by Clark Yeager to approve the minutes of March 20-21, 1989 as presented. Seconded by Donna Hammitt. Motion carried unanimously.

INTRODUCTIONS

Chairman Schlutz introduced Margaret Prahl, Richard Hartsuck, and Mike Earley as the new appointees to the Commission.

LANDFILL ALTERNATIVES GRANT CONTRACTS

Teresa Hay, Division Administrator, Waste Management Authority Division, presented the following item.

The current round of the Landfill Alternatives grant program, funded with solid waste tonnage fees, have four grantees with requested funding of over $25,000. Projects will begin by May 1, 1989 and will be completed within two to eighteen months. A summary of the four projects follows:

1) AGP/Bio-Mass: Air emissions and ash toxicity testing for the burning of densified Refuse Derived Fuel (dRDF). This grant will provide useful information regarding the environmental acceptability of dRDF pellets and will assist in market development for this fuel product. - $60,950

2) Fort Dodge: City-wide curbside collection/recycling program to be established. This will be the largest city in Iowa to undertake a comprehensive curbside recycling program. - $275,760

3) Rose Bar: Air emissions testing and ash toxicity testing for the burning of shredded Tire Derived Fuel (TDF). This grant will provide useful information regarding the environmental acceptability of burning tires and will assist in the market development of Tire Derived Fuel. - $45,500.

4) SIMPCO: Completion of a market analysis for waste tires. This grant will provide the state with a detailed analysis of the potential uses of waste tires other than combustion. - $33,000.

The Commission's approval is requested for the attached grant contracts.

FORT DODGE CURBSIDE RECYCLING

ARTICLE V. SCOPE OF WORK

5.1 The Contractor shall establish a specific education strategy dealing with recycling. The strategy will consist of promotional and educational materials that will be distributed to the public to increase citizen participation in the recycling program.

5.2 The Contractor shall investigate the potential markets available for the recyclables and, where potential exists in the immediate area, solicit bids for the purchase of the recyclable materials. Preference for the purchase of the recyclables collected will be given to Iowa companies. Where appropriate, contracts for recyclables purchased will be obtained. The Contractor will include in the final report an analysis of the available markets and those utilized for the Project.

5.3 The Contractor will assess the environmental effects that the Project will have, both positive and negative.

5.4 The Contractor shall prepare detailed plans for the recycling center and detailed specifications for the collection program. The Contractor will pursue rental and donation options for all buildings and equipment used in the recycling center and for the collection program. The Contractor will submit plans and specifications for the recycling center to the Environmental Protection Division of the DNR and shall receive approval from the Environmental Protection Division of the DNR before construction of the recycling center begins.

5.5 The Contractor will purchase, on a formal competitive basis, the equipment and buildings (if needed) specified in the plans costing over $10,000. The Department will fund the purchase of equipment and buildings only after the Contractor documents that items 5.1, 5.2, 5.3, and 5.4 have been addressed and receives approval from the Department. The Contractor would, however, by mutual agreement with the Department and provided the permit requirements are met, be allowed to purchase certain items of equipment useful to the recycling operation before sections 5.1, 5.2, 5.3, and 5.4 have been addressed. The purchase fo equipment and buildings will be cost shared with the Department on a 20% local matching basis for buildings and a 10% local matching basis for equipment. The title of the property purchased by the Contractor shall remain vested with the Contractor. In the event that the Project fails and the Contractor sells any equipment for up to five years after the end of the contract, the Contractor shall pay to the Department 80% of the sale price of equipment.

5.6 The Contractor will submit monthly reports on the Project. The reports are due on the 15th of every month. The reports shall discuss the status of the Project.

5.10 The Contractor shall monitor the collection routes during the term of the contract. The Contractor shall determine the collection time, number of stops, and the quantity of recyclable materials collected. This information shall be included in the monthly report

5.7 The Contractor will develop a pictorial history via slides of the Project complete with data on project development from early initiation through construction, start-up and contract completion necessary for presentation of the project at Waste Management Conferences, trade journals and other sources to dessiminate the results of the project. The Contractor will conduct at least one media-notified open house after the project is operational and will encourage visits at other times on a scheduled basis.

5.8 The Contractor will submit a final report on the project. The final report will include:

1) Information on the amount of recyclable material collected during the term of this Contract, citizen participation rates, operation and maintenance costs, waste diverted from the landfill and future expectations in these areas.

2) The environmental impact of the Project.

3) Assessment of the viability of conducting this type of project in other communities, counties and regions within the state of Iowa.

4) Details on <u>all</u> aspects of the Project during the term of the contract.

Budget Categories	Grant	Contrator Match	Total Cost
Personnel		$100,000.00	$100,000.00
Public Education	$2,000.00	$500.00	$2,500.00
Travel	$1,600.00		$1,600.00
Buildings	$188,160.00	$47,040.00	$235,200.00
Equipment	$54,000.00	$49,000.00	$103,000.00
Land		$44,500.00	$44,500.00
Contractual	$28,000.00		$28,000.00
Operation Costs	$2,000.00	$12,000.00	$14,000.00
Total Costs	$275,760.00	$253,040.00	$528,800.00

E89Apr-4

DENSIFIED REFUSE DERIVED FUEL TESTING

ARTICLE V. SCOPE OF WORK

5.1 The Contractor shall complete the specified emmission and combustion ash testing resulting from the burning of densified refuse derived fuel (dRDF).

5.2 The Contractor shall perform the required testing using dRDF from Waste Resource Recycling Company of Iowa Falls. The burning shall be conducted in the burner at Ag Processing Inc. of Eagle Grove, Iowa. The testing shall be performed using a mixture of 50% dRDF and 50% coal by weight.

5.3 The contractor shall perform the following testing:

1. Particulates - Conducted per State of Iowa Compliance Sampling Manual

2. NOx - Reference Method 7 or equivalent

3. SO2 - Reference Method 6 or equivalent

4. HCL, HF - 1N NaOH, Ion Chromatography

5. CO - Reference Method 10

6. CO2, O2 - Reference Method 3

7. Metals: As, Ba, Be, Cd, Cr(total), Cr+6, Cu, Mg, Ni, Pb, Sb, Se, Tl, Zn.

   EPA Draft Method for the Determination of Metals Emissions in Exhaust Gases from Stationary Source Combustion Processes

8. PCBs - Modified Method 5

9. Dioxins/Furans (all 2,3,7,8 isomers) - Modified Method 5

10. THC - Method 25A

11. Fuel Analysis - On fuel sample to be collected during each sampling period with proximate and ultimate analyses on each fuel sample.

12. Ash Analysis - EP Toxicity for As, Ba, Cd, Cr, Pb, Hg, Se, Ag

5.4 The contractor shall submit 10 copies of a final report summarizing the results of the testing. Included with copies of the final report shall be one copy of all data from the lab analyses.

Budget Categories	Grant
Testing and Lab Analysis	$60,950.00
Total Costs	$60,950.00

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TIRE DERIVED FUEL TESTING

ARTICLE V. SCOPE OF WORK

5.1 The Contractor shall complete the specified emmission and combustion ash testing resulting from the burning of tire derived fuel (TDF).

5.2 The Contractor shall perform the required testing using TDF supplied by Rose Bar of Vinton, Iowa. The burning shall be conducted in a fluidized boiler at Archer Daniels Midland in Cedar Rapids. The testing shall be performed using a mixture of 10% TDF and 90% coal by weight.

5.3 The contractor shall perform the following testing:

1. Particulates - Conducted per State of Iowa Compliance Sampling Manual
2. NOx - Reference Method 7 or equivalent
3. SO2 - Reference Method 6 or equivalent
4. HCL, HF - 1N NaOH, Ion Chromatography
5. CO - Reference Method 10
6. CO2, O2 - Reference Method 3
7. Metals: As, Ba, Be, Cd, Cr(total), Cr+6, Cu, Mg, Ni, Pb, Sb, Se, Tl, Zn.

   EPA Draft Method for the Determination of Metals Emissions in Exhaust Gases from Stationary Source Combustion Processes
8. PCBs - Modified Method 5
9. THC - Method 25A
10. Fuel Analysis - On fuel sample to be collected during each sampling period with proximate and ultimate analyses on each fuel sample.
11. Ash Analysis - EP Toxicity for As, Ba, Cd, Cr, Pb, Hg, Se, Ag

5.4 The contractor shall submit 10 copies of a final report summarizing the results of the testing. Included with copies of the final report shall be one copy of all data from the lab analyses.

Budget Categories	Grant
Testing and Lab Analysis	$45,500.00
Total Costs	$45,500.00

SIMPCO SCRAP TIRE MARKET STUDY

ARTICLE V. SCOPE OF WORK

5.1 The Contractor shall complete a study of scrap tire disposal options including an analysis of markets and technologies.

5.2 The Contractor shall submit monthly reports on the status of the project to be submitted on the 15th of every month. The report shall include progress on the gathering of information required in section 5.3 of the Scope of Work.

5.3 The Contractor shall submit a final report including:

1) Detailed analysis of the scrap tire problem in Iowa including data on the extent of the scrap tire buildup, current disposal methods and problems, and health and environmental impacts.

2) Detailed market analysis including current markets, possible future markets, industry needs and requirements for the use of scrap tires, and finacial feasibility of the various markets. An emphasis shall be made on markets within Iowa.

3) Detailed analysis of current and future technologies for tire disposal and economic analysis of implementation of the technologies

4) Results of studies on scrap tire disposal including the successes or failures of various technologies, results of emmissions testing, and the feasibility of projects in other states.

5) List of industries utilizing the various disposal methods for scrap tires and the successes or failures associated with their implementation.

6) Recommendations of what technologies and disposal methods may be best utilized in Iowa or regions of Iowa.

Budget Categories	Grant
Personnel	$30,000.00
Travel	$2,000.00
Office Supplies	$1,000.00
Total Costs	$33,000.00

Ms. Hay explained in detail the grant contracts and related scope of work.

Gary Priebe inquired about the Fort Dodge project costing one-half million dollars for the sole purpose of sorting trash.

Ms. Hay explained that the project will be a major recycling processing center and will expand to serve other communities in the area. She stated that the City of Fort Dodge has included funds in their long term capitalization plan for the ongoing funding of this program.

Clark Yeager asked that the Commission receive reports on these projects.

Motion was made by Clark Yeager to approve the four Landfill Alternative Grant Contracts with the stipulation that a final report showing results of each project be submitted to the Commission upon completion of each project. Seconded by Gary Priebe. Motion carried unanimously.

IOWA RECYCLING DIRECTORY

Ms. Hay circulated a copy of the updated Iowa Recycling Directory and stated that it is now available for distribution.

MONTHLY REPORTS

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The following monthly reports are enclosed with the agenda for the Commission's information.

1. Rulemaking Status Report
2. Variance Report
3. Hazardous Substance/Emergency Response Report
4. Enforcement Status Report
5. Contested Case Status Report

Members of the department will be present to expand upon these reports and answer questions.

IOWA DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION COMMISSION
RULEMAKING STATUS REPORT
April 1, 1989

PROPOSAL	NOTICE TO COMMISSION	NOTICE PUBLISHED	RULES REVIEW COMMITTEE	HEARING	SUMMARY OF COMMENTS & RECOMMENDATIONS TO COMMISSION	RULES ADOPTED	RULES PUBLISHED	RULE EFFECTIVE
1. Ch. 23 - NSPS/NESHAPS	12/21/88	1/11/89	2/13/89	1/31/89 2/01/89 2/02/89	3/20/89	3/20/89	*4/19/89	*5/24/89
2. Ch. 60, 61 - Water Quality Standards	9/19/88	10/19/88	11/15/88	11/09/88 11/10/88 11/15/88 11/16/88	4/17/89	Notice to terminate		
3. Ch. 100, 103, 110 - Landfill Groundwater Monitoring	12/21/88	1/11/89	2/13/89	1/31/89 2/01/89 2/02/89	4/17/89	*4/17/89	*5/03/89	*6/07/89
4. Ch. 101-106 - Landfill Closure Post-Closure, Leachate	4/17/89	*5/03/89						
5. Ch. 133 - General Guidelines for Determining Clean-Up Actions and Responsible Parties	3/01/89	3/22/89	4/20/89	4/11-12/89 4/18-19/89 4/25-26/89				
6. Ch. 136 - UST, Financial Responsibility	1/23/89	2/22/89	3/13/89	3/16/89				

*Projected

MONTHLY VARIANCE REPORT 3/31/89

No.	Facility	Program	Engineer	Subject	Decision	Date
1	Donald Morrison	Air Quality		Rubbish	denied	03/01/89
2	Alden, City of	Air Quality		Landscape Waste	denied	03/06/89
3	Hwy 63-180 Truck Stop	Wastewater Const.	Pace Laboratories	Number of Aerated Cells	approved	03/07/89
4	Winneshiek County	Flood Plain	Winneshiek Co.Engr.	Percent Length Reduction	approved	03/01/89
5	Hardy, City of	Watersupply Const.	Sue Hill,Water Supv	Design Basis	approved	03/27/89

REPORTS OF HAZARDOUS CONDITIONS

During the period of March 1, 1989 through March 31, 1989, reports of 50 hazardous conditions were forwarded to the Central Office. Two incidents are highlighted, followed by a general summary and the number per field office. These do not include releases from underground storage tanks, which are reported separately.

Date Reported and County	Description: Material, Amount, Date of Incident, Cause, Location, Impact	Responsible Party	Response and Corrective Actions
3/06/89 LINN	A semi-tractor drove away with the nozzle still in the fuel tank at 9000 6th St. S.W. in Cedar Rapids, Iowa on March 6, 1989. About 700 gallons of diesel fuel were spilled on the ground and into a creek, when the dispenser and piping were damaged.	Coastal Mart, Inc. P.O. Box 10006 Des Moines, IA 50306	A dam was constructed downstream from a pooled area and fuel was soaked up with absorbant pads and booms. Contaminated soil was excavated and taken to a landfill.
3/19/89 MILLS	An above ground storage tank ruptured and released about 3,300 gallons of gasoline to the soil in Glenwood, Iowa on March 19, 1989.	Lincoln Farm & Home Service P.O. Box 253 Glenwood, Iowa 51534	The responsible party will be required to conduct a hydro-geological assessment and take appropriate actions to clean up the soil and ground-water.

Numbers in Parentheses Represent Reports for the Same Period in Fiscal Year 1988

	Substance Type					Mode				
Month	Total # of Incidents	Petroleum Product	Agri. Chemical	Other Chemicals and Substances	Handling and Storage	Pipeline	Highway Incident	RR Incident	Fire	Other
Oct	47	20	8	19	25	0	14	3	0	5
Nov	55	27	9	19	35	3	12	1	0	4
Dec	44	21	3	20	29	0	9	1	1	4
Jan	54	32	6	16	32	0	10	3	3	6
Feb	52	25	11	16	36	2	5	3	2	4
Mar	50(67)	34(41)	2(10)	14(16)	30(49)	2(1)	12(11)	1(2)	0(0)	5(4)

Total # of Incidents Per

Field Office	01	02	03	04	05	06
This Period	8	8	2	5	12	15

REPORTS OF RELEASES FROM UNDERGROUND STORAGE TANKS

During the period of March 1, 1989 through March 31, 1989, the following number of releases from underground storage tanks were identified.

33 (22)

The number in parentheses represents the number of releases during the same period in Fiscal Year 1988.

Enforcement Report Update

The following new enforcement actions were taken last month:

Name, Location and Field Office Number	Program	Alleged Violation	Action	Date
Fred Konfrst, d/b/a Konfrst Trash Service, Glenwood (4)	Solid Waste Air Quality	Open Dumping Open Burning	Order/Penalty	3/2/89
Monsanto Company Muscatine (6)	Wastewater	Discharge Limits	Order	3/6/89
Hubbard Recreation, Hubbard (2)	Drinking Water	Monitoring/Reporting - Nitrate	Order/Penalty	3/10/89
Marengo Golf Club, Marengo (6)	Drinking Water	Monitoring/Reporting - Nitrate	Order/Penalty	3/10/89
Hillside Golf Club, Inc., Wesley (2)	Drinking Water	Monitoring/Reporting - Nitrate	Order/Penalty	3/10/89
Henry County Landfill Commission, Mt. Pleasant (6)	Solid Waste	Cover Violations	Order/Penalty	3/10/89
Seven Ponds Park, Sperry (6)	Drinking Water	Monitoring/Reporting - Nitrate	Order/Penalty	3/10/89
Gene E. Bunte and Joan B. Bunte, Hubbard (2)	Air Quality	Open Burning	Order	3/13/89
City of Hubbard and Hubbard Fire Department (2)	Air Quality	Open Burning	Order	3/13/89
North Pine Mobile Service Station, Davenport (6)	Drinking Water	Monitoring/Reporting - Nitrate	Order/Penalty	3/16/89
City of Tipton (6)	Wastewater	MIP	Amended Order	3/16/89
City of What Cheer (6)	Wastewater	MIP	Order/Penalty	3/16/89
City of Des Moines (5)	Wastewater	Discharge Limits	Order/Penalty	3/16/89
Kerr-McGee Corporation, Ames (5)	Underground Tank	Remedial Action	Consent Order	3/16/89
Table Mound Park, Inc. (Spring Valley Park) Dubuque (1)	Drinking Water	Monitoring/Reporting - Radioactivity	Referred to AG	3/21/89
Wee Willy's, Quasqueton (1)	Drinking Water	Monitoring/Reporting - Bacteria & Nitrate	Referred to AG	3/21/89
Bianchi-Meyrat Lagoon, Des Moines (5)	Wastewater	Monitoring/Reporting	Referred to AG	3/21/89
City of Des Moines (5)	Wastewater	Sludge Disposal	Referred to AG	3/21/89
Archer-Daniels-Midland Co., Clinton (6)	Air Quality	Monitoring/Reporting - Excess Emissions	Order	3/28/89
Amoco Oil Company, West Des Moines (5)	Underground Tank	Remedial Action	Order/Penalty	3/28/89
Clark Oil & Refining Corporation, Bettendorf (6)	Underground Tank	Remedial Action	Order	3/28/89
City of New Providence (2)	Wastewater	Discharge Limits/ Certified Operator	Order	3/28/89

The following new enforcement actions were taken last month:

Name, Location and Field Office Number	Program	Alleged Violation	Action	Date
Des Moines Metro Solid Waste Agency (5)	Solid Waste	Permit Condition Violations - Litter	Order/Penalty	3/28/89
Finlan Landfill, Inc. and Larry White, Waukon (1)	Solid Waste	Permit Condition Violations	Order	3/28/89
Village of Mooar, Keokuk (6)	Drinking Water	Monitoring/Reporting - Bacteria	Order/Penalty	3/30/89
Dubuque Regional Airport (1)	Drinking Water	Monitoring/Reporting - Bacteria	Order/Penalty	3/30/89
Nob Hill Supper Club, Decorah (1)	Drinking Water	Monitoring/Reporting - Bacteria	Order/Penalty	3/30/89

Summary of Administrative Penalties

The following administrative penalties are due:

NAME/LOCATION	PROGRAM	AMOUNT	DUE DATE
*Shelter Shield (Buffalo Center)	AQ	1,000	12-03-86
*JTM Indust./MacDade/Leamer (Pleasant Valley)	SW	1,000	8-12-87
*OK Lounge (Marion)	WS	448	11-01-87
*Richard Davis (Albia)	SW	1,000	2-28-88
*Ellie's Bar and Grill (Grand River)	WS	515	3-05-88
Handi-Klasp, Inc. (Webster City)	WW/HC	1,000	8-02-88
**Lawrence Payne (Ottumwa)*	SW	475	10-23-88
Milo Chalfant, et. al. (Webster City)	AQ	1,000	11-23-88
*McCabe's Supper Club (Burr Oak)	WS	335	12-14-88
*Dallas E. Robinson (Mason City)	SW	400	12-15-88
**Twelve Mile House (Bernard)*	WS	239	1-15-89
*Wee Willy's (Quasqueton)	WS	450	2-23-89
**Randy's Bluffton Store (Decorah)	WS	50	3-15-89
Krause-Gentle Corp. (Laurel)	HC	1,000	3-17-89
Ottosen Water Supply	WS	200	4-01-89
Tonja Mobile Home Park (Council Bluffs)	WS	100	4-03-89
Orchard Water Works	WS	200	4-03-89
Austin Rumley (Leon)	FP	600	4-06-89
Hanson and Fairbanks Boat Dock (Camanche)	WS	100	5-01-89
Aubrey Dean Lisle (Council Bluffs)	SW	300	5-04-89
Konfrst Trash Service (Glenwood)	AQ/SW	1,000	5-06-89
Carroll Country Club (Carroll)	WS	200	5-07-89
Eagle Wrecking Co. (Pottawattamie Co.)	SW	300	5-07-89
Hubbard Recreation (Hubbard)	WS	100	5-14-89
Marengo Golf Club (Marengo)	WS	200	5-14-89
Hillside Golf Club, Inc. (Wesley)	WS	100	5-15-89
Kirshna A. Birusingh/Ed Athey (Crescent)	SW	1,000	5-16-89
Seven Ponds Park (Sperry)	WS	200	5-16-89
Henry Co. Sanitary Landfill (Mt. Pleasant)	SW	600	5-17-89
North Pine Mobile Service Station (Davenport)	WS	200	5-17-89
City of What Cheer	WW	1,000	5-20-89
City of Des Moines	WW	1,000	5-20-89
Amoco Oil Co. (West Des Moines)	UT	1,000	-----
Des Moines Metro Solid Waste Agency	SW	1,000	-----
Village of Mooar (Keokuk)	WS	230	-----

*Referred to Attorney General
**On Payment Schedule

Dubuque Regional Airport (Dubuque)	WS	315	-----
Nob Hill Supper Club (Decorah)	WS	230	-----

The following administrative penalties have been appealed:

NAME/LOCATION	PROGRAM	AMOUNT
Clear Lake Sanitary District	WW	1,000
AMOCO Oil Co. (Des Moines)	UT	1,000
Iowa City Regency MHP	WW	1,000
Thomas E. Lennon (Barnum)	FP	700
Great Rivers Coop (Atavia)	HC	1,000
1st Iowa State Bank (Albia)	SW	1,000
Stan Moser (Hudson)	SW	250
Cloyd Foland (Decatur)	FP	800
Land O' Lakes, Inc. (Ellsworth)	WW	1,000
City of Marcus	WS	1,000
Cindi's Chanti (Elgin)	WS	560
Bill Keough (Fertile)	AQ	700
Superior-Ideal, Inc. (Oskaloosa)	WW	1,000
City of Olds	WS	1,000
Howard Gross (West Union)	FP	800
Arthur Pape (West Union)	FP	800
IBP, inc. (Columbus Junction)	WW	600
William C. Augustine (Rose Hill)	FP	1,000
Fred's 66 (Davenport)	HC	1,000
King's Terrace Mobile Home Court (Ames)	WW	1,000
King's Terrace Mobile Home Court (Ames)	WS	315
Premium Standard Farms, Inc. (Boone Co.)	WW/AQ	700
Mitchell Boars & Gilts (Madison Co.)	WW/FP	1,000
Victor Fisher (LuVerne)	AQ	600
Ken Forburger (Wesley)	AQ	600

The following administrative penalties were paid last month:

NAME/LOCATION	PROGRAM	AMOUNT
P.M. Park Trustees (Cedar Falls)	WS	75
City of Fremont	WS	200
Dale Wetherell (Storm Lake)	AQ	400
City of Maxwell	WW	600
*Bianchi-Meyrat Lagoon (Des Moines)	WW	1,000
KAL Services, Inc. (Pella)	WW	300
*Spring Valley Park (Dubuque)	WS	100
Bally Clough Inn (Dubuque)	WS	100
Akron Municipal Light & Water Works	WS	200
	TOTAL	$2,975

*Referred to Attorney General
**On Payment Schedule

DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION COMMISSION
ATTORNEY GENERAL REFERRALS
April, 1989

Name, Location and Region Number	New or Updated	Program	Alleged Violation	DNR Action	Status	Date
Aidex Corporation Council Bluffs (4)		Hazardous Waste	Release of Hazardous Substances	Referred to Attorney General	Referred EPA suit filed State intervention Motion to dismiss granted/denied Filed interlocutory appeal Argued in circuit court	12/16/82 2/26/87 3/05/87 2/26/88 3/11/88 11/14/88
ASPRO, Inc. Waterloo (1)		Air Quality	Excess Emissions	Order	Referred	2/16/88
Bianchi-Meyrat Lagoon Des Moines (5)	New	Wastewater	Monitoring/Reporting	Order/Penalty	Referred Penalty Paid	3/21/89 3/21/89
Bozarth and Bell, Inc. Davenport (6)		Solid Waste	Open Dumping	Order	Referred Default Judgment $7500 Second Lawsuit Filed Consent Decree Filed New Case	2/20/87 6/22/87 8/07/88 8/23/88 11/01/88
Bryant, Robert E. Cherokee (3)		Wastewater	Prohibited Discharge	Order	Referred Suit Filed Trial Set	6/01/86 9/08/86 5/04/89
Carson, City of		Wastewater	MIP-Certified Operator	Order/Penalty	Referred	2/23/89
City of Des Moines (5)	New	Wastewater	Sludge Disposal	Referred to Attorney General	Referred	3/21/89
Cooper, Kenneth/Hunter Oil Hinburn (5)		Storage Tank	Spill Cleanup	Order	Cooper Referred Hunter Referred	10/27/87 8/17/88
Davis, Richard & Sonia (5)		Solid Waste	Open Unpermitted Dumping	Referred to Attorney General	Referred Suit Filed	6/22/88 8/11/88
Farmers Cooperative Elevator Co. Audcliffe (2)	Updated	Wastewater	Prohibited Discharge	Referred to Attorney General	Referred Criminal Info. Filed Guilty Plea Judgement ($20,000)	7/20/88 2/09/89 3/13/89 3/13/89
Farmers Coop Elevator Audcliffe (2)		Air Quality	Open Burning	Order/Penalty	Referred	2/23/89
Garner, City of (2)	Updated	Solid Waste	Open Dumping	Order/Penalty	Referred Suit Filed Consent Decree Consent Decree	9/21/87 2/16/88 6/13/88 3/27/89
Hardin County Sanitary SW Disposal Commission		Solid Waste	Daily Operation	Order/Penalty	Referred	2/23/89
Hilltop Feeders (Jorgenson) Winneshiek (1)		Air Quality	Operation Without Permit	Order	Referred Suit Filed	12/15/87 3/24/88
IBP, Inc. (Langenfeld) Denison (4)		Wastewater	Prohibited Discharge	Order	Referred	11/17/87
Jerry Janssen Kellogg (5)	Updated	Fish Kill	Prohibited Discharge	Referred to Attorney General	Referred Criminal Info. Filed Not Guilty Plea	10/20/88 3/20/89 3/27/89
Kinsinger, Vernon Kalona (1)		Solid Waste Air Quality	Open Dumping Open Burning	Order/Penalty	Referred Administrative Penalty Paid	1/24/89 2/23/89
Leamer, Delbert; JTM Ind. Pleasant Valley (6)	Updated	Solid Waste	Open Dumping	Order/Penalty	Referred Suit Filed	11/17/87 3/13/89
McCabe's Supper Club Burr Oak (1)	Updated	Drinking Water	Monitoring/Reporting Bacteria & Nitrate	Order/Penalty	Referred Suit Filed	1/24/89 3/10/89
Parr Manufacturing, Inc.		Wastewater	Prohibited Discharge	Order	Referred	2/23/89

DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION COMMISSION
ATTORNEY GENERAL REFERRALS
April, 1989

Name, Location and Region Number	New or Updated	Program	Alleged Violation	DNR Action	Status	Date
Foggemiller, William et.al. Louisa County (6)	Updated	Flood Plain	Channel Change	Referred to Attorney General	Referred Suite Filed Proposed Consent Decree	3/20/87 6/25/87 3/28/89
Emslow, Donald Grand Junction (4)	Updated	Underground Tank	Failure to Monitor	Order	Referred Suite Filed Default Judgement	8/17/88 12/30/88 3/06/89
Robinson, Dallas Z. Mason City (2)	Updated	Solid Waste	Open Dumping	Order/Penalty	Referred Judgement Penalty Due	1/24/89 3/27/89 5/26/89
Shelter Shield Buffalo Center (6)		Air Quality	Excess Emissions; Construction w/o permit	Order/Penalty	Referred Suit Filed Default Judgment $7,500	2/20/87 6/30/87 12/22/87
Table Mound Park, Inc. (Spring Valley Park) Dubuque (1)	New	Drinking Water	Monitoring/Reporting Radioactivity	Order/Penalty	Referred Penalty Paid	3/21/89 3/27/89
63-180 Truckstop Poweshiek Co. (5)		Wastewater	Monitoring/Reporting, Discharge limitations, operational violations	Order/Penalty	Referred Suit Filed	8/17/88 11/22/88
University Park, City of (5)		Wastewater	NIP	Order/Penalty	Referred Suit Filed	9/28/88 11/14/88
Mae Milly's Quasqueton (1)	New	Drinking Water	Monitoring/Reporting Bacteria & Nitrate	Order/Penalty	Referred	3/21/89
Milton Steel Processing (6)		Wastewater	Prohibited Discharge	Referred to Attorney General	Referred	5/17/88
Waterhouse, James & Berna Washington County (6)		Flood Plain	Channel Change	Referred to Attorney General	Referred Suit Filed Trial Set Summary Judgment Granted the State	3/16/87 5/13/87 5/13/88 9/30/88
Molleson, Robert C. Buena Vista and Cherokee Counties (3)		Wastewater	Prohibited Discharge	Order	Referred Consent Decree Contempt Finding Contempt Finding Contempt Finding Contempt Finding Compliance Date	11/24/84 4/25/85 7/02/85 9/25/86 8/24/87 11/14/88 7/01/89
Woodland Park Jones County (1)	Updated	Wastewater	Prohibited Discharge	Order	Referred Suit Filed Temporary Injunction Trial Date Set Partial Summary Judgment Granted Tentative Consent Decree Consent Decree Civil Penalty ($7,500	7/31/86 11/09/86 2/13/87 1/17/88 11/22/88 1/17/89 3/10/89
Woolstock, City of		Wastewater	Monitoring; effluent violations	Order/Penalty	Referred	2/23/89
Tocum, Max Johnson (6)	Updated	Flood Plain	Prohibited Construction	Defending Referred to Attorney General	Suit Filed Referred Counter Claim Filed Trial Held Judgment for Department Court of Appeals Affirmed Judgment Further Review Denied	12/18/84 7/12/85 10/85 6/16/87 8/18/87 11/29/88 2/06/89

DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION COMMISSION
CONTESTED CASES
April, 1989

DATE RECEIVED	NAME OF CASE	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
1-23-86	Oelwein Soil Service	Administrative Order	NN	Landa	Hearing continued.
6-12-86	ADM - Clinton	Administrative Order	Air	Landa	Hearing continued.
12-03-86	City of Maukee	Administrative Order	NS	Hansen	Amended Admin. Order to be issued.
5-12-87	Iowa City Regency MHP	Administrative Order	NN	Hansen	Hearing held 11-05-87.
6-11-87	Thomas Lannon	Administrative Order	FP	Clark	Appealed to District Court.
8-10-87	Great Rivers Co-op	Administrative Order	NC	Landa	Clean-up completed. Final report due.
12-31-87	City of Tipton	Administrative Order	NN	Hansen	Settled.
1-15-88	First Iowa State Bank	Administrative Order	SW	Kennedy	Continued. Settlement pending.
1-22-88	IBP, Fort Dodge	NPDES Permit	NN	Hansen	Negotiating before filing.
2-04-88	Beaverdale Heights, Woodman; Westwood Hills	Administrative Order	SW	Landa	Continued pending resolution. Settlement discussions
2-05-88	Warren County Brenton Bank	Administrative Order	UT	Landa	Phase I complete. Additional investigation necessary
3-01-88	Cloyd Foland	Administrative Order	FP	Clark	Final decision appealed 12-22-88.
4-13-88	Land O'Lakes, Inc.	Administrative Order	NN	Murphy	Negotiating before filing.
5-16-88	Marcus, City of	Administrative Order	NS	Landa	Settlement proposed.
6-22-88	Cindi's Chanti	Administrative Order	NS	Murphy	Negotiating before filing.
6-23-88	Bill Keough	Administrative Order	AQ	Landa	Consent Order drafted.
7-01-88	Olds, City of	Administrative Order	NS	Landa	Settlement offer sent.
7-01-88	Superior Ideal, Inc.	Administrative Order	NN	Hansen	Hearing continued pending settlement discussions.
7-25-88	Niahna Sanitary Service, Inc.	Permit Conditions	SW	Landa	Hearing continued. Settlement proposed.
7-25-88	Aspro, Inc.	Operation Permit	NN	Landa	Consent Order proposed.
7-25-88	The B.J.B. Enterprises Corp. and Ralph J. Hobbs	Administrative Order	AQ	Landa	Hearing continued. Settlement proposed.
8-03-88	Hardin County	Permit Conditions	SW	Landa	Hearing continued. Settlement proposed.
8-10-88	Dennis Elwell Investment Co.	Construction Permit	NN	Hansen	Hearing continued. Settlement negotiations.
9-27-88	City of Hedan	Permit Condition	NS	Hansen	Settlement offer sent 2-27-89.
9-28-88	Deere & Company	SWA Denial	SW	Landa	Settlement proposed.
10-03-88	A. Gross/M. Pape	Administrative Order	FP	Clark	Negotiating before filing.
10-06-88	Mesha Cabe Subdivision	Permit Revision	NS	Hansen	Hearing held on 1-17-89. Proposed decision issued 2-16-89.
10-03-88	IBP, Columbus Junction	Administrative Order	NN	Clark	Hearing continued.
10-20-88	North Co. Co-Op Oil Northwood Cooperative Elevator Sunray Refining and Marketing Co.	Administrative Order	NC	Landa	Hearing continued. Settlement proposed.
11-14-88	William C. Augustine	Administrative Order	FP	Clark	Negotiating before filing.
11-22-88	Lake Shore Drive, Inc.	Administrative Order	FP	Clark	Negotiating before filing.
12-02-88	Edward Cain	Permit Denial	FP	Clark	Hearing continued.
12-02-88	Davis Co. Board of Supervisors	Administrative Order	AQ	Landa	Hearing continued.
12-05-88	Larry Dittmer	Administrative Order	AQ	Landa	Decision Appealed.
1-20-89	Clear Lake Sanitary District	Administrative Order	NN	Kennedy	Hearing continued.
1-24-89	KAL Services, Inc.	Administrative Order	NN	Clark	Settled.
1-25-89	Amoco Oil Co.	Administrative Order	UT	Landa	Settlement proposed. Clean up progressing.
1-26-89	City of Ogden	Administrative Order	NN	Murphy	Settlement proposal 3-17-89.
1-30-89	City of New Market	Permit Revision	NS	Murphy	Negotiating before filing.
2-10-89	Northwestern States Portland Cement Company	Site Registry	NN	Landa	Sent to DIA.
2-10-89	Baier/Manshein/Meyer	Site Registry	NN	Landa	Sent to DIA.
2-13-89	King's Terrace Mobile Home Court	Administrative Order	NN	Murphy	Negotiating before filing.
2-13-89	King's Terrace Mobile Home Court	Administrative Order	NS	Murphy	Negotiating before filing.
2-16-89	John Deere Co.	Site Registry	NN	Landa	Sent to DIA.
2-16-89	Premium Standard Farms	Administrative Order	NN/AQ	Murphy	Hearing set for 5-10-89.
2-23-89	Lakewood Benefited Sanitary District	NPDES Permit	NN	Hansen	Hearing set for 4-21-89.
3-07-89	Scheff 2nd Addition	NS Permit	NS	Hansen	Hearing set for 5-09-89.
3-09-89	Mitchell Boars and Gilts	Administrative Order	NN/FP	Murphy	Hearing set for 5-03-89.
3-14-89	Duane E. Hoover and Bill Edwards	Flood Plain Permit Issuance	FP	Clark	Negotiating before filing.
3-27-89	Victor Fisher	Administrative Order	AQ	Kennedy	Negotiating before filing.
3-27-89	Kenneth Forburger	Administrative Order	AQ	Kennedy	Negotiating before filing.

Discussion followed regarding various items in the reports.

Clark Yeager had several questions about past violations for the City of Des Moines.

Charlotte Mohr stated that the town of Brooklyn is replacing gas tanks and they told her that they cannot put replacement gas tanks in the same place they were before, and she asked for clarification as to whether or not that is correct.

Mr. Stokes responded that it would not be by any constraints the department has upon them. He reminded the Commission of an issue going back a year ago that as a matter of operation, unless the soil was totally clean, the department would tell a party that they could not use groundwater monitoring and should not put the tanks back in the same location. The Commission subsequently adopted a rule setting a background contamination threshold of 500 parts per million.

Later in the meeting, Mr. Stokes related that after checking with staff he learned that Brooklyn had a leak at the site and contamination has been documented by staff. He stated that they are in the process of finishing a hydrogeological study at the site to fully identify the nature and extent of the contamination, and the next step they will move to is some type of site cleanup. Staff advised them of several options available to possibly save them some work and additional costs, but the department did not tell them that they could not put the tank back into the hole.

This was an informational item; no action was required.

APPOINTMENT - FRANK SLOAN

Frank Sloan presented a video tape showing where oil and leachate from the Des Moines Metro Landfill is running into the creek near the landfill. He stated that in 1974, the DNR asked Des Moines Metro Landfill to get their leachate system in and it has not yet been done. Mr. Sloan related that in 1987, Des Moines Metro Landfill went before the Polk County Board of Adjustment and asked that the landfill be increased in size so that they could install the leachate system. The Board of Adjustment turned down their request and it is still sitting in court today. In conclusion, Mr. Sloan asked that the Commission do what they can to delay the landfill's permit application until a leachate system is installed.

Allan Stokes stated that in 1986, the department required the landfill to develop a plan for a leachate collection, recovery, and treatment system. Their consultant had developed a plan

which was approved by the department and several problems occurred. Their plan required some clearing and re-zoning, and neighbors filed objection to hold up the process. Subsequent to that, the landfill is now redesigning a plan and they are somewhat waiting for the new leachate recovery and treatment rules to come into place.

Frank Sloan stated that the neighbors have never filed a petition to stop the landfill from doing anything. He added that the Board of Adjustment turned down a request to make the landfill bigger, and they advised the landfill to put the leachate ponds on the land they already have.

As a matter of information to the new Commissioners, Chairman Schlutz noted that the department has spent approximately $35,000 on testing at the landfill.

RULE WITHDRAWAL--CHAPTERS 60 AND 61, WATER QUALITY STANDARDS

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Commission is requested to approve the withdrawal of the proposed rule-making activities regarding Chapter 61, Water Quality Standards. These rule-making activities were initiated with the Notice of Intended Actions published in the IAB on October 19, 1988 (ARC 9345). The withdrawal is requested because of the recent EPA objection to key aspects of the proposed rules, the significant revisions necessary to receive EPA approval, and the expiring time-frame for administrative adoption of the proposed rules.

It is still necessary to revise the Water Quality Standards but the revisions will be significantly different than what has been proposed and it will be necessary to go through the public participation process again.

ENVIRONMENTAL PROTECTION COMMISSION (567)
Notice Terminated

Notice is hereby given that the Environmental Protection Commission is terminating further rule making proceedings for proposed rule making relating to 567--Chapter 60, "Scope of Title--Definitions--Forms--Rules of Practice," and Chapter 61, "Water Quality Standards," Iowa Administrative Code.

Notice of intended action was published in the Iowa Administrative Bulletin on October 19, 1988, as ARC 9345. Public hearings were held on November 9, 1988, November 10, 1988, November 15, 1988, and November 16, 1988.

In the notice of intended action, amendments were made to the water quality standards and definitions due to a periodic review

by the Environmental Protection Agency (E.P.A.). The rules were reviewed for technical accuracy, incorporation of current scientific data and consistency with E.P.A. guidelines and requirements.

E.P.A. submitted comments concerning the rule amendments which will result in major changes to the water quality standards which were included in the notice of intended action. The Commission is now terminating rule making concerning the rule amendments as published in the notice. The Commission will promulgate rule amendments in the future once E.P.A. comments are addressed and incorporated into amendments that are found satisfactory by the Commission and E.P.A.

_____
Date

_____
Larry J. Wilson, Director

Mr. Stokes explained that at the end of the public comment period EPA discovered that there had been a misinterpretation of one of EPA's pieces of guidance and regulation which would require significant change in the rules that were brought to the Commission. Because of nearing the 180 day time limit, and in the spirit of good public information to provide opportunity to comment, staff is asking the Commission to withdraw the rule and take it back to public hearing. Mr. Stokes added that a new proposal should come before the Commission at the May or June meeting.

Chairman Schlutz commented that the Commission delayed implementing the LUST rules in waiting for EPA regulations, and as a result, the Commission was sued for not meeting the implementation deadline.

Mr. Stokes stated that there are no grounds for a suit in this situation, but that there would be more grounds for a suit if the department followed through on an action that was ill advised for the protection of the quality of the water of the state.

Motion was made by Catherine Dunn to approve Rule Withdrawal--Chapters 60 and 61, Water Quality Standards, with a stipulation that the department communicate to the legislature the rationale for the removal of this rule. Seconded by Charlotte Mohr. Motion carried unanimously.

PROPOSED RULE AMENDMENT--CHAPTER 62, EFFLUENT AND PRETREATMENT STANDARDS

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The proposed rules update references in Chapter 62 to federal effluent and pretreatment standards to conform to amendments and revisions to the federal regulations. The effluent and pretreatment standards adopted by the Commission must be at least as stringent as the promulgated federal standards to maintain delegation of the NPDES program. The Iowa Code prohibits the Commission from adopting effluent and pretreatment standards more stringent than the promulgated federal standards.

Copies of the rules will be distributed to the commission at the meeting. The commission will be asked to approve a notice of intended action at their May commission meeting to receive public comment on these rules incorporating any changes requested by the commission.

(Notice of Intended Action is shown on the following 3 pages)

ENVIRONMENTAL PROTECTION COMMISSION [567]
Notice of Intended Action

Pursuant to the authority of Iowa Code sections 455B.105 and 455B.173, the Environmental Protection Commission gives notice of intended action to amend 567--Chapter 62, "Effluent and Pretreatment Standards: Other Effluent Limits or Prohibitions," Iowa Administrative Code.

The purpose of the proposed rulemaking is to update references in rules 62.4 (455B) and 62.5 (455B) to federal effluent and pretreatment standards found in 40 Code of Federal Regulations (CFR) which need to be changed due to federal amendments and revisions to 40 CFR.

The effluent and pretreatment standards adopted by the Commission are required to be at least as stringent as the enumerated promulgated federal standards in order to have the continued approval by the federal Environmental Protection Agency of the department's NPDES program. Iowa Code section 455B.173(3) requires that the effluent and pretreatment standards adopted by the commission not be more stringent than the enumerated promulgated federal standards.

Any interested person may submit written suggestions or comments on the proposed rule changes through July 15, 1989. Such written materials should be directed to Steve Williams, Iowa Department of Natural Resources, Wallace State Office Building, 900 East Grand Avenue, Des Moines, Iowa 50319-0034. Persons who have questions may contact Steve Williams at 515/281-8884. Persons are also invited to present oral or written comments at a public hearing which will be held on July 5, 1989 at 10:00 a.m. in conference room 5 West, Wallace State Office Building, 900 East Grand, Des Moines, Iowa.

These rules may have an impact upon small businesses.

Copies of these proposed rules may be obtained from Sarah Detmer, Records Center, Iowa Department of Natural Resources, Wallace State Office Building, 900 East Grand, Des Moines, Iowa 50319-0034.

These rules are intended to implement Iowa Code Chapter 455B, Division III, Part I.

ITEM 1. Amend rule 62.4(455B) to read as follows:

567--62.4(455B) Federal effluent and pretreatment standards. The federal standards, 40 Code of Federal Regulations (CFR), revised as of July 1, ~~1986~~ 1988, are applicable to the following categories.

ITEM 2. Amend subrule 62.4(3) as follows:

62.4(3) General pretreatment regulations for existing and new sources of pollution. The following is adopted by reference: 40 CFR 403 as amended on ~~July 1, 1986 (51 FR 23759), October 9, 1986 (51 FR 36368), and January 14, 1987 (52 FR 1600)~~ October 17, 1988 (53 FR 40562), and January 4, 1989 (54 FR 246).

ITEM 3. Amend subrule 62.4(5) to read as follows:

62.4(5) Dairy products processing industry point source category. The following is adopted by reference: 40 CFR part 405 ~~as revised on July 9, 1986 (51 FR 24974)~~.

ITEM 4. Amend subrule 62.4(6) to read as follows:

62.4(6) Grain mills point source category. The following is adopted by reference: 40 CFR part 406 ~~as revised on July 9, 1986 (51 FR 24974)~~.

ITEM 5. Amend subrule 62.4(7) to read as follows:

62.4(7) Canned and preserved fruits and vegetables processing point source category. The following is adopted by reference: 40 CFR part 407 ~~as revised on July 9, 1986 (51 FR 24974)~~.

ITEM 6. Amend subrule 62.4(8) to read as follows:

62.4(8) Canned and preserved seafood processing point source category. The following is adopted by reference: 40 CFR part 408 as-revised-on-July-9,-1986 (51-FR-24974).

ITEM 7. Amend subrule 62.4(9) to read as follows:

62.4(9) Sugar processing point source category. The following is adopted by reference: 40 CFR part 409 as-revised-on-July-9,-1986-(51-FR-24974).

ITEM 8. Revise subrule 62.4(11) as follows:

62.4(11) Cement manufacturing point source category. The following is adopted by reference: 40 CFR part 411 as-revised-on-July-9,-1986-(51-FR 24974).

ITEM 9. Revise subrule 62.4(12) as follows:

62.4(12) Feedlots point source category. The following is adopted by reference: 40 CFR part 412 as-revised-on-July-9,-1986-(51-FR-24974).

ITEM 10. Revise subrule 62.4(13) as follows:

62.4(13) Electroplating point source category. The following is adopted by reference: 40 CFR part 413 as-amended-on-November-7,-1986-(51-FR-40420).

ITEM 11. Revise subrule 62.4(18) as follows:

62.4(18) Fertilizer manufacturing point source category. The following is adopted by reference: 40 CFR part 418 as-revised-on-July-9,-1986-(51-FR 24974).

ITEM 12. Revise subrule 62.4(21) as follows:

62.4(21) Nonferrous metals manufacturing point source category. The following is adopted by reference: 40 CFR part 421 as-revised-on-February-3, 1987-(52-FR-3230).

ITEM 13. Revise subrule 62.4(22) as follows:

62.4(22) Phosphate manufacturing point source category. The following is adopted by reference: 40 CFR part 422 as-revised-on-July-9,-1986-(51-FR 24974).

ITEM 14. Revise subrule 62.4(24) as follows:

62.4(24) Ferroalloy manufacturing point source category. The following is adopted by reference: 40 CFR part 424 as-revised-on-July-9,-1986-(51-FR 24974).

ITEM 15. Revise subrule 62.4(26) as follows:

62.4(26) Glass manufacturing point source category. The following is adopted by reference: 40 CFR part 426 as-revised-on-July-9,-1986-(51-FR 24974).

ITEM 16. Revise subrule 62.4(30) as follows:

62.4(30) Pulp, paper and paperboard point source category. The following is adopted by reference: 40 CFR part 430 as-amended-on-December-17,-1986-(51 FR-45232).

ITEM 17. Revise subrule 62.4(31) as follows:

62.4(31) Builders paper and roofing felt segment of the builders paper and board mills point source category. The following is adopted by reference: 40 CFR part 431 as-amended-on-December-17,-1986-(51-FR-45282).

ITEM 18. Revise subrule 62.4(32) as follows:

62.4(32) Meat products point source category. The following is adopted by reference: 40 CFR part 432 as-amended-on-July-9,-1986-(51-FR-24974).

ITEM 19. Revise subrule 62.4(33) as follows:

62.4(33) Metal finishing point source category. The following is adopted by reference: 40 CFR part 433 as-amended-on-November-7,-1986-(51-FR-40420).

ITEM 20. Revise subrule 62.4(34) as follows:

62.4(34) Coal mining point source category. The following is adopted by reference: 40 CFR part 434 as-revised-on-October-9,-1985-(50-FR-41305).

ITEM 21. Revise subrule 62.4(39) as follows:

62.4(39) Pharmaceutical manufacturing point source category. The following is adopted by reference: 40 CFR 439 ~~as amended on December 16, 1986 (51 FR 45094)~~.

ITEM 22. Revise subrule 62.4(55) as follows:

62.4(55) Pesticide chemicals manufacturing point source category. The following is adopted by reference: 40 CFR part 455 ~~as revised on December 15, 1986 (51 FR 44911)~~.

ITEM 23. Revise subrule 62.4(61) as follows:

62.4(61) Battery manufacturing point source category. The following is adopted by reference: 40 CFR part 461 ~~as amended on August 28, 1986 (51 FR 30814)~~.

ITEM 24. Revise subrule 62.4(64) as follows:

62.4(64) Metal molding and castings point source category. The following is adopted by reference: 40 CFR part 464 ~~as promulgated October 30, 1985 (50 FR 45247) and corrected on June 16, 1986 (51 FR 21760)~~.

ITEM 25. Revise subrule 62.4(66) as follows:

62.4(66) Porcelain enameling point source category. The following is adopted by reference: 40 CFR part 466 ~~as amended on September 6, 1985 (50 FR 36540)~~.

ITEM 26. Amend subrule 62.4(67) as follows:

62.4(67) Aluminum forming point source category. The following is adopted by reference: 40 CFR part 467 as amended on December 27, 1988 (53 FR 52366).

ITEM 27. Revise subrule 62.4(68) as follows:

62.4(68) Copper forming point source category. The following is adopted by reference: 40 CFR part 468 ~~as amended on August 23, 1985 (50 FR 34334) and March 5, 1986 (51 FR 7570), and June 20, 1986 (51 FR 22520)~~.

ITEM 28. Revise subrule 62.4(71) as follows:

62.4(71) Nonferrous metals forming and metal powders. The following is adopted by reference: 40 CFR part 471 ~~as promulgated August 23, 1985 (50 FR 34270), and corrected on January 22, 1986 (51 FR 2884)~~ (54 FR 11346).

ITEM 29. Amend subrule 567--62.5(455B) to read as follows:

567--62.5(455B) Federal toxic effluent standards. The following is adopted by reference: 40 CFR part 129, revised as of July 1, ~~1986~~ 1988.

_____

Date

_____

Larry J. Wilson, Director

(A:EP62.MIN/093-89/sc)

This was an informational item; no action was required.

NOTICE OF INTENDED ACTION--CHAPTERS 101 - 106, LANDFILL CLOSURE-POST CLOSURE AND LEACHATE RECOVERY SYSTEMS

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

AMEND RULE CHAPTER 101, GENERAL REQUIREMENTS RELATING TO SOLID WASTE DISPOSAL CHAPTER 102, PERMITS CHAPTER 103, LANDFILLS CHAPTER 104, SANITARY DISPOSAL PROJECTS WITH PROCESSING FACILITIES CHAPTER 105, COMPOSTING FACILITIES CHAPTER 106, RECYCLING OPERATIONS

The Commission is requested to amend Chapters 101 through 106 of the ARC. These rules address Closure, post closure and leachate recovery requirements for sanitary landfills.

Attached is a copy of the proposed rule establishing design standards for closure/post-closure at all sanitary disposal projects, and for construction of leachate control systems for sanitary landfills.

The time, date, and location of public hearings will be as set out in the Notice of Intended Action.

(Notice of Intended Action is shown on the following 8 pages)

ENVIRONMENTAL PROTECTION COMMISSION [567]
Notice of Intended Action

Pursuant to Iowa Code section 455B.304, the Environmental Protection Commission proposes to adopt amendments to 567--Chapter 101, "General Requirements Relating to Solid Waste Disposal," Chapter 102, "Permits," Chapter 103, "Sanitary Landfills," Chapter 104, "Sanitary Disposal Projects with Processing Facilities," Chapter 105, "Composting Facilities," and Chapter 106, "Recycling Operations," Iowa Administrative Code.

In accordance with Iowa Code section 455B.304, the Commission is required to adopt rules establishing standards for closure, post-closure, and leachate control and treatment. In accordance with this authority, the Commission proposes to adopt amendments to existing rules in order to provide quantitative standards and methodology to be used by the sanitary disposal project authority. These standards are to be applied to facilities which dispose of solid waste by burial, processing, composting or recycling.

The Department intends to require submittal of closure/post-closure plans and leachate control plans in accordance with the strategy defined within the rule, and summarized as follows:

1. New facilities shall submit closure/post-closure plan and leachate control plan with the initial permit application; with installation of the leachate control plan prior to start of operation;

2. Existing facilities shall submit the closure/post-closure plan and leachate control plan at the time of the first renewal of their permit after enactment of this rule, with completion of installation and operation of the leachate control plan within one year of departmental approval of the leachate control plan, and with completion of installation of the closure/post-closure plan within 90 days of closure of the facility or suspension of operations;

3. Upon departmental notification, a leachate control plan may be required to be submitted within 180 days, with installation and operation within one year of departmental approval of the plan.

These amendments may impact sanitary disposal projects economically and operationally.

These amendments may also economically impact small businesses.

Any interested person may file with the director written comments on the proposed amendments through June 16, 1989. Interested persons may also provide oral comments at public hearings to be held in Iowa City, Independence, Mason City, Des Moines, Council Bluffs, and Storm Lake as follows: Tuesday, June 6, 1989 at 9:00 a.m. in the Geological Survey Bureau Conference Room 109, 123 North Capitol Street, Iowa City, Iowa; also on Tuesday, June 6, 1989 at 2:00 p.m. in the Buchanan County Extension Service Community Service Building meeting room, Old Highway 20 West, Independence, Iowa; on Wednesday, June 7, 1989 at 9:00 a.m. in the Mason City Fire Station, 350 Fifth Street SW, Mason City, Iowa; also on June 7, 1989 at 2:00 p.m. in the fifth floor conference room in the Henry A. Wallace Building, 900 East Grand Avenue, Des Moines, Iowa; on Thursday, June 8, 1989 at 9:00 a.m. in the Community Hall Room, 205 South Main, Council Bluffs, Iowa; also on June 8, 1989 at 2:00 p.m. in the City Hall Conference Room, 620 Erie Street, Storm Lake, Iowa.

The following amendments are proposed:

ITEM 1. Amend rule 567--101.3(455B) by substituting the following:

567--101.3(455B) General conditions of solid waste disposal. Solid waste must be disposed at a sanitary disposal project approved by the director.

ITEM 2. Amend rule 567--102.2(455B) by substituting the following:

567--102.2(455B) Types of permits. There are four (4) types of permits issued by the director. These are described in this rule.

ITEM 3. Amend rule 567--102.2(455B) by adding the following subrule:

102.2(4) Closure permit. This permit is issued by the director under the authority of Iowa Code section 455B.305 for sanitary disposal projects which no longer accept solid waste. Such permits are issued for a term of thirty (30) years. A sanitary disposal project shall require a closure permit until the department determines that post-closure maintenance, post-closure monitoring, and operation of required leachate control system is no longer necessary.

a. Application shall be filed at the time of departmental notification of intended closure as required by this rule.

b. The application for issuance of this permit shall be based on a previously approved comprehensive plan and other rules adopted pursuant to the authority of 455B.306.

c. This permit shall require submission of an annual audit report detailing the status of the financial instrument and other funds as required to guarantee completion of post-closure and monitoring requirements.

d. This permit may be modified by the issuance of an amendment by the department. Requests for permit amendments may be initiated by the department or by the permit holder.

e. At the end of the applicable post-closure period, and upon satisfactory completion of all required post-closure activities as established by 455B of the Code, written notification shall be issued by the director stating that a permit is no longer required for the facility.

ITEM 4. Amend rule 567--102.7(455B) by substituting the following:

Sanitary disposal project permits, temporary permits, and developmental permits may be modified by the issuance of an amendment by the department, except as provided in 102.6(1).

ITEM 5. Amend rule 567--102.12(455B) by adding the following new subrule 102.2(10). Renumber existing subrule 102.12(10) as new subrule 102.12(11):

102.12(10) Closure/Post-closure plan. A closure/ post-closure plan shall be submitted which:

a. Details how and when the facility will be closed in accordance with applicable requirements of Chapters 103 through 110 of the rules.

b. Describes the proposed groundwater monitoring plan, leachate control system, and site inspection and maintenance activities necessary to comply with Chapters 103 through 110 of the rules.

c. States the name, address and telephone number of the person or office to serve as a contact with regard to the facility during the post-closure period.

ITEM 6. Amend rule 567--102.13(455B) to add the following new subrule 102.13(9):

102.13(9) General closure requirements.

a. The owner or operator shall notify the department in writing at least one hundred and eighty (180) days prior to closure of the facility or suspension of operations.

b. Notice of closure shall be posted at least one hundred and eighty (180) days prior to closure at the facility indicating the date of closure and alternative solid waste management facilities. Notice of closure shall also be published at least one hundred and eighty (180) days prior to closure in a

newspaper of local circulation. This notice shall include the date of closure and alternative solid waste management facilities.

c. The closure of the facility shall be certified by the owner and an engineer registered in Iowa that it has been closed in compliance with the rules, the closure/post-closure plan, and the permit.

d. Upon completion of closure activities, as-built plans shall be submitted showing changes from the original design plans, test results indicating compliance with final cover as applicable, waste removal, equipment decontamination, and other forms of documentation as required, to include a copy of the notation filed with the county recorder.

ITEM 7. Amend subrule 103.2(1) by adding new paragraphs "d", "e", "f" and "g" and relettering the remaining paragraphs.

d. The description, source and volume of the material to be used for the landfill liner, including the method of installation. The portion of the site to be filled must have a soil liner consisting of at least four (4) feet of recompacted soil, which has been compacted to 95 percent Modified Proctor Density at not more than five (5) percent above optimum moisture content. The coefficient of permeability must be $1x10^{-7}$ cm/sec (0.00028 ft/day) or less as determined by appropriate laboratory analysis. The soil shall be placed in lifts not to exceed eight (8) inches in thickness. A minimum of one field density test shall be performed per lift per acre to insure adequate compaction. Results of field density tests shall be submitted to the department.

e. An alternative liner system to that required in paragraph "d" of this subrule may be approved by the director if:

(1) The design of the liner system is equivalent to the soil liner required in paragraph "d" of this subrule in performance, longevity and protection of the groundwater; or

(2) Based on the specific type of waste to be disposed, the design of the liner system offers equivalent protection of the groundwater.

(3) Undisturbed soil will not be allowed for use as liner material.

f. Diversion and drainage structures designed to prevent ponding, infiltration, inundation, erosion, slope failure and washout from surface runoff due to a 25-year, 24-hour rainfall.

g. A leachate collection, storage and treatment and disposal system designed to protect the soils, surface water, and groundwater from leachate contamination. This system shall be designed to operate during the active life of the site and during the post-closure period required by 455B.304.

(1) The design and construction of the system must be in accordance with subrule 103.2(3) and be coordinated with the planned phase development of the site and the timing of leachate generation.

(2) The potential for leachate generation shall be evaluated in determining the design for the facility.

(3) The plan must include proposed quality assurance and quality control testing to be performed during installation and operation of the system. This shall include procedures that will be followed during installation of the leachate collection system, and during normal landfill operations to ensure the system's integrity and design standards.

ITEM 8. Amend subrule 103.2 by deleting paragraphs "l", "m", and "n", relettering remaining paragraphs, changing paragraph "h" to the following, and adding new paragraph "n".

h. Each site shall be graded and provided with drainage facilities to meet the requirements of 103.2(1)f to minimize flow of surface water onto and into

the portion of the site being filled, and to prevent soil erosion and ponding of water.

n. The total volume of leachate collected for each month shall be recorded, and the elevation of leachate in the landfill shall be provided to the department in accordance with the schedule specified in the permit.

ITEM 9. Amend rule 567--103.2(455B) by adding new subrules 103.2(3), 103.2(4), 103.2(5) and 103.2(6).

103.2(3) Leachate control systems for new landfills. All new landfills must have a leachate collection, storage, and treatment and disposal system in place prior to accepting waste. This system shall be operated in conformance with the approved design during the active life of the site and during the post-closure period.

a. Leachate collection system.

(1) The leachate collection system shall be designed to allow not more than one (1) foot of head above the top of the landfill liner. The collection system must include a method for measuring the leachate head in the landfill at the lowest area(s) of the collection system.

(2) The landfill liner must be graded toward the leachate collection pipe at a slope greater than two percent (2%), but not to exceed ten percent (10%). The side slopes of the landfill liner must be less than twenty-five percent (25%).

(3) A drainage layer must be placed immediately above the landfill liner. This drainage layer shall consist of a minimum of one (1) foot of soil with a coefficient of permeability of 1×10^{-3} cm/sec (2.8 ft/day) or greater.

(4) Leachate collection pipe shall be placed in a trench excavated a minimum of eighteen (18) inches into the liner. Additional soil must be added beneath the trench to provide a minimum of four (4) feet of soil liner, as required by 103.2(1)d.

(5) Leachate collection pipe shall be surrounded by a gravel protection and drainage layer, and by either a graded filter layer or by a geotextile filter fabric.

(6) The collection pipe must be covered with a filter material to encourage flow and to prevent infiltration of fine-grained materials into the pipe. The collection pipe must be perforated or slotted, of a sufficient diameter to handle the expected flow, but not less than four (4) inches in inside diameter, capable of being cleaned throughout the active life of the site and during the post-closure period, chemically resistant to the wastes and the expected leachate and of sufficient strength to support maximum static and dynamic loads imposed by the overlying wastes, cover materials, and equipment used during the construction and operation of the site. Documentation shall be submitted which includes methods and specifications for cleaning of the pipes, chemical compatibility of the pipes, and calculations and specifications for pipe strength.

(7) The leachate collection system shall be equipped with valves to enable the flow of leachate from the facility to be shut off during periods of maintenance.

(8) The leachate collection system shall be cleaned out once every three (3) years, or more frequently if leachate head and/or the volume of leachate collected indicate cleanout is necessary. A report of the methods and results of the cleanout shall be submitted at the time of permit renewal.

b. Leachate storage system. The leachate storage system must be:

(1) Capable of storing at least seven (7) days accumulation of leachate; and

(2) Constructed of materials which are compatible with the expected leachate.

c. Leachate treatment and disposal system.

(1) Leachate shall be treated by such physical, chemical or biological processes as necessary to meet the pretreatment limits imposed by a treatment agreement between the landfill and a publicly owned treatment works, or by the effluent discharge limitation established by an NPDES permit issued to the landfill.

(2) Leachate recirculation systems shall be designed to minimize detrimental effects to vegetative cover, minimize erosion and damage to the soil cover, and to promote rapid stabilization of the waste. Such systems shall not be allowed for sites which do not satisfy all of the requirements of 103.2(3).

(3) All leachate treatment systems, except as described in (2) above, shall conform to wastewater treatment design standards as established by the department.

d. Inspection prior to start-up. The department shall be notified when the initial construction of the leachate collection, storage, and treatment and discharge systems have been completed, in order that an inspection may be made to determine that the leachate control system is constructed as designed. Prior to this inspection, construction certification reports from the project engineer must be submitted discussing quality assurance and quality control testing done to ensure that all materials and equipment for the leachate control system has been placed in accordance with the approved engineering plans, reports and specifications. The results of all testing must be included, along with documentation of any failed tests, a description of the procedures used to correct the failures, and results of any retesting performed. This inspection may be incorporated with the inspection required by rule 567--102.11(455B).

103.2(4) Leachate control systems for existing landfills.

a. All existing landfills must submit a leachate control plan, as described in paragraph "b" below when any of the following occur:

(1) At the time of permit renewal;

(2) When requesting a change in the existing permit for expansion or modification of the waste fill area;

(3) Within 180 days of notification by the department of the detection of any leachate seep or contamination of the ground or surface waters from leachate; or

(4) At least 180 days prior to landfill closure.

b. The design of the leachate control system must include leachate collection storage, and treatment and disposal.

(1) New fill areas of a landfill that have not previously received waste must address the design standards of subrule 103.2(3).

(2) Existing fill areas must address the design standards of subrule 103.2(3), except subparagraphs a(1) through a(4). The leachate collection system must be designed to achieve the lowest possible leachate head above the landfill liner, and must include a method of measuring the leachate head.

103.2(5) Closure requirements. The owner or operator of the landfill must close the site in a manner that minimizes the potential for post-closure release of pollutants to the air, groundwater or surface waters.

a. Permanent surveying monuments must be installed by a registered land surveyor from which the location and elevation of wastes, containment structures, and monitoring facilities can be determined throughout the post-closure period.

b. The final cover shall consist of:

(1) Not less than two (2) feet of soil which has been compacted to 95 percent Modified Proctor Density at not more than five (5) percent above optimum moisture content. The permeability must be $1x10^{-7}$ cm/sec or less as determined by appropriate laboratory analysis. The soil shall be placed in lifts not to exceed eight (8) inches in thickness. A minimum of one field density test shall be performed per lift per acre to insure adequate compaction. Results of field density tests shall be submitted to the department. The compacted soil shall be keyed into the bottom liner at the waste cell boundary.

(2) Not less than six (6) inches of sand with a permeability of $1x10^{-3}$ cm/sec or greater, to be placed above the compacted soil described in subparagraph b(1) of this subrule. This layer shall be placed as soon as possible to prevent desiccation, erosion, cracking and freezing of the compacted soil layer described in subparagraph b(1), above.

(3) Not less than two (2) feet of uncompacted soil, containing sufficient organic matter to support vegetation, to be placed above the sand described in subparagraph b(2) of this subrule. The thickness of this soil layer must be at least the root depth of the planned vegetative cover to prevent root penetration into the underlying soil layers. This layer shall be placed as soon as possible to prevent desiccation, cracking and freezing of the compacted soil layer described in subparagraph b(1) of this subrule.

(4) A layer of compacted soil, incinerator ash, or similar material permitted by the department may be used to prepare the site for placement of the compacted soil layer described in subparagraph b(1) of this subrule. The use of such material will not serve as a replacement for the compacted soil layer described in subparagraph b(1) of this subrule.

(5) Alternate methods and materials may be permitted if shown to provide equal or superior performance.

c. The final cover shall be designed and graded to meet the drainage requirements of 103.2(1)f. The final cover must have a minimum slope of five (5) percent, and shall not exceed a slope of twenty-five (25) percent.

d. The final cover shall be seeded immediately upon completion with native grasses or other suitable vegetation to prevent soil erosion. Vegetation type shall be based on density and root depth, nutrient availability, soil thickness, and soil type. Alternatives to vegetative cover may be considered to control erosion and promote runoff.

e. An approved groundwater monitoring system as required by the closure permit and the rules must be in place and operating.

f. An approved leachate collection and treatment system as required by the closure permit and the rules must be in place and operating.

g. An approved landfill gas monitoring and collection system as required by the closure permit and the rules must be in place or operating unless determined not to be necessary by the director.

h. An approved financial assurance instrument, adequate to cover costs of all post-closure activities as required by the closure plan and the closure permit must be provided upon promulgation of the appropriate rules.

i. All requirements of the closure plan, the closure permit, and the rules must be satisfied.

103.2(6) Post-closure requirements for thirty (30) years following closure of the site. The owner or operator of the site must comply with all post-closure requirements.

a. The diversion and drainage system as required in 103.2(1)f must be maintained to approved specifications to prevent run-on and runoff from eroding or otherwise damaging the final cover.

b. The integrity and effectiveness of the final cover must be maintained by making repairs as necessary to correct the effects of settling, subsidence, erosion, or other events. If damage to the compacted soil layer described in 103.2(3)b(1) occurs, repairs shall be made to correct the damage and return it to its original specifications.

c. The vegetative cover shall be reseeded as necessary to maintain good vegetative growth. Any invading vegetation whose root system could damage the compacted soil layer shall be removed or destroyed immediately.

d. The groundwater monitoring system shall be operated and maintained, and shall comply with all applicable rules and closure permit requirements.

e. The leachate collection, removal and treatment systems shall be operated and maintained, and shall comply with all applicable rules and closure permit requirements.

f. The landfill gas monitoring and collection systems shall be operated and maintained, and shall comply with all applicable rules and closure permit requirements.

g. Semiannual reports shall be submitted to the department. These reports shall contain information concerning the general conditions at the site, groundwater monitoring results, amount of leachate collected and treated, information concerning the landfill gas monitoring and collection system, and other information as may be required by the closure permit. In addition, locations and elevations of all permanent monuments, required in subrule 103.2(3)(a), shall be determined. The reports are due by February 1 and July 1 for the previous half of the calendar year.

h. The permanent surveying monuments required in subrule 103.2(3)(a) shall be maintained.

i. The financial assurance instrument and post-closure account shall be maintained to approved levels, and an annual financial statement shall be submitted by February 1 for the previous calendar year.

ITEM 10. Amend subrule 103.3(2) by changing paragraph "b" to the following:

b. Solid waste at the site shall be covered after each day of operation with a compacted layer of at least six (6) inches of earth.

ITEM 11. Delete paragraph "c" of subrule 103.3(1).

ITEM 12. Delete paragraph "b" of subrule 103.4(1).

ITEM 13. Delete paragraph "e" of subrule 103.5(1), and reletter the remaining paragraphs.

ITEM 14. Delete paragraph "h" of subrule 103.6(1), and reletter the remaining paragraphs.

ITEM 15. Add rule 567--104.11(455B)

567--104.11(455B) Closure requirements. All sanitary disposal projects with processing facilities shall close in conformance with their approved closure plan, this subrule, and the requirements of chapter 102.

104.11(1) All equipment, storage facilities, holding areas, and drainage collection systems shall be cleaned and decontaminated.

104.11(2) All processed waste, stored waste and waste from cleaning and decontaminating the facility shall be removed and disposed of in a permitted disposal facility.

104.11(3) Disposal projects with processing facilities may be required to obtain a closure permit, described in 102.2(4), dependent upon the potential of the closed facility for environmental impact.

ITEM 16. Add rule 567--105.3(455B)

567--105.3(455B) Closure requirements. All composting facilities shall be closed in conformance with their approved closure plan, this subrule, the requirements of rule 104.11 and the requirements of chapter 102. Composting facilities may be required to design and implement a groundwater monitoring system dependent upon the potential of the closed facility for environmental impact.

ITEM 17. Add rule 567--106.4(455B)

567--106.4(455B) Closure requirements. All recycling operations shall be closed in conformance with their approved closure plan, this subrule, rule 104.11, and the requirements of chapter 102.

_____
Date

_____
Larry J. Wilson, Director

(A:EP102.MIN/095-89)

Mr. Stokes explained changes made after the informational copy was presented at the March meeting. He noted that one of the changes provide that the leachate storage system would allow seven days accumulation rather than five days accumulation, and he reminded the Commission of provisions to valve-off leachate recovery systems.

Clark Yeager asked if these rules require all weather roads to enable a person to get to the system.

Mr. Stokes stated that there are current requirements for all weather roads to landfills. He added that they would need to have access to the leachate recovery system, but the rules do not specifically state that they shall have an all weather road to gain access to the leachate recovery system. Throughout the rules it addresses the ongoing types of care, maintenance, and operation of the facility that requires them to have daily access.

Discussion followed in regards to valve-off provisions and reporting procedures for same.

Motion was made by Catherine Dunn to approve Notice of Intended Action--Chapters 101, 102, 103, 104, 105, and 106, Landfill Closure/Post-Closure and Leachate Recovery Systems with additional language mandating that a facility shall provide access to the leachate storage system at all times, in all weather. Seconded by Gary Priebe. Motion carried unanimously.

FINAL RULE--CHAPTERS 100, 103, AND 110, LANDFILL GROUNDWATER MONITORING RULES

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

AMEND RULE--CHAPTER 100 "SCOPE OF TITLES-DEFINITIONS-FORMS-RULES OF PRACTICE" --CHAPTER 103 "SANITARY LANDFILLS" AND ADOPT NEW RULE--CHAPTER 110 "DESIGN, CONSTRUCTION, AND OPERATION STANDARDS FOR SOLID WASTE MANAGEMENT FACILITIES"

The Commission is requested to adopt the above referenced chapters in accordance with the Notice of Intended Action published in ARC 9584. These rules address required groundwater monitoring at sanitary landfills.

Attached is a copy of the rules as published in the Notice, with corrections and changes resulting from public comments. A summary of these comments, with the department's response, is also attached for the Commission's information.

ENVIRONMENTAL PROTECTION COMMISSION [567]
Adopted Rule

Pursuant to Iowa Code section 455B.304, the Environmental Protection Commission proposes to adopt amendments to 567--Chapter 100, "Scope of Titles-Definitions-Forms-Rules of Practice" and 567--Chapter 103, "Sanitary Landfills," Iowa Administrative Code and part of a new 567--Chapter 110, "Design, Construction and Operation Standards for Solid Waste Management Facilities."

Notice of Intended Action was published in the Iowa Administrative Bulletin on January 11, 1989 as ARC 9584.

In accordance with Iowa Code section 455B.304, the Commission is required to adopt rules establishing standards for construction, operation and maintenance of hydrologic monitoring systems in sanitary landfills. In accordance with this authority, the Commission proposes to adopt amendments to existing rules in order to provide quantitative standards and methodology to be used by the landfill authority for applying these standards. These standards are to be applied to facilities which dispose of solid waste by burial.

The Department intends to require submittal of hydrologic monitoring system plans in accordance with the strategy defined within the rule, and summarized as follows:

1. New facilities shall submit the plan with the initial permit application; with installation completed prior to start of operation;

2. Existing facilities shall submit the plan at the time of the first renewal of their permit after enactment of this rule, but not sooner than July 1, 1990, with completion of installation and operation within one year of departmental approval of the plan;

3. Upon departmental notification a plan may be required to be submitted within 6 months, with installation and operation complete within one year of departmental approval of the plan.

These amendments may impact sanitary landfills economically and operationally.

These amendments may also economically impact small businesses.

Public hearings were held in Iowa City and Independence on January 31, 1989; in Mason City and Des Moines on February 1, 1989; and in Council Bluffs and Storm Lake on February 2, 1989, at which time oral and written comments were received. A written response has been prepared. Minor changes have resulted in the rule as it appeared in the Notice of Intended Action based on these comments.

The following amendments are proposed:

ITEM 1. Amend rule 567--100.2(455B) by adding or substituting the following definitions in alphabetical order:

"Annular space" means the open space formed between the borehole and the well casing.

"Aquifer" means a saturated geologic formation or combination of formations which has appreciably greater ability to transmit water than do adjacent formations. Typically, an aquifer is capable of yielding usable quantities of water to a well.

"Confined aquifer" means an aquifer with a confining bed above and below. Water in a confined aquifer is under pressure such that water rises above the top of the aquifer in a well which penetrates the aquifer.

"Confining bed" means a geologic formation exhibiting relatively low ability to transmit water compared to adjacent formations. Confining beds are typically not capable of yielding usable quantities of water to a well.

"Downgradient" means direction of decreasing hydraulic head.

"Downgradient well" means a well which has been installed downgradient of the site and is capable of detecting the migration of contaminants from the site.

"Geologic cross section" means a drawing of a subsurface profile showing the various strata encountered based on at least three soil borings.

"Groundwater flow path" means the route of water (and contaminant) travel within the groundwater system.

"Hydraulic head: means the energy contained at a point in the groundwater system. Hydraulic head is measured as the elevation to which water rises in a piezometer.

"Landfill property" means the entire area of the landfill including the disposal site and any other contiguous property proposed for actual landfill use.

"Leachate" means a liquid that has percolated through or drained from a solid waste landfill.

"Mean" is the sum of all the measurements divided by the number of measurements.

"Perched saturated zone" is a localized saturated zone occurring above the regional zone of saturation. The perched saturated zone's presence is caused by a lens of relatively impermeable material within the unsaturated zone that impedes the downward movement of water toward the zone of saturation.

"Piezometers" are devices used to measure hydraulic head at a specific point in the groundwater system. Piezometers are generally small diameter wells sealed along the entire length and open to water only at the bottom through a short section of well screen, which is the point where hydraulic head is measured. A piezometer may be constructed similar to a monitoring well or may be a driven well point.

"Potentiometric surface" is the imaginary surface that represents the level to which water from an aquifer (confined or unconfined) will rise in wells.

"Shelby tube" is a thin-walled, seamless steel tube with a sharp cutting edge which is used to obtain undisturbed samples of cohesive or moderately cohesive soils (silts and clays).

"Site" means any location, place or tract of and used for collection, storage, conversion, utilization, incineration or landfilling of solid waste, to include the landfill area, nonfill work areas, borrow areas plus a 100-foot-wide perimeter surrounding the working areas or the property line if it is closer than 100 feet to the working areas.

"Soil boring" means a hole drilled or driven into the subsurface for the purpose of determining subsurface characteristics.

"Specific yield" is the ratio of the volume of water that a given mass of saturated rock or soil will yield by gravity to the volume of that mass. This ratio is stated as a percentage.

"Split spoon sampler" means a device used in conjunction with a drilling rig to obtain core samples from unconsolidated strata.

"Standard deviation" means the square root of the variance.

"Storage coefficient" is the volume of water an aquifer releases from or takes into storage per unit surface area of aquifer per unit change in head.

"Transmissivity" is the rate at which water is transmitted through a unit width of an aquifer under a unit hydraulic gradient.

"Tremie tube" means a pipe used to fill the annular space in a well from the bottom up.

"Unconfined aquifer" means an aquifer which does not have a confining bed above it. The level of water in a well in an unconfined aquifer is below the top of the aquifer formation.

"Unsaturated zone" is the subsurface zone above the water table in which the interstitial spaces are only partially filled with water.

"Upgradient" means direction of increasing hydraulic head.

"Upgradient well" means a well which is capable of yielding groundwater samples that are representative of regional conditions and are not affected by the landfill site. Such a well is typically placed upgradient of the site, if possible, and, if not, is placed in an upgradient direction and as near the site as feasible.

"Variance" means the sum of the squared differences between the actual measurement and the mean divided by one less than the number of measurements.

"Water table" means the water surface below the ground at which the unsaturated zone ends and the saturated zone begins.

"Zone of saturation" is the subsurface zone below the water table in which the interstitial spaces are completely filled with water.

ITEM 2. Amend subrule 103.2(1) by adding the following new paragraph "l." Reletter existing paragraph "l" as new paragraph "m."

l. The required soil and hydrogeologic design information specified in chapter 110.

ITEM 3. Amend subrule 103.2(2) by deleting paragraphs "j" and "k," and relettering the remaining paragraphs.

ITEM 4. Amend rule 103.2(455B) by adding the following subrules:

103.2(3) Hydrologic monitoring system. The owner or operator of a solid waste disposal facility shall operate and maintain a hydrologic monitoring system which includes a sufficient number of groundwater monitoring wells and surface water monitoring points to determine the impact, if any, that the sanitary disposal project is having on the adjacent waters. The hydrologic monitoring systems shall enable early detection of the escape of pollutants from a sanitary landfill.

The hydrologic monitoring system shall be planned, designed and constructed in accordance with the provisions of Chapter 110(455B), and implemented in accordance with the following schedule:

a. A hydrologic monitoring system plan shall be submitted to the department for review and approval with any application for a new permit. Installation of the approved system shall be completed prior to the deposition of solid waste into the landfill.

b. A hydrologic monitoring system plan shall be submitted with applications for permit renewal, not later than the date of renewal, with completion of installation and operation within one year of approval of the plan. However, an existing landfill with a date of renewal occurring after the effective date of these rules but prior to July 1, 1990, shall submit a hydrologic monitoring system plan by July 1, 1990. Installation of the plan shall be completed within one year of the date of departmental approval.

c. Upon notice of the department, a hydrologic monitoring system plan may be required to be submitted within 6 months of such notification, with completion of installation and operation of the approved plan within one year of the date of departmental approval.

103.2(4) Hydrologic monitoring system operating requirements.

a. Operational sampling requirements. All sampling shall be conducted in accordance with an approved sampling protocol, components of which are described in rule 110.8(455B).

b. Groundwater levels. The elevation of water in each monitoring well shall be measured monthly and recorded to the nearest 0.01 foot. Level measurements must be made before a well is evacuated for sample collection.

c. Surface water levels. The water level or flow rate of each surface water body sampled shall be measured and recorded at the time of sample collection.

d. First-year water sampling. During the first year of operation of the hydrologic monitoring system, samples shall be collected quarterly from each groundwater monitoring well and surface water monitoring point. The purpose of this sample is to determine baseline water quality information and enable initial estimation of water quality variability. Samples shall be analyzed for the following parameters in addition to the parameters listed in paragraph "e" of this section, plus any additional parameter deemed necessary by the department.

1. Arsenic, dissolved.
2. Barium, dissolved.
3. Cadmium, dissolved.
4. Chromium, total dissolved.
5. Lead, dissolved.
6. Mercury, dissolved.
7. Magnesium, dissolved.
8. Zinc, dissolved.
9. Copper, dissolved.
10. Benzene.
11. Carbon tetrachloride.
12. 1,2-Dichloroethane.
13. Trichloroethylene.
14. 1,1,1-Trichloroethane.
15. 1,1-Dichlorethylene.
16. Paradichlorobenzene.

e. Routine semi-annually watering sampling. After the first year, each monitoring point must be sampled semi-annually as specified in the facility's operation permit and analyzed for the following parameters.

1. Chloride.
2. Specific conductance (field measurement).
3. pH (field measurement)
4. Ammonia nitrogen.
5. Iron, dissolved.
6. Chemical oxygen demand.
7. Temperature (field measurement).
8. Any additional parameters deemed necessary by the department.

f. Routine annual water sampling. One sample per year from each monitoring point collected in a quarter specified in the facility's operation permit must be analyzed for the following parameters.

1. Total organic halogen.
2. Phenols.
3. Any additional parameters deemed necessary by the department.

103.2(5) Laboratory procedures.

The owner or operator of the solid waste facility must have the ground and surface water samples analyzed only by laboratories that are certified by the state of Iowa. Until the department adopts rules regarding certification of

laboratories, analyses shall be conducted at a laboratory that certifies to the department that the appropriate analytical procedure is utilized.

All analyses of parameters not covered in the Safe Drinking Water Act (SDWA) must be performed according to methods specified in SW-846 or approved by the United States Environmental Protection Agency. Any analytical method used on non-SDWA parameters deviating from those specified in SW-846 or approved by EPA must be approved by the department.

All analyses must be recorded on forms which, in addition to the analytical results, show the precision of the data set, bias, and limit of detection.

103.2(6) Analysis of sampling data. For each parameter analyzed during the first year of operation of the hydrologic monitoring system, as listed in paragraph 103.2(4)"d" above, determine the mean and standard deviation for each upgradient monitoring well using the first year of data. For routine semi-annual monitoring parameters, as listed in paragraph 103.2(4)"e" above, mean and standard deviation should be recalculated annually using all available analytical data.

If the analytical results for a downgradient monitoring point do not fall within the control limits of two standard deviations above the mean parameter(s) level in a corresponding upgradient monitoring point, the owner or operator shall submit this information to the department within 30 days of receipt of the analytical results. If the analytical results from an upgradient monitoring point do not fall within two standard deviations of the mean parameter(s) level for that monitoring point, the department shall also be notified within 30 days.

103.2(7) Additional sampling. The department will determine if additional sampling is warranted, after receipt of information indicating a possible release as required in subparagraph 3. above. The department may require any additional samples to be split and analyzed to determine if the values obtained outside the control limits were the result of laboratory or sampling error. Any additional analytical results shall be submitted to the department by the owner or operator within seven days of receipt. The department will review the information and determine if additional monitoring or preparation of a groundwater quality assessment plan, in accordance with subsection 103.2(9), is necessary.

103.2(8) Record keeping and recording.

a. The persons conducting the sampling must record the procedures, measurements and observations at the time of sampling. The field records must be sufficient to document whether the procedures and requirements specified in the sampling protocol have been followed. The records must also contain the names of the persons conducting the sampling, the time and date each monitoring point was sampled, the required field measurement or test result. The owner or operator must submit copies of these field records to the department if requested.

b. The owner or operator shall keep records of analyses and the associated groundwater surface elevations for the active live and postclosure period of the facility. These records shall be kept at the site or in the administrative files of the owner or operator, and shall be available for review in the county which the landfill is located by the department upon request.

c. The owner or operator shall provide the department with copies of the quarterly monitoring analytical results by the dates specified in the facility's operation permit.

d. An annual report summarizing the effect the facility is having on ground and surface water quality shall be submitted to the department by November 30

each year. The summary is to be prepared by an engineer registered in the state of Iowa and incorporated in the November semiannual engineer inspection report. The contents of this summary are to include the following items:

1. Amounts and kinds of wastes accepted under Special Waste Authorizations.
2. A narrative describing the effects the facility is having on surrounding surface and groundwater quality and any changes made or maintenance needed in the monitoring network.
3. Graphs showing concentrations versus time for all monitoring parameters for each well for as long as records exist for that parameter. Control limits (-two standard deviations from the initial background value) must be shown in each graph.
4. Results of activities and tests required by the well maintenance and performance reevaluation plan described in paragraph 567--110.1(1)"b"5 shall be submitted to the department.

103.2(9) Groundwater quality assessment plan.

a. If leachate migration occurs and, as required by the department, the owner or operator shall develop and submit for approval a specific plan to conduct a groundwater quality assessment study at the facility to determine the rate of migration and the extent and constituent composition of the leachate release. At a minimum, the assessment monitoring plan must contain the following elements:

1. Discussion of the hydrogeologic conditions at the site with an identification of potential contaminant pathways.
2. Description of the present detection monitoring system.
3. A description of the approach the owner or operator will take to substantiate any contention that the contamination may have been falsely indicated.
4. Description of the investigatory approach used to characterize the rate and extent of leachate migration.
5. Discussion of the number, location and depth of wells that will be initially installed as well as a strategy for installing more wells in subsequent investigatory phases.
6. Information on well design and construction.
7. Description of the sampling and analytical program used to obtain and analyze groundwater monitoring data.
8. Description of data collection and analysis procedures.
9. Schedule for the implementation of each phase of the assessment study.

b. After the plan has been approved by the department, the owner or operator shall implement the plan according to the schedule in the plan.

c. Within 90 days after the activities prescribed in the groundwater assessment plan have been completed, the owner or operator shall submit a written groundwater quality assessment report to the department.

d. If the department determines that no waste or waste constituents from the facility have entered the groundwater, the owner or operator shall reinstate the routine monitoring program.

If the department determines that waste or waste constituents have been released from the facility and have entered the groundwater, the owner or operator shall continue to make the determinations described by the assessment plan and develop a remedial action/mitigation plan to alleviate or reduce contamination to the fullest extent possible.

103.2(10) Postclosure monitoring requirements.

a. At least six months prior to closing the site, the owner or operator of a sanitary landfill shall submit a plan to the department for approval detailing a 30-year postclosure monitoring program.

b. The department will review the facility's postclosure monitoring records at five-year intervals to determine if changes in the monitoring frequencies or parameters are required.

c. The commission may adopt rules on a site-specific basis identifying additional monitoring requirements for sanitary landfills for which the postclosure monitoring period is to be extended.

ITEM 5. Amend 567--Chapter 103 by rescinding paragraphs 103.3(1)a and b, 103.4(1)a, 103.5(1)c and d, 103.6(1)e, f, and g and relettering remaining paragraphs within the respective subruies.

ITEM 6. Add the following part of new Chapter 110, "Design, Construction and Operation Standards for Solid Waste Management Facilities."

Chapter 110
Design, Construction and Operation Standards
For Solid Waste Management Facilities

567--110.1(455B) This chapter pertains to the hydrologic monitoring system standards for solid waste disposal facilities.

567--110.2(455B) Hydrologic monitoring system planning requirements.

110.2(1) All plans, specifications and other documentation required herein must be developed by an engineer registered in Iowa.

110.2(2) All sanitary disposal projects shall conduct a soil and hydrogeologic investigation which conforms to the requirements of this chapter. The purpose of soil and hydrogeologic investigation is to obtain data which will enable a determination of potential routes of contaminant migration from a site via groundwater. The following items are minimum requirements for such investigations. Additional work and use of other methods (e.g., geophysical techniques) are encouraged.

567--110.3(455B) Soil investigation.

110.3(1) Soil borings.

a. Number of borings. A sufficient number of soil borings shall be made to accurately identify the hydrogeologic variations of the site. For new sites, the minimum number of borings required is 10 for sites of 10 acres or less, 20 for sites of 10 to 50 acres, and 20 plus an additional boring for every 10 acres above 50 acres for sites larger than 50 acres. Fewer borings may be needed for existing sites, depending on previous work done at the site. Also, no borings will be required in existing fill areas. The department may require additional borings based on the geological complexity of the site.

b. Depth of borings. All borings must extend a minimum of 25 feet deep and at least 10 feet deep below the water table. However, borings in proposed fill areas shall be terminated 10 feet above the uppermost aquifer or grouted to provide such separation. At least half the borings located outside the existing or proposed fill area shall extend 10 feet into the uppermost aquifer, 50 feet below the water table, or 10 feet into bedrock. At least one boring shall go 10 feet into bedrock, or 100 feet below the lowest ground surface elevation.

c. Boring method. The preferred boring method is hollow stem auger, although it may be necessary to use other methods at greater depths and in bedrock. When wet drilling methods are used for boring in which monitoring wells or piezometers are installed, the drilling fluid and methods and development procedures shall be approved by and documented with the department.

110.3(2) Soil samples. Samples shall be collected at five-foot intervals plus at every change in stratum. These samples should be obtained using a split spoon sampler and the procedures of the standard penetration test, conducted in accordance with American Society of Testing and Materials (ASTM) Standard D1586. This test simply counts the blows of a 140-pound hammer falling 30 inches on the sampler per foot penetration of the sampler. A minimum of one undisturbed Shelby Tube sample shall be obtained in the uppermost cohesive stratum at or below the lowest depth at which solid waste will be disposed. Shelby Tube sampling shall be in accordance with ASTM Standard D1587. Samples should be clearly marked, preserved, and maintained for future inspection. Samples selected for laboratory analysis shall be preserved and transported to the laboratory in accordance with ASTM Standard D422.

110.3(3) Laboratory test of discrete soil samples. Laboratory tests of discrete soil samples shall be conducted to correlate strata between soil borings, obtain permeability data on each strata, and design monitoring wells.

a. Permeability Tests: Permeability tests using a constant-head or falling head permeameter shall be run on a minimum of one sample from each Shelby Tube sample. Each sample shall be from a different soil boring representing a different area of the site.

b. Grain size distribution: Grain size distribution tests should be conducted on a minimum of one sample from each distinct stratum. Analysis should be conducted in accordance with ASTM standards D422 and D1140. Estimates of permeability shall be developed for each sample tested based on grain size distribution and standard penetration blow counts.

567--110.4(455B) Hydrogeologic investigation.

110.4(1) Groundwater level measurements. The elevation of the water table shall be determined at or near the location of each soil boring which penetrates the water table. The water table may be determined using a completed water table monitoring well, or piezometer. The bottom of a piezometer used to measure water table elevation shall be no more than five feet below the water table.

The apparent horizontal groundwater flow direction should be determined based on water table measurements. Vertical groundwater flow shall then be assessed in at least two profiles approximately parallel to the apparent horizontal flow direction. Vertical groundwater flow shall be assessed using at least two well clusters per profile. Each well cluster shall contain a water table monitoring well or piezometer and additional water level monitoring points based on site conditions as follows:

a. If the water table is in the uppermost aquifer, one additional water level monitoring point is to be located near the base of the aquifer or at least 20 feet below the base of the water table monitoring point. This additional monitoring point may not be required if the aquifer is less than 20 feet thick.

b. If the uppermost aquifer is less than 50 feet below the water table, an additional water level monitoring point shall be located at the top of the aquifer.

c. If the uppermost aquifer is more than 50 feet below the water table, additional water level monitoring points shall be placed at depths of 30 feet and 50 feet below the water table.

d. If required, the one deeper soil boring into bedrock shall be used as a site for one well cluster. Water table monitoring points in this cluster shall correspond to the other well cluster used for a profile. In addition,

water level monitoring points shall be placed at the bottom of the boring and, if possible, at the top and bottom of the uppermost aquifer.

Groundwater level measurements should be made after the water levels have stabilized in the monitoring point; at least 24 hours after completion and bailing of the monitoring well, or installation of the piezometer. The water level in existing wells shall be observed and recorded prior to bailing. Each set of water level measurement shall be made in as short a time frame as possible; within an eight-hour period maximum.

110.4(2) In-situ permeability tests. In-situ permeability tests shall be conducted on each monitoring well and piezometer in each well cluster.

a. Pumping test. If more than one monitoring point is located in the uppermost aquifer, a pumping test should be conducted at one or more upper aquifer monitoring point. A pumping test involves pumping at constant rate from one well while observing water levels in other wells. The pumping rate should be as high as possible without dewatering the well. Water level measurements in other uppermost aquifer wells should be measured at frequent intervals near the start of the test and then at progressively longer intervals (e.g., one-minute intervals to 10 minutes, five-minute intervals to an hour, 15-minute intervals to two hours, and half-hour intervals thereafter). Continuous water level recording is preferable. Water levels in wells not located in the uppermost aquifer should be recorded throughout the test at regular intervals (e.g., every half hour). Water levels in all wells should be measured 24 hours prior to the test and just before the test. The test duration should be at least four hours and continuing until a stabilized drawdown condition is observed. Longer tests may be necessary if other uppermost aquifer monitoring points are slow to respond. Water level readings should be recorded through the recovery phase of the water table.

b. Bail and slug tests. Monitoring wells and piezometers located in materials with low permeabilities should be tested using bail or slug tests. These tests involve rapidly removing or adding a known volume of water to a well and then recording water levels in the well as it recovers to its original level. Typically, the necessary frequency of measurements will be similar to that required of pumping tests. In materials of very low permeability, less frequent measurements are necessary; and in materials of higher permeability, more frequent measurements may be necessary.

567--110.5(455B) Hydrologic monitoring system planning report requirements. The hydrologic monitoring system planning report shall contain a description of field investigations and presentation of results including a description of the field and laboratory testing methods; a presentation of the test results and field measurements; a reasonable effort to inventory all active, unused, and abandoned wells within one mile of the facility shall be made; and the identification of all public water supply wells and wells with water withdrawal permits pursuant to 567--Chapters 50, 51 and 52 within three miles of the facility. Well logs, other available information on well construction, static water levels, and usage shall be obtained. The well inventory should be based on thorough reviews of state and local collections of well logs and, when possible, interviews or surveys of well owners.

Also to be included are maps showing location of soil borings, other field tests/measurements, and existing wells shall be provided.

567--110.6(455B) Evaluation of hydrogeologic conditions.

110.6(1) Based on soil boring and other available information, a description of the site geology shall be made. This shall include preparation

of geologic cross sections of sufficient number and spacing (no fewer than four at every site) to adequately define all areas of the site and of sufficient detail to adequately depict major stratigraphic and structural trends and reflect geologic structural features in relation to groundwater flow. Each pair of cross sections must be as near to perpendicular as possible to adequately portray the site geology.

110.6(2) A description of the hydrogeologic unit(s) within the saturated zone shall be made including: thickness; depth, hydraulic properties, such as transmissivity and storage coefficient or specific yield; description of the role of each as confining bed, aquifer, or perched saturated zone, and their actual or potential use as water supply aquifers.

110.6(3) All groundwater flow paths from the site shall be identified, including both horizontal and vertical components of flow. A contour map of the water table shall be presented showing horizontal flow paths. A potentiometric surface map of the uppermost aquifer showing horizontal flow paths shall also be presented, if different than the water table. Vertical flow paths shall be shown in at least two profiles approximately parallel to the direction of horizontal flow. Vertical flow paths shall be determined by water level measurements from clustered wells at different depth, if possible. An evaluation of vertical groundwater flow based on the hydrologic properties of the various strata encountered at the site, estimated groundwater flow and recharge rates, and known information on hydraulic head shall also be made.

110.6(4) The seasonal, temporal and artificially induced variations in groundwater flow shall be evaluated. Temporal variations would occur due to natural events, such as rainfall. The addition of tilelines, removal of overburden, or deposition of wastes would constitute artificially induced variations.

110.6(5) Surface water flow paths from the site shall be identified on topographic contour maps.

567--110.7(455B) Monitoring system plan. A hydrologic monitoring system shall be designed to intercept the groundwater and surface water flow paths from the site. The plan shall include proposed locations and depths for monitoring wells in accordance with monitoring well siting criteria in subrule 567--110.1(2). Monitoring wells shall be designed in accordance with subrule 567--110.1(3).

The surface water monitoring plan shall include monitoring points on all standing and flowing bodies of water which will receive surface runoff and/or groundwater discharge from the site. For streams, sampling points upstream and downstream of areas of potential impact from the site should be selected.

567--110.8(455B) Sampling protocol.

At a minimum, the sampling protocol must include procedures or descriptions of the:

Order in which monitoring points are to be sampled, all tests and procedures needed at each monitoring point and the order in which these procedures will be carried out, equipment and containers to be used, procedures and precautions for their use; precautions to avoid introducing contaminants from outside sources into monitoring wells or samples; and how equipment must be cleaned between uses.

Procedures for evacuating each monitoring well prior to each water quality sampling,

Procedures for handling field blanks and other quality assurance samples at the facility and in transit to and from the laboratory,

Procedures for field filtration of samples, if required,
Procedures for sample preservation,
Procedures for sample collection, labeling and handling at the facility and during transport to the laboratory,
Procedures for recording field observations and measurements,
Procedures for records maintenance and data analysis, and
Procedures for sampling surface water monitoring points including exact sampling locations and depths.

567--110.9(455B) Monitoring well maintenance performance reevaluation plan.
110.9(1) A monitoring well performance reevaluation plan shall be included as part of the hydrogeologic monitoring system plan. The plan shall ensure that all monitoring points remain reliable.
110.9(2) The plan shall include the following items:
a. Every two years an examination of high and low water levels accompanied by a discussion of the acceptability of well location (vertically and horizontally) and exposure of the screened interval to the atmosphere.
b. A biannual evaluation of water level conditions in the monitoring wells to ensure the effects of waste disposal or well operation have not resulted in changes in the hydrologic setting and resultant flow paths.
c. Annually conducting well depth measurements to ensure wells are physically intact and not filling with sediment.
d. Every five years conduct in-situ permeability tests on monitoring wells; comparing test data with those collected originally to determine if well deterioration is occurring.

567--110.10(455B) Monitoring well siting requirements.
110.10(1) Downgradient monitoring wells. Downgradient monitoring wells must be located to provide a high level of certainty that releases of contaminants from the site can be promptly detected. Downgradient monitoring wells should be placed along the site perimeter, within 50 feet of the planned liner or waste boundary unless site conditions dictate otherwise, downgradient of the facility with respect to the hydrologic unit being monitored. For those facilities which are long-term, multi-phase operations, the department may establish temporary waste boundaries in order to define locations for monitoring wells. Downgradient monitoring well placement may consider the convergence of groundwater paths to minimize the overall length of the downgradient dimension.
110.10(2) Water table wells. At least three downgradient water table monitoring wells shall be installed at each facility. The maximum spacing between wells shall be 600 feet.
110.10(3) Uppermost aquifer monitoring wells. If different than water table monitoring wells, at least three uppermost aquifer monitoring wells shall be installed at each facility. Uppermost aquifer monitoring wells shall be spaced no more than 600 feet apart. If the uppermost aquifer is located more than 50 feet below the water table, this requirement may be relaxed, although at least one downgradient uppermost aquifer monitoring well will be required.
110.10(4) Other downgradient monitoring wells. Additional downgradient monitoring wells will be required if the water table and uppermost aquifer monitoring wells do not intercept most vertical flow paths from the site. In such situations, monitoring wells shall be placed at the appropriate depths to intercept the remaining flow paths and shall be spaced at no more than 600 feet apart.

110.10(5) Upgradient monitoring wells. Upgradient monitoring wells shall not be affected by the site. At least one upgradient monitoring well shall be installed into each stratum being monitored by downgradient monitoring wells. If it is not possible to actually locate a monitoring well upgradient of the site, the well should be placed as near the site as feasible without being affected by the site.

110.10(6) Monitoring point identification system. The various types of monitoring points should be identified as follows:

Monitoring well	MW#__
Surface Water Monitoring Point	SW#__
Piezometer	PZ#__

Each monitoring point must have a unique number, regardless of the type of monitoring point, and that number must never change.

567--110.11(455B) Monitoring well/soil boring construction standards.

110.11(1) General considerations.

a. Contractors involved in construction of monitoring wells and piezometers and soil boring activities shall be registered with the department as required in 567--Chapter 37, Iowa Administrative Code.

b. To the extent possible, all monitoring well construction materials must not absorb, desorb, react or otherwise alter the screened soil stratum or the quality of the groundwater being sampled. Galvanized metal, glues, welding solvents, pipe thread lubricants and other foreign substances must not be used.

c. All monitoring well construction materials must be protected from contamination prior to installation.

d. A typical cross section of a properly constructed monitoring well is shown in Figure 1.

110.11(2) Casings.

a. As a minimum, the diameter of the inner casing (see Figure 1) of a monitoring well must be at least two inches.

b. Plastic cased wells must be constructed of materials with threaded, nonglued joints which do not allow water infiltration under natural subsurface pressure conditions or when the well is evacuated for sampling.

c. Well casings must provide structural stability to prevent casing collapse during installation as well as drill hole integrity when installed. Flush joint casing is required for small diameter wells installed through hollow stem augers.

d. Well casings must be constructed of inert materials such as polytetrafluorethylene, stainless steel or polyvinyl chloride. The department may approve other casing materials if the owner or operator can demonstrate the material has a low potential for biasing the water quality parameters of samples. The department may approve the construction of composite well casings (casings with less inert materials in the unsaturated zone).

110.11(3) Well screens.

a. Slot size will be based on sieve analysis of the sand and gravel stratum or filter pack. The slot size must hold out 35 percent to 60 percent of the formation material and not less than 90 percent of the filter pack.

b. Slot configuration and open area must permit effective development of the well.

c. Screen length. Maximum screen length shall be 10 feet except for water table wells in which the screen must be of sufficient length to accommodate expected seasonal fluctuations of the water table. The screen should be placed 5 feet above and below the observed water table, unless local

conditions are known to produce greater fluctuations. Screen length for piezometers should be two feet or less.

Multiple screened single-cased wells are prohibited.

110.11(4) Filter pack.

a. To prevent other materials from coming in contact with the well screen, extend the filter pack 18 inches above and 12 inches below the well screen.

b. Size must be based on sieve analysis of sand and gravel stratum. The filter pack material must be 2.5 to 3 times larger than 50 percent grain size of the zone being monitored.

110.11(5) Grouting.

a. The annular space above the filter pack must be sealed with expanding cement or bentonite grout. The vertical dimension of this seal must be a minimum of three feet.

b. The annular space between the seal and to just below the frostline must be backfilled with an impervious material such as bentonite or expanding cement.

c. The remaining annular space must be sealed with bentonite grout to the ground surface.

d. Grouting materials must be installed from the top of the filter pack up in one continuous operation with a tremie tube.

110.11(6) Well protection.

a. Plastic cased wells. A protective metal casing must be installed around the well casing. The inside diameter of the protective metal casing should be at least two inches larger than the outside diameter of the well casing. Extend the protective metal casing from a minimum of one foot below the frostline to slightly above the well casing top. The protective casing should be shortened or omitted if it covers part of the well screen. Seal or immobilize the protective casing with a concrete plug around the outside. The bottom of the concrete plug must extend at least one foot below the frostline. The concrete plug should be shortened if it covers part of the well screen. Extend the top of the plug approximately three to six inches above the ground surface and slope it away from the well approximately three feet. Soil may be placed above the plug. Seal the inside of the protective casing with a bentonite grout. Place a vented cap on the well casing and a protective locking cap on the metal casing. The lockable cap must be kept locked when the well is not in use.

b. Metal cased wells. Extend the concrete plug from at least one foot below the frostline to approximately three to six inches above the ground surface and slope it away from the well approximately three feet. Soil may be placed on top of the concrete plug. Place a vented, locking cap on the casing. The lockable cap must be kept locked when the well is not in use. See Figure 1.

c. To protect against accidental damage, a ring of brightly colored posts or other protective devices must be installed around all wells.

110.11(7) Well drilling.

a. The owner or operator must ensure that in all phases of drilling, well installation and completion, the methods and materials used do not introduce substances that may alter the results of water quality analyses.

b. Well drilling equipment coming into contact with contaminants in the bore hole or above ground must be thoroughly cleaned to avoid spreading contamination to other depths or locations. Contaminated materials or leachate from wells must not be discharged onto the ground surface or into ponds or streams so as to cause environmental harm in the processes of drilling or well development.

c. The owner or operator must ensure that, at a minimum, the following well design and construction log information are retained at the site and a copy of this information sent to the department.

Date/time of construction;
Name and address of the driller;
Drilling method and drilling fluid used;
Soil sampling methods;
Surveyed location (±0.5 ft.);
Soil and rock classifications;
Field observations;
Well name/number;
Bore hole diameter and well casing diameter;
Well depth (±0.1 ft.);
Water level measurements;
Drilling and lithologic logs;
Casing materials, inside diameter and weight or wall thickness;
Screen materials;
Casing and screen joint type;
Screen slot size/length;
Filter pack material/size; (depths from __ to __)
Filter pack volume;
Filter pack replacement method;
Sealant materials; (depths from __ to __)
Sealant volume;
Sealant placement method;
Grouting schedule and materials;
Surface seal design/construction; (depths from __ to __)
Type of protection well cap;
Ground surface elevation (±0.1 ft.)
Well cap elevation (±0.01 ft.)
Top of casing elevation (±0.01 ft.); and
Detailed drawing of well (include dimensions).

110.11(8) Well development. Prior to use of the monitoring well for water quality monitoring purposes, well development is required to ensure the collection of representative groundwater samples. Procedures used in well development involve using a surge block, bailing or surging by pumping or compressed inert gas to produce a movement of water at alternately high and low velocities into and out of the well screen and gravel pack in order to loosen and remove fine materials. Development of low hydraulic conductivity wells may require the circulation of water down the well casing, out through the screen and gravel pack, and up the open bore hole prior to the placement of grout or seal in the annulus. Any additional water used must be of a quality so as not to interfere with future groundwater quality determinations. Following surging, the well is pumped until the water does not contain significant quantities of suspended solids.

567--110.12(455R) Sealing abandoned wells and boreholes. Bore holes, piezometers and observation wells not used for groundwater monitoring must be sealed. Document in writing the location of the abandoned well or bore hole with reference to the landfill's coordinate system and method of sealing. The document must be retained at the landfill with a copy sent to the department.

110.12(1) Sealing bore holes. Fill the bore hole by extending a tremie tube to the bottom of the hole. Apply bentonite or expanding cement grout through the tube to the bottom of the hole and raise the tremie tube as the

hole is filled from the bottom upward. Keep the end of the tremie tube submerged in the grout while filling. Fill the bore hole from the base of the boring all the way to the ground surface.

110.12(2) Sealing abandoned monitoring wells.

a. Well is known to be constructed properly with impermeable grout that was installed from the bottom up using a tremie tube. Remove any existing protective metal casing by vertically pulling it off the well. Using a tremie tube, fill the inner well casing with an impermeable grout slurry from the bottom to ground surface. After 24 hours, retop the grout if it has settled below the existing ground surface.

b. Well construction is improper or undocumented. Attempt to remove the well casing. If this fails, either drill round the well casing using a hollow stem auger of large inside diameter or drill out the well casing using a standard casing bit or solid stem auger with a boring diameter greater than the initial diameter of the hole. Drill to the maximum depth of the previously drilled boring. Clean the drilling debris from the interior of the auger or bore hole. Seal the bore hole with an impermeable grout using a tremie tube. If the soil conditions permit the sealing to be conducted in a continuous operation, keep the tremie tube submerged in the grout at all times. After 24 hours, retop the grout if it has settled below the ground surface.

c. Monitoring wells in future fill areas. Remove well and seal as described in the procedures for sealing bore holes per 110.12(1).

567--110.13(455B) Variance from design, construction, and operation standards. Pursuant to the authority of 455B.303 of the Iowa Code, a variance from the specific requirements of Chapter 110 may be issued, modified, or denied by the Director. The request should also include any supporting information to be considered by the Director in the formulation of his decision.

_____

Date

_____

Larry J. Wilson, Director

(A:EP100.MIN/094-89)

RESPONSIVENESS SUMMARY

Prepared in response to written comments received by the department on proposed amendments to 567--Chapters 100, 103, and 110 requiring hydrogeologic evaluations and hydrologic monitoring system plans for landfills.

1. Charles Schmadeke
2. Gene Sturgeon
3. Cynthia Turkle
4. Elliot Waddell
5. Lon Zimmerman
6. Mike Clark
7. Mike Saeugling
8. Oral Public Comment received from unknown source

1. (4) COMMENT: Re: "aquifer" (def). The reference to usable quantity within the definition should be further defined.

RESPONSE: The intent of the definition is to identify the geologic unit which has significant potential to carry contamination away from the site. The definition, as proposed, reflects the fact that the term is commonly associated with water supply wells, in which case usable quantities are of primary importance. This is not necessarily the case with regards to a monitoring well.

RECOMMENDED ACTION: No change.

2. (4) COMMENT: Re: "confined aquifer" and "unconfined aquifer" (def). The reference to the height of the water table under the conditions defined by each term may not always be true and may reduce the effectiveness of the rule.

RESPONSE: The proposed definitions are considered to be sufficiently accurate, and readable.

RECOMMENDED ACTION: No change

3. (4) COMMENT: Re: "site" (def). The definition establishes too extensive an area.

RESPONSE: It is felt that the definition, as proposed, is necessary to define the area where solid waste is handled or stored, which may also potentially contribute to the escape of contaminants from the area.

RECOMMENDED ACTION: No change.

4. (4)(5) COMMENT: Re: 103.2(3). The rules, as proposed, do not distinguish between landfills accepting only one type of non-putresible solid waste from those accepting all types of waste.

RESPONSE: Every solid waste landfill has some potential to release contaminants to the groundwater. The rules describe the minimum investigations necessary to establish groundwater location and direction of flow and the groundwater monitoring system necessary to detect a release of contaminants to the groundwater. Consequently, the number and location of the monitoring wells is dictated by site conditions, not the type of waste

disposed. It may be appropriate to change the types of water quality analysis done, however, for a special waste landfill. Provision is provided for situations that dictate a deviation from the rules.

RECOMMENDED ACTION: No change.

5. (3) COMMENT: Re: 103.2(3)c. What will be the basis of a departmental requirement to submit a hydrogeologic evaluation and monitoring system plan in advance of July 1, 1990?

RESPONSE: A hydrogeologic evaluation and monitoring system plan may be required in advance of July 1, 1990, when existing information is inadequate, a significant potential for groundwater contamination exists, a release to groundwater has occurred, or other factors that make it necessary to do this work at an earlier date.

RECOMMENDED ACTION: No change.

6. (1)(3) COMMENT: Re: 103.2(4)b. Measurement of waste elevation to the nearest 0.01 foot appears to be an excessive degree of accuracy. Post-closure monitoring of this parameter should be reduced to a less frequent interval than monthly, possibly semi-annually after the first year.

RESPONSE: One hundredth of a foot is equal to one-eighth of an inch. Since water levels are measured with a tape it is not difficult to measure to this degree of accuracy if the measurement is careful. This information will be used to plot the water table flow directions and upward and downward flow gradients across the entire site. If an imprecise measurement is made the groundwater map may be seriously flawed.

Measuring the water level in monitoring wells is a routine activity that should be done on a frequent basis. The monitoring wells should be inspected on a monthly basis and water level measurement should be taken at that time. This requirement is equally important during closure as well as active operation. As a point of clarification, it is anticipated that all routine operating requirements associated with the hydrologic monitoring system will be reflected in the post closure monitoring program.

RECOMMENDED ACTION: No change.

7. (7)(8) COMMENT: Re: 103.2(5). The requirement to use laboratories certified to analyze water supply samples is unnecessary. Also, the selection of the particular type of analytical test equipment will effect the detection limit for the contaminant being investigated. (Saeugling) Certification of laboratories is essential to quality assurance and reliability of the results. The only state sponsored certification program in existence at this time is the water supply certification.

RESPONSE: We concur with the comments.

RECOMMENDED ACTION: Modify the first paragraph of this subrule as follows;

"The owner or operator of the solid waste facility must have the ground and surface water samples analyzed only by laboratories that are certified by the state of Iowa. Until the department adopts rules regarding certification of laboratories, analyses shall be conducted at a laboratory that certifies to the department that the appropriate analytical procedure is utilized."

8. (1) COMMENT: RE: 103.2(8)d.1. The November semi-annual inspection report does not correspond with the January 30 and July 30 Special Waste Authorization report submission dates.

RESPONSE: The objective is to replace the semi-annual report requirement defined by a commonly used permit condition by a single comprehensive report submitted once per year.

RECOMMENDED ACTION: No change.

9. (3) COMMENTS: Re: 103.2(3)d.3. Graphing the data as described by this section for all wells and all parameters will involve an enormous amount of paperwork and staff time to compile.

RESPONSE: The data collection and analysis represents the major operational cost of the monitoring system. We believe that graphic presentation is the most effective means of assimilating the information. If the information is not understandably presented, it voids the investment associated with collection and analysis. We will accept computer compatible software presentations which will create graphic displays on departmental computers/printers.

RECOMMENDED ACTION: No change.

10. (8) COMMENT: Re: 103.3(1)a & b, 103.4(1)a, 103.5(1)c & d, 103.6(1)e, f & g. These paragraphs require submission of geologic and/or hydrologic site information which is in some part redundant, and in others inconsistent, with requirements proposed in this rule making action.

RESPONSE: This observation is correct.

RECOMMENDED ACTION: Modify the rulemaking action to include the following item:

"Amend 567--Chapter 103 by rescinding paragraphs 103.3(1)a and b, 103.4(1)a, 103.5(1)c and d, 103.6(1)e, f, and g and relettering remaining paragraphs within the respective subrules."

11. (3) COMMENT: Re: 110.3(1)a. The number of borings required should be reduced if site conditions do not warrant the minimum number required by the rule.

RESPONSE: A minimum number will be considered to be the minimum. A variance from any rule requirement is possible, however, the specific site conditions in such a case would necessarily be extremely unique and would require extensive justification.

RECOMMENDED ACTION: No change.

12. (1) COMMENT: RE: 110.3(1)b. The requirement to construct a boring ten-feet into bedrock or 100-feet deep may provide an avenue for contamination.

RESPONSE: Such penetration is necessary to determine that the material is part of a true bedrock unit and not an isolated boulder. Proper grouting of the bottom of the hole will minimize the potential for contamination.

RECOMMENDED ACTION: No change.

13. (4) COMMENT: Re: 110.4(1). This section should be revised to allow site specific consideration of the landfill design, probability of leachate migration, and factors such as the thickness and coefficient of permeability of confining units which may not result in contamination of underlying aquifers for 50-years.

RESPONSE: Unless a leachate collection system has been properly designed and installed under the waste and subsequently properly operated, (this design feature is not presently a part of any municipal solid waste landfill in Iowa) leachate migration will occur. Research has indicated that the coefficient of permeability observed in the laboratory, based on standard undisturbed soil specimen volumes, can be more than one-hundred times less permeable than the in-site soils, when measured by large scale field measurement devices. Actual travel times, therefore, may in fact be much shorter than calculations using laboratory permeability values would indicate.

RECOMMENDED ACTION: No change.

14. (4) COMMENT: Re: 110.9(2)d. A five-year testing interval to observe in-situ permeability at monitoring wells is considered excessive.

RESPONSE: Rising or falling head tests are relatively inexpensive and easy to conduct. This information is important to determine that each well remains reliable and representative of the area originally monitored.

RECOMMENDED ACTION: No change.

15. (3)(6) COMMENT: Re: 110.10(1). Requiring the downgradient wells to be within 50-foot of the waste boundary does not allow adequate space for remedial action, if required.

RESPONSE: The 50 foot spacing provides the best early detection and remedial action may involve a number of alternatives not easily defined in advance. Individual site conditions which prevent such placement is already allowed.

RECOMMENDED ACTION: No change.

16. (3) COMMENT: Re: 110.10(2) & (3). The spacing of wells should be determined on the basis of the hydrogeologic evaluations.

RESPONSE: A hydrogeologic evaluation, by virtue of the natural materials and test measurements involved, will not produce a single absolute value for the well spacing at each site. The same data reviewed by a sufficient number of hydrogeologists will at best establish a range of values for well spacing. The department has carefully considered the issue of well spacing and has selected this minimum criteria which is generally applicable to sanitary landfills. If unique situations exist, then a greater spacing could be approved, provided that sufficient justification is provided and a variance is obtained as outlined in Section 110.13.

RECOMMENDED ACTION: No change.

17. (6) COMMENT: Re: 110.11(1)a. A registered well driller should not be required for the placement of monitoring wells.

RESPONSE: Presently, the requirement to use registered well drillers is contained in the Iowa Administrative Code 567--37.3(1)d. and is an existing requirement not affected by this rulemaking action.

RECOMMENDED ACTION: No change.

18. (6) COMMENTS: Re: 110.11(2)b. Will polyethylene heat welded joints be allowed?

RESPONSE: This technology is well established in connection with gas extraction wells and would be considered by the department if applied to monitoring wells. At this time, however, we are unaware of any manufacturers of polyethylene well screens in the 1 1/2 and 2-inch diameter sizes most commonly used for monitoring wells.

RECOMMENDED ACTION: No change.

19. (6) COMMENT: Re: 110.13. A pre-permit application conference should also be allowed by the rules where information believed to be equivalent or comparable to specific requirements may be discussed and addressed under a variance.

RESPONSE: Departmental staff has generally attempted to be available to anyone requesting information with regard to the applicability of departmental rules, to include their applicability to a conceptual or preliminary plan of a sanitary disposal project. We would not anticipate the issuance of a variance until a complete application with all supporting information had been received and reviewed by the department.

RECOMMENDED ACTION: No change.

20. (2)(3)(4) COMMENTS: (Sturgeon) The construction and maintenance costs will be excessively high. These costs are contrived and are not directly related to waste disposal or groundwater clean-up. Existing monitoring systems and the historical quality of monitoring data are not considered. Large scale regional variations in hydrology and geology are not addressed. Less populated local jurisdictions will lose local control of the cost of a basic service, and together with a lack of economically feasible alternative waste management options, they will become less competitive in economic development markets. (Turkle) Requirements should be site specific. A cost benefit analysis and an economic impact study should be conducted by the department to determine if the expenditures are justified. (Waddell) Unless the department intends to impose these monitoring requirements on all landfills, to include those closed prior to 1987, it is arbitrary to require such expenditures for all sites not closed as of 1987, without exception. An interim period of five years should be established to allow small and otherwise marginal landfills to actively seek alternatives or regionalization. Without this interim period these landfills will consider continued operation to offset the construction and operation costs of the monitoring system.

RESPONSE: We recognize that the costs of implementing these rules is substantial and will work on economic hardship on some landfills. These rules are mandated by the Code of Iowa. We do not feel that we are requiring anything excessive or unnecessary. The citizens of this State have made it very clear that they want the Department to protect groundwater. These rules

are designed to do that. Anything less would leave a question in everyone's mind as to whether leachate is reaching an aquifer.

We have stretched the implementation of these rules over several years to mitigate the budgetary impact. We also recognize that the financial impact will be greater on smaller landfills. We also recognize that small landfills have the potential to contaminate aquifers and we fail to see why citizens in smaller and rural counties should not be afforded the same protection as citizens in larger counties.

In looking at the economic impact of these rules in comparison with the economic impact of cleaning up a contaminated aquifer, it is obvious that these rules will have a lesser impact. These rules are a preventative measure which will allow landfills to detect and correct leachate problems before extensive groundwater contamination occurs. The farther leachate travels before it is discovered the greater the cost will be to solve the problem.

RECOMMENDED ACTION: No change.

A:RS.FT/blw/074-89

Mr. Stokes explained that the rules went out to public comment and staff subsequently withdrew the original rulemaking based on the massive amount of public comments received. A revised set of rules went to public hearing and a sizable amount of public comment was again received. As a result of that, the Commission formed a special task force to review the rules. Mr. Stokes explained the changes made from the original set of rules including the changes recommended by the task force.

Discussion followed regarding whose responsibility it is to provide monitoring; landfill ownership and subcontracting; and the requirements for submitting monitoring reports to the department.

Motion was made by Charlotte Mohr to approve Final Rule--Chapters 100, 103 and 110, Landfill Groundwater Monitoring Rules. Seconded by Catherine Dunn. Motion carried unanimously.

ANIMAL FEEDING OPERATION PERMIT RULES

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

At the commission's March meeting, they were approached about possible revisions to the statutes or regulations governing the placement and operation of animal feeding facilities.

The commission will be given a brief overview of current law and regulations as they apply to "feedlots" with emphasis on waste stabilization lagoon construction and operation.

Mr. Stokes stated that at the last meeting an individual addressed the Commission expressing concerns about animal feeding operations and requested that the Commission take a look at the rules governing same.

Mr. Stokes distributed copies of Chapters 20 thru 25, Air Quality Rules and Chapter 65, Animal Feeding Operations Rules. He reviewed the rules to bring the Commission up to date on the current regulations governing animal feeding operations.

Chairman Schlutz asked if the Commission would want to request that soil borings be required as part of these rules.

Gary Priebe stated that there is no sense in changing rules that are already working.

It was the concensus of the Commission to take no action on this item.

REFERRALS TO THE ATTORNEY GENERAL

Mike Murphy, Bureau Chief, Governmental Liaison Bureau, presented the following item.

City of McGregor

Mr. Murphy briefed the Commission on the history of this case.

Motion was made by Charlotte Mohr for referral to the Attorney General's Office. Seconded by Catherine Dunn. Motion carried unanimously.

City of Ellsworth

Mr. Murphy briefed the Commission on the history of this case.

Motion was made by Catherine Dunn for referral to the Attorney General's Office. Seconded by Gary Priebe. Motion carried unanimously.

RECESS

Chairman Schlutz recessed the meeting of the Environmental Protection Commission at 3:45 p.m., Tuesday, April 17, 1989 to convene the meeting of the Hazardous Waste Site License Commission.

MEETING RECONVENES

The meeting of the Environmental Protection Commission reconvened at 4:45 p.m., Tuesday, April 17, 1989.

STATEMENT - CATHERINE DUNN

Commissioner Dunn noted that she probably would not have chosen to make a statement if things had proceeded as normal. Under normal circumstances she would have thanked everyone and shared her appreciation for having served on the Commission. Her formal statement is as follows:

"First, I want to express deep appreciation to the DNR Staff for the privilege of working with them these past three years. Your time as Staff has been beset with many challenges given

reorganization, a new director, and I just want to say how much I appreciate all that you have provided to the Commission. While we have not always agreed, I do believe 99.9% of the time we have resolved our differences.

To the Commission members I want to say how deeply I have appreciated working with each of you. I sit on a number of Boards, and I can honestly say that I don't think any do homework to the degree that the Commissioners on this Commission do. I have been challenged by you, I have been edified by you, and I have been proud to have been an Iowan working side by side with you on behalf of the environment. You care deeply about Iowa and its citizens, and your work as a Commission, I believe, has been testimony to that concern for all people. To Donna Hammitt and Bob Schlutz, I want to express my deepest sympathy that you got caught in, what I believe, political maneuvering and power play. No one who sits on this Commission could ever doubt your commitment. And to you, Mr. Chairman, I believe you have been dealt with unjustly. I have not ever noted greater commitment or ethical values on the part of anyone with whom I have worked. You have given up vacations, you have left your wife in Florida when you should have been with her at times, not to take care of regular meetings, but to make sure that the kinds of things that were to happen in between meetings, happened. But probably even greater than that is my admiration for your ethical sense, and we in Iowa, are most fortunate that you are a business person living and working in this state. When you had a doubt about your own involvement on a voting issue, you abstained. When you had a serious doubt, you got a reading from the Attorney General. Where else do you find that kind of ethical sense in decision making. To have public statements made in the press that Mr. Schlutz has had conflict of interests, I think is unjust. I just want to say Bob, your ethics are the strength of this State.

I thank you, Bob Schlutz, for what you have done for the environment of this state, for this Commission, and I very much regret that you have been treated as you have been treated recently. The Environmental Commission and the State of Iowa is going to be less served by the removal and nonconfirmation of these two people. I would further like to say that I believe this Commission should draft a very strong letter to send to both the House and the Senate stating our record, stating the example of our record, and decrying the unjust tactics that have been used against two of our Commission members.

In the future, I would hope that any legislator who has a question about our actions would have the courtesy to call us, or to come to see us and address that directly, rather than taking their issue to the press which then puts the people of the State of Iowa in a very, very precarious position. What then happens is that the confidence the people have in the state, of its public servants, be it staff members or Commission members is lessened, and that is an undue injustice that has been done to the state by legislators. Thank you very much!"

STATEMENT - DONNA HAMMITT

"It has been a very intense week, probably most of all for Bob, and I just would like to express a few opinions of my own. It has been a great honor to work with all of you. I've learned a great deal and I appreciate each and every one of you for your unselfishness and your willingness to serve the state as well as the environment.

I feel that our Commission has always tried to make the hard decisions in a fair and equitable manner, and to hear legislators say there was nothing political about the events of the past few weeks is almost ludicrous. There are legislators in the majority who are dedicated to the environment for the environments sake, but I also feel there are those who have chosen to support environmental issues for their own political gain and to boost their own ego. I would suggest that environmentalists should feel used, and beware.

I heard legislators say they listened to hours of tapes of our Commission meetings and I believe three was the number used. As you can see today, we have very intense meetings that go on for long periods of time, and I cannot believe they learned what the whole Commission felt or discussed from only a few hours of listening. I do not recall seeing very many legislators at our meetings, but I would hope they would come in the future.

This Commission is made up of individuals who may not come from the same direction to reach an equitable decision, but I do not feel this group will be dictated to or bullied into making a decision they do not believe in.

The events of these past weeks were aimed at a Governor who has always tried to do his best for the environment and the state as a whole. Those of us who raise children and make a living in this state want Iowa to grow and yet maintain its purity. That is a very difficult goal, but one with which this Commission is charged and has dealt with fairly and without political slant. I am proud to have been a member of this Commission and I wish you all the best."

STATEMENT - ROBERT SCHLUTZ

Chairman Schlutz stated that it has been a privilege to have served two governors. He added that through the years he has tried to do what he thought was right as far as the environment, and that one should strive for balance in life in whatever they do. He related that the Commission's record speaks for itself, and that he does not believe that the Commission favored people or companies, large or small, when a lot of people thought that

they had. Chairman Schlutz wished the new Commissioners good luck in their positions. He stated that it has been a pleasure to work with the staff and the Commission.

PUBLIC PARTICIPATION

Terri Dean, resident of Carlisle, stated that the legislature has recently put a lot of heat on the Commission. She said that she has attended some of the legislative sessions and asked some of the legislators, since they felt so negative about everything, to come over and listen to the EPC. She added that she has not formed an opinion yet, but she is learning a lot in attending the EPC meetings and visiting with staff members. Ms. Dean expressed her sorrow that two Commission members had to leave under the conditions that they did, and she thanked the Commission for being as honest as they are and for allowing people to be at the meetings to listen and to learn.

LEGISLATION UPDATE

James Combs, Division Administrator, Coordination and Information Division, presented the following update.

Mr. Combs distributed copies of bills of interest to the Commission, gave the status of each, and expanded on several of the various bills.

(Bills are shown on the following 14 pages)

1989 GENERAL ASSEMBLY BILL STATUS

RUN ON: April 17, 1989
ENVIRONMENTAL PROTECTION COMMISSION BILLS

HF 0282

By Schrader.

A bill for an act relating to the effective date for the provision of tax incentives for the sale and use of degradable bags used as point-of-sale packaging.

Feb. 10 89 Introduced, referred to Energy and Environmental Protection. H.J. 381.
Feb. 13 89 Subcommittee, Schrader, Bisignano, McKean, Nielsen and Siegrist. H.J. 434.
Mar. 10 89 Committee report. H.J. 761.
Mar. 10 89 Recommended passage. H.J. 761.
Mar. 30 89 Amendment H. 3725 filed. H.J. 1148.
Mar. 31 89 Amendment H. 3725 adopted. H.J. 1164.
Mar. 31 89 Passed House, ayes 68, nays 24. H.J. 1164.
Apr. 03 89 Explanations of votes. H.J. 1209.

Apr. 04 89 Message from House. S.J. 1163.
Apr. 04 89 Read first time, passed on file. S.J. 1163.
Apr. 04 89 Referred to Environment and Energy Utilities. S.J. 1182.
Apr. 05 89 Subcommittee, Sturgeon, Carr and Soorholtz. S.J. 1194.
Apr. 07 89 Committee report. S.J. 1257.
Apr. 07 89 Without recommendation. S.J. 1257.
Apr. 14 89 Placed on calendar under unfinished business. S.J. 1440.

HF 0372

By Natural Resources & Outdoor Recreation.

A bill for an act relating to the duties of the natural resource commission and the environmental protection commission with respect to budget approval requirements. (HSB 123).

Feb. 21 89 Introduced, placed on calendar. H.J. 524.
Mar. 01 89 Passed House, ayes 93, nays none. H.J. 612.
Mar. 06 89 Message from House. S.J. 629.
Mar. 06 89 Read first time, passed on file. S.J. 629.
Mar. 06 89 Referred to Natural Resources. S.J. 644.
Mar. 07 89 Subcommittee, Husak, Mann and Hedge. S.J. 655.
Mar. 14 89 Committee report. S.J. 788.
Mar. 14 89 Recommended passage. S.J. 788.
Apr. 12 89 Passed Senate, ayes 45, nays none. S.J. 1368.
Apr. 14 89 Message from Senate. H.J. 1611.

HF 0382

By Pellett.

A bill for an act relating to the state soil conservation committee, by providing for the composition of the committee and its powers and duties.

Feb. 22 89 Introduced, referred to State Government. H.J. 533.
Feb. 23 89 Subcommittee, Buhr, Beatty, Garman, Lundby and Pavich. H.J. 551.

HF 0447

By Ways and Means.

A bill for an act relating to petroleum underground storage tanks, by creating a state fund and an administrative board and procedures for the fund, authorizing the fund to expend moneys for remedial action, tank improvement loan guarantees, and the offering of insurance to satisfy federal proof of financial responsibility requirements, imposing an environmental protection charge on petroleum diminution and providing for the collection of the charge, increasing the storage tank management fee, authorizing revenue bond issues and the creation of capital reserve funds to assure and facilitate timely payment of revenue bond obligations, authorizing a local option remedial action property tax credit, providing civil and criminal penalties, providing future automatic repeals, and providing effective dates. (Formerly HF 1).

Mar. 01 89 Introduced, placed on Ways and Means calendar. H.J. 622.
Mar. 02 89 Amendment H. 3285 filed. H.J. 645.
Mar. 02 89 Amendment H. 3288 filed. H.J. 646.
Mar. 02 89 Fiscal note. HCS.
Mar. 06 89 Amendment H. 3285 adopted. H.J. 653.
Mar. 06 89 Amendment H. 3288 adopted. H.J. 654.
Mar. 06 89 Rule 31.8 suspended. H.J. 654.
Mar. 06 89 Amendment H. 3295 filed. H.J. 654.
Mar. 06 89 Amendment H. 3295 adopted. H.J. 655.
Mar. 06 89 Amendment H. 3296 filed. H.J. 655.

Mar. 06 89 Amendment H. 3296 adopted. H.J. 656.
Mar. 06 89 Passed House, ayes 97, nays 1. H.J. 656.
Mar. 06 89 Explanation of vote. H.J. 658.
Mar. 06 89 Fiscal note. HCS.
Mar. 08 89 Message from House. S.J. 673.
Mar. 08 89 Read first time, passed on file. S.J. 673.
Mar. 09 89 Referred to Environment and Energy Utilities. S.J. 710.
Mar. 13 89 Subcommittee, Gronstal, Deluhery and Rife. S.J. 763.
Mar. 14 89 Committee report. S.J. 788.
Mar. 14 89 Recommended passage. S.J. 788.

Mar. 15 89 Referred to Ways and Means. S.J. 792.
Mar. 15 89 Subcommittee, Husak, Dieleman, Riordan, Drake and Hultman. S.J. 797.
Mar. 16 89 Committee report. S.J. 829.
Mar. 16 89 Recommended passage. S.J. 829.
Mar. 16 89 Amendment S. 3293 filed. S.J. 830.
Mar. 20 89 Amendment S. 3307 filed. S.J. 882.
Mar. 20 89 Amendments S. 3316, S. 3314, S. 3322 filed. S.J. 883.
Mar. 20 89 Amendments S. 3316, S. 3314, S. 3322B adopted. S.J. 883.
Mar. 20 89 Amendment S. 3322A withdrawn. S.J. 883.

Mar. 20 89 Amendment S. 3307 as amended, adopted. S.J. 883.
Mar. 20 89 Amendment S. 3311 filed. S.J. 883.
Mar. 20 89 Amendment S. 3311 adopted. S.J. 883.
Mar. 20 89 Amendments S. 3293A, S. 3293B adopted. S.J. 884.
Mar. 20 89 Amendments S. 3317, S. 3306, S. 3313, S. 3327 filed. S.J. 884.

Mar. 20 89 Amendments S. 3317, S. 3306, S. 3313, S. 3327 adopted. S.J. 884.
Mar. 20 89 Amendments S. 3326, S. 3330 filed. S.J. 884.
Mar. 20 89 Amendments S. 3326, S. 3330 lost. S.J. 884.

Mar. 20 89 Motion filed to reconsider vote S. 3307 as amended. S.J. 884.
Mar. 20 89 Motion to reconsider vote failed S. 3307 as amended. S.J. 886.
Mar. 20 89 Amendment S. 3332 filed. S.J. 886.
Mar. 20 89 Amendment S. 3332 adopted. S.J. 886.
Mar. 20 89 Amendment S. 3331 filed. S.J. 913.
Mar. 20 89 Passed Senate, ayes 49, nays none. S.J. 887.
Mar. 20 89 Immediate message. S.J. 887.
Mar. 20 89 Fiscal note. SCS.

Mar. 21 89 Message from Senate. H.J. 879.
Mar. 21 89 Senate amendment H. 3498 filed. H.J. 919.
Mar. 23 89 Amendment H. 3583 filed. H.J. 1000.

HF 0476

By Energy and Environmental Protection.

A bill for an act relating to the establishment of a waste volume reduction and recycling network, prohibiting the disposal of certain products at sanitary landfills, promoting the use of certain recyclable products and certain recycling or reprocessing equipment, prohibiting the use of certain other products, requiring city or county solid waste management programs and plans, establishing fees and taxes, providing for appropriation and expenditure of the fee receipts and certain other moneys, providing penalties, and providing for other properly related matters. (HSB 200.1). (See Cmte. Bill HF 753).

Mar. 07 89 Introduced, referred to Ways and Means. H.J. 664.
Mar. 08 89 Subcommittee, May, Brand, Hanson of Delaware, Renken and Rosenberg. H.J. 700.

HF 0598

By Energy and Environmental Protection.

A bill for an act relating to the testing of public water systems, and making penalties applicable. (Formerly HF 302).

Mar. 14 89 Introduced, placed on calendar. H.J. 773.
Mar. 16 89 Amendment H. 3410 filed. H.J. 830.
Mar. 22 89 Amendment H. 3410 adopted. H.J. 947.
Mar. 22 89 Passed House, ayes 97, nays none. H.J. 947.
Mar. 22 89 Fiscal note. HCS.
Mar. 27 89 Explanations of votes. H.J. 1026.
Mar. 27 89 Message from House. S.J. 1008.
Mar. 27 89 Read first time, passed on file. S.J. 1008.
Mar. 27 89 Referred to Environment and Energy Utilities. S.J. 1030.
Mar. 28 89 Subcommittee, Sturgeon, Miller and Hedge. S.J. 1046.

Apr. 06 89 Committee report. S.J. 1221.

Apr. 06 89 Recommended amendment, passage. S.J. 1221.
Apr. 06 89 Committee amendment S. 3577 filed. S.J. 1221.
Apr. 10 89 Amendment S. 3613 filed. S.J. 1305.
Apr. 12 89 Amendment S. 3613 adopted. S.J. 1396.
Apr. 12 89 Committee amendment S. 3577 as amended, adopted. S.J. 1396.
Apr. 12 89 Passed Senate, ayes 46, nays none. S.J. 1396.
Apr. 13 89 Fiscal note. HCS.
Apr. 14 89 Message from Senate. H.J. 1612.
Apr. 14 89 Senate amendment H. 4043 filed. H.J. 1615.

HF 0600

By Energy and Environmental Protection.

A bill for an act relating to the protection of water quality, including the establishment of protected areas, and providing a penalty. (HSB 53).

Mar. 14 89 Introduced, placed on calendar. H.J. 774.
Mar. 21 89 Amendment H. 3522 filed. H.J. 920.
Mar. 22 89 Amendment H. 3522 adopted. H.J. 936.
Mar. 22 89 Point of order raised, invoked Joint Rule 17, req. fiscal note. H.J. 936.
Mar. 22 89 Deferred, retained on calendar. H.J. 936.
Mar. 22 89 Amendments H. 3533, H. 3534, H. 3540, H. 3544, H. 3553 filed. H.J. 963.
Mar. 22 89 Fiscal note. HCS.

Mar. 23 89 Amendment H. 3544 withdrawn. H.J. 984.

Mar. 23 89 Amendment H. 3553 lost. H.J. 984.
Mar. 23 89 Rule 31.8 suspended H.J. 985.
Mar. 23 89 Amendment H. 3561 filed. H.J. 985.
Mar. 23 89 Amendment H. 3561 adopted. H.J. 985.
Mar. 23 89 Ruled out of order H. 3533, H. 3534, H. 3540. H.J. 985.
Mar. 23 89 Passed House, ayes 73, nays 23. H.J. 985.
Mar. 27 89 Explanations of votes. H.J. 1026.
Mar. 27 89 Motion filed to reconsider vote. H.J. 1023.
Mar. 28 89 Amendments H. 3648, H. 3653 filed. H.J. 1066.
Apr. 03 89 Motion to reconsider vote failed. H.J. 1207.

Apr. 03 89 Ruled out of order H. 3648, H. 3653. H.J. 1207.
Apr. 04 89 Message from House. S.J. 1157.
Apr. 04 89 Read first time, passed on file. S.J. 1157.
Apr. 04 89 Referred to Environment and Energy Utilities. S.J. 1183.
Apr. 05 89 Subcommittee, Varn, Miller and Hedge. S.J. 1194.
Apr. 07 89 Committee report. S.J. 1257.
Apr. 07 89 Recommended amendment, passage. S.J. 1257.
Apr. 07 89 Committee amendment S. 3603 filed. S.J. 1257.
Apr. 13 89 Placed on calendar under unfinished business. S.J. 1429.

HF 0623

By Svoboda.

A bill for an act relating to developing comprehensive management plans with owners of highly erodible land.

Mar. 15 89 Introduced, referred to Agriculture. H.J. 792.

Mar. 17 89 Committee report. H.J. 839.
Mar. 17 89 Recommended passage. H.J. 839.
Mar. 27 89 Amendment H. 3618 filed. H.J. 1028.
Mar. 28 89 Amendment H. 3618 adopted. H.J. 1044.
Mar. 28 89 Passed House, ayes 65, nays 30. H.J. 1044.
Mar. 30 89 Explanation of vote. H.J. 1146.
Mar. 30 89 Message from House. S.J. 1094.
Mar. 30 89 Read first time, passed on file. S.J. 1094.
Mar. 30 89 Referred to Agriculture. S.J. 1098.

Apr. 04 89 Subcommittee, Boswell, Palmer, Coleman, Vande Hoef and Rensink. S.J. 1180.
Apr. 06 89 Committee report. S.J. 1221.
Apr. 06 89 Recommended passage. S.J. 1221.
Apr. 14 89 Placed on calendar under unfinished business. S.J. 1439.

HF 0656

By Agriculture.

A bill for an act relating to reducing pollution by products purchased by the state, and by setting requirements for procurement by the department of general services, the state board of regents, the state department of transportation, and the commission for the blind. (HSB 206).

Mar. 17 89 Introduced, placed on calendar. H.J. 832.
Mar. 22 89 Amendment H. 3543 filed. H.J. 948.
Mar. 22 89 Amendment H. 3543 adopted. H.J. 950.
Mar. 22 89 Passed House, ayes 92, nays 3. H.J. 950.
Mar. 22 89 Motion filed to reconsider vote. H.J. 962.
Mar. 23 89 Amendment H. 3601 filed. H.J. 1000.
Mar. 23 89 Fiscal note. HCS.
Mar. 27 89 Explanations of votes. H.J. 1026.
Mar. 31 89 Motion to reconsider vote withdrawn. H.J. 1176.
Mar. 31 89 Ruled out of order H. 3601. H.J. 1176.

Apr. 03 89 Message from House. S.J. 1144.
Apr. 03 89 Read first time, passed on file. S.J. 1144.
Apr. 03 89 Referred to Environment and Energy Utilities. S.J. 1148.
Apr. 04 89 Subcommittee, Sturgeon, Carr and Soorholtz. S.J. 1161.
Apr. 06 89 Committee report. S.J. 1222.
Apr. 06 89 Recommended amendment, passage. S.J. 1222.
Apr. 06 89 Committee amendment S. 3578 filed. S.J. 1222.
Apr. 13 89 Amendment S. 3697 filed. S.J. 1417.
Apr. 13 89 Placed on calendar under unfinished business. S.J. 1428.

HF 0712

By Energy and Environmental Protection.

A bill for an act relating to the penalty imposed for discarding any litter or debris onto or in any land or water of this state.

Mar. 22 89 Introduced, placed on calendar. H.J. 939.
Mar. 28 89 Amendment H. 3652 filed. H.J. 1066.
Apr. 12 89 Rereferred to Energy and Environmental Protection. H.J. 1472.

HF 0713

By Energy and Environmental Protection.

A bill for an act relating to the appointment of an environmental advocate and the establishment of an environmental advocate advisory committee. (HSB 210).

Mar. 22 89 Introduced, placed on calendar. H.J. 939.
Mar. 27 89 Amendments H. 3627, H. 3629 filed. H.J. 1028.
Mar. 28 89 Amendment H. 3629 adopted. H.J. 1058.

Mar. 28 89 Amendment H. 3654 filed. H.J. 1059.
Mar. 28 89 Amendment H. 3654 lost. H.J. 1059.
Mar. 28 89 Amendment H. 3655 filed. H.J. 1059.
Mar. 28 89 Amendment H. 3655 adopted. H.J. 1059.
Mar. 28 89 Amendment H. 3627 as amended, lost. H.J. 1059.
Mar. 28 89 Rule 31.8 Suspended H.J. 1060.
Mar. 28 89 Amendment H. 3668 filed. H.J. 1060.

Mar. 28 89 Amendment H. 3668 adopted. H.J. 1060.
Mar. 28 89 Passed House, ayes 62, nays 36. H.J. 1060.
Mar. 28 89 Fiscal note. HCS.
Mar. 30 89 Explanation of vote. H.J. 1146.
Mar. 30 89 Message from House. S.J. 1094.
Mar. 30 89 Read first time, passed on file. S.J. 1094.
Mar. 30 89 Referred to Environment and Energy Utilities. S.J. 1098.
Apr. 04 89 Subcommittee, Carr, Sturgeon and Rife. S.J. 1161.
Apr. 06 89 Committee report. S.J. 1222.
Apr. 06 89 Recommended amendment, passage. S.J. 1222.

Apr. 06 89 Committee amendment S. 3576 filed. S.J. 1222.
Apr. 12 89 Amendments S. 3670, S. 3671 filed. S.J. 1386.

HF 0719

By Energy and Environmental Protection.

A bill for an act relating to the elimination of the environmental protection commission. (HSB 327).

Mar. 22 89 Introduced, placed on calendar. H.J. 957.
Mar. 30 89 Passed House, ayes 51, nays 48. H.J. 1122.
Mar. 30 89 Motion filed to reconsider vote. H.J. 1123.
Mar. 30 89 Motion to reconsider failed. H.J. 1123.
Mar. 30 89 Message from House. S.J. 1095.
Mar. 30 89 Read first time, passed on file. S.J. 1095.
Mar. 30 89 Referred to Environment and Energy Utilities. S.J. 1098.
Apr. 04 89 Subcommittee, Gronstal, Sturgeon and Pate. S.J. 1161.

HF 0742

By Energy and Environmental Protection.

A bill for an act relating to environmental protection including provisions regarding pesticides, fertilizers, and animal waste systems; establishing fees; providing penalties; making appropriations; and providing for other properly related matters.

Mar. 22 89 Introduced, referred to Ways and Means. H.J. 961.

Apr. 12 89 Subcommittee, Tabor, Osterberg, Petersen of Muscatine, Rosenberg and Schnekloth. H.J. 1542.

HF 0753

By Ways and Means.

A bill for an act relating to the establishment of a waste volume reduction and recycling network, prohibiting the disposal of certain products at sanitary landfills, promoting the use of certain recyclable products and certain recycling or reprocessing equipment, prohibiting the use of certain other products, requiring city or county solid waste management programs and plans, establishing fees and taxes, providing for appropriation and expenditure of the fee receipts and certain other moneys, providing penalties, providing an effective date, and providing for other properly related matters. (Formerly HF 476).

Mar. 28 89 Introduced, placed on Ways and Means calendar. H.J. 1029.
Apr. 05 89 Amendment H. 3859 filed. H.J. 1275.
Apr. 06 89 Amendment H. 3874 filed. H.J. 1298.
Apr. 11 89 Amendment H. 3961 filed. H.J. 1469.
Apr. 14 89 Amendment H. 4049 filed. H.J. 1615.

SF 0024

By Environment and Energy Utilities.

A bill for an act relating to the expansion of the suspension period of certain provisions of the federal Resource Conservation and Recovery Act.

Jan. 10 89 Introduced, placed on calendar. S.J. 50.
Jan. 10 89 Committee report. S.J. 47.
Jan. 10 89 Approved. S.J. 47.
Jan. 12 89 Passed Senate, ayes 43, nays none. S.J. 80.
Feb. 16 89 Fiscal note. SCS.
Jan. 17 89 Message from Senate. H.J. 157.
Jan. 18 89 Read first time, referred to Energy and Environmental Protection. H.J. 175.
Apr. 04 89 Subcommittee, Hatch, Rosenberg and Siegrist. H.J. 1249.
Apr. 07 89 Committee report. H.J. 1405.

Apr. 07 89 Recommended amendment, passage. H.J. 1405.
Apr. 07 89 Committee amendment H. 3916 filed. H.J. 1409.
Apr. 12 89 Referred to Appropriations. H.J. 1503.

SF 0083

By Varn.

A bill for an act relating to the prohibition of plastic beverage cans, and providing a penalty.

Jan. 24 89 Introduced, passed on file. S.J. 162.

Jan. 25 89 Referred to Environment and Energy Utilities. S.J. 188.
Jan. 26 89 Subcommittee, Deluhery, Varn and Rife. S.J. 195.
Feb. 28 89 Committee report. S.J. 566.
Feb. 28 89 Recommended passage. S.J. 566.
Mar. 13 89 Passed Senate, ayes 44, nays 2. S.J. 756.
Mar. 15 89 Message from Senate. H.J. 793.

Mar. 16 89 Read first time, referred to Energy and Environmental Protection. H.J. 819.
Mar. 21 89 Subcommittee, Shoultz, Bisignano and Lundby. H.J. 918.

Apr. 07 89 Committee report. H.J. 1405.
Apr. 07 89 Recommended passage. H.J. 1405.
Apr. 12 89 Passed House, ayes 91, nays 2. H.J. 1508.
Apr. 12 89 Explanation of vote. H.J. 1541.
Apr. 13 89 Explanation of vote. H.J. 1587.
Apr. 14 89 Message from House. S.J. 1436.

SF 0189

By Sturgeon.

A bill for an act relating to the establishment of a state environmental policy and requiring certain activities by governmental units regarding the state environmental policy and its implementation.

Feb. 09 89 Introduced, passed on file. S.J. 334.
Feb. 09 89 Referred to Environment and Energy Utilities. S.J. 344.
Feb. 14 89 Subcommittee, Gronstal, Sturgeon and Pate. S.J. 381.
Feb. 28 89 Committee report. S.J. 566.
Feb. 28 89 Recommended amendment, passage. S.J. 566.
Feb. 28 89 Committee amendment S. 3132 filed. S.J. 566.
Apr. 03 89 Fiscal note. SCS.
Apr. 10 89 Referred to Environment and Energy Utilities. S.J. 1265.

SF 0382

By Priebe and Soorholtz.

A bill for an act relating to the renewal of permits for regulated uses of water.

Mar. 09 89 Introduced, passed on file. S.J. 688.
Mar. 09 89 Referred to Natural Resources. S.J. 710.
Mar. 14 89 Subcommittee, Priebe, Mann and Goodwin. S.J. 768.
Mar. 16 89 Committee report. S.J. 827.
Mar. 16 89 Recommended passage. S.J. 827.
Apr. 03 89 Passed Senate, ayes 43, nays 3. S.J. 1135.
Apr. 03 89 Immediate message. S.J. 1141.
Apr. 03 89 Message from Senate. H.J. 1208.
Apr. 05 89 Read first time, referred to Agriculture. H.J. 1265.

Apr. 06 89 Subcommittee, Hibbard, Pellett and Schrader. H.J. 1294.

SF 0431

By Environment and Energy Utilities.

A bill for an act amending the pesticide Act of Iowa, by providing requirements for pesticide dealers and commercial applicators, providing registration requirements, and providing for fees and civil penalties. (Formerly Study Bill 96).

Mar. 14 89 Introduced, placed on calendar. S.J. 777.
Mar. 14 89 Committee report. S.J. 787.
Mar. 14 89 Approved. S.J. 788.
Mar. 20 89 Referred to Ways and Means. S.J. 876.

Mar. 21 89 Subcommittee, Husak, Hester and Soorholtz. S.J. 949.
Mar. 28 89 Committee report. S.J. 1050.
Mar. 28 89 Recommended passage. S.J. 1050.
Mar. 29 89 Referred to Agriculture. S.J. 1054.
Apr. 04 89 Subcommittee, Miller, Husak and Soorholtz. S.J. 1180.
Apr. 06 89 Committee report. S.J. 1220.

Apr. 06 89 Recommended amendment, passage. S.J. 1220.
Apr. 06 89 Committee amendment S. 3575 filed. S.J. 1220.
Apr. 07 89 Placed on calendar under unfinished business. S.J. 1247.

SF 0437

By Environment and Energy Utilities.

A bill for an act relating to solid waste management by providing for the submission of comprehensive solid waste management plans to the department of natural resources by certain entities and permitting the option of dividing the planning requirement into certain separate parts. (Formerly Study Bill 133).

Mar. 15 89 Introduced, placed on calendar. S.J. 791.
Mar. 15 89 Committee report. S.J. 799.
Mar. 15 89 Approved. S.J. 799.
Mar. 22 89 Passed Senate, ayes 48, nays none. S.J. 976.
Mar. 27 89 Message from Senate. H.J. 1003.
Mar. 28 89 Read first time, referred to Energy and Environmental Protection. H.J. 1030.
Mar. 29 89 Subcommittee, Shoultz, Dvorsky, Garman, Hanson of Delaware, Jesse, May and Siegrist.
Apr. 07 89 Committee report. H.J. 1405.

Apr. 07 89 Recommended amendment, passage. H.J. 1405.
Apr. 07 89 Committee amendment H. 3921 filed. H.J. 1409.
Apr. 13 89 Placed on calendar under unfinished business. H.J. 1557.

SF 0441

By Agriculture.

A bill for an act relating to the plugging of abandoned wells, by providing assistance to well owners, providing for well inspection and certification, providing for fees, making a civil penalty applicable, providing an effective date, and providing for repeal of a portion of the Act. (Formerly Study Bill 202).

Mar. 15 89 Introduced, placed on calendar. S.J. 805.
Mar. 15 89 Committee report. S.J. 798.
Mar. 15 89 Approved. S.J. 799.
Mar. 21 89 Referred to Environment and Energy Utilities. S.J. 916.
Mar. 22 89 Subcommittee, Varn, Miller and Rife. S.J. 977.
Mar. 28 89 Committee report. S.J. 1049.
Mar. 28 89 Recommended passage. S.J. 1049.
Mar. 29 89 Referred to Ways and Means. S.J. 1054.
Mar. 29 89 Subcommittee, Riordan, Fraise and Hester. S.J. 1075.
Mar. 31 89 Committee report. S.J. 1118.

Mar. 31 89 Recommended passage. S.J. 1118.

Apr. 03 89 Passed Senate, ayes 46, nays none. S.J. 1136.
Apr. 03 89 Immediate message. S.J. 1141.
Apr. 03 89 Message from Senate. H.J. 1209.
Apr. 05 89 Read first time, referred to Energy and Environmental Protection. H.J. 1265.
Apr. 05 89 Subcommittee, Johnson, Banks, Bisignano, McKean, Osterberg, Petersen of Muscatine and
Apr. 10 89 Committee report. H.J. 1440.
Apr. 10 89 Recommended passage. H.J. 1440.

Apr. 13 89 Placed on calendar under unfinished business. H.J. 1580.
Apr. 13 89 Fiscal note. HCS.

SF 0470

By Environment and Energy Utilities.

A bill for an act relating to waste minimization and disposal. (Formerly Study Bill 307).

Mar. 16 89 Introduced, placed on calendar. S.J. 833.
Mar. 16 89 Committee report. S.J. 841.
Mar. 16 89 Approved. S.J. 841.
Mar. 22 89 Amendment S. 3375 filed. S.J. 970.
Mar. 23 89 Amendment S. 3375 adopted. S.J. 1000.
Mar. 27 89 Amendment S. 3425 filed. S.J. 1030.
Mar. 28 89 Amendment S. 3425 adopted. S.J. 1037.

Mar. 28 89 Passed Senate, ayes 47, nays none. S.J. 1037.
Mar. 28 89 Immediate message. S.J. 1044.
Mar. 29 89 Message from Senate. H.J. 1070.

Mar. 29 89 Read first time, referred to Energy and Environmental Protection. H.J. 1080.
Apr. 04 89 Subcommittee, Rosenberg, Schrader and Siegrist. H.J. 1249.
Apr. 07 89 Committee report. H.J. 1405.
Apr. 07 89 Recommended amendment, passage. H.J. 1405.
Apr. 07 89 Committee amendment H. 3911 filed. H.J. 1409.
Apr. 13 89 Placed on calendar under unfinished business. H.J. 1576.
Apr. 13 89 Amendment H. 4026 filed. H.J. 1589.
Apr. 14 89 Amendment H. 4031 filed. H.J. 1614.

SF 0485

By Agriculture.

A bill for an act to prohibit the sale, purchase, or use of a pesticide containing daminozide, providing an effective date, and making a penalty applicable. (Formerly Study Bill 362).

Mar. 17 89 Introduced, placed on calendar, under Rule 28. S.J. 870.
Mar. 17 89 Committee report. S.J. 861.
Mar. 17 89 Approved. S.J. 861.
Mar. 20 89 Amendment S. 3303 filed. S.J. 881.
Mar. 21 89 Referred to Environment and Energy Utilities. S.J. 916.
Mar. 22 89 Subcommittee, Sturgeon, Carr and Soorholtz. S.J. 978.
Mar. 28 89 Committee report. S.J. 1049.
Mar. 28 89 Recommended passage. S.J. 1049.

Mar. 31 89 Amendment S. 3303 adopted. S.J. 1107.
Mar. 31 89 Passed Senate, ayes 41, nays none. S.J. 1107.

Mar. 31 89 Immediate message. S.J. 1111.
Mar. 31 89 Message from Senate. H.J. 1177.
Apr. 03 89 Read first time, referred to Agriculture. H.J. 1188.
Apr. 04 89 Subcommittee, Schrader, Banks and Gruhn. H.J. 1249.
Apr. 07 89 Committee report. H.J. 1404.
Apr. 07 89 Recommended passage. H.J. 1404.
Apr. 10 89 Amendment H. 3941 filed. H.J. 1441.
Apr. 13 89 Amendment H. 3941 lost. H.J. 1578.
Apr. 13 89 Passed House, ayes 93, nays 3. H.J. 1578.

SF 0487

By Environment and Energy Utilities.

A bill for an act relating to the establishment of a waste volume reduction and recycling network, prohibiting the disposal of certain products at sanitary landfills, promoting the use of certain recyclable

products and certain recycling or reprocessing equipment, prohibiting the use of certain other products, requiring city or county solid waste management programs and plans, establishing fees and taxes, providing for appropriation and expenditure of the fee receipts and certain other moneys, providing penalties, and providing for other properly related matters. Study Bill 169.1).

Mar. 17 89 Introduced, placed on calendar, under Rule 28. S.J. 871.
Mar. 17 89 Committee report. S.J. 862.
Mar. 17 89 Approved. S.J. 862.
Apr. 06 89 Placed on calendar under unfinished business. S.J. 1230.
Apr. 12 89 Referred to Ways and Means. S.J. 1403.

SF 0488

By Environment and Energy Utilities.

A bill for an act relating to solid waste disposal and providing penalties. (Formerly Study Bill 125).

Mar. 17 89 Introduced, placed on calendar, under Rule 28. S.J. 871.
Mar. 17 89 Committee report. S.J. 862.
Mar. 17 89 Approved. S.J. 862.
Mar. 27 89 Passed Senate, ayes 26, nays 23. S.J. 1022.
Mar. 27 89 Immediate message. S.J. 1023.
Mar. 28 89 Message from Senate. H.J. 1032.
Mar. 28 89 Read first time, referred to Energy and Environmental Protection. H.J. 1056.
Mar. 29 89 Subcommittee, Osterberg, Bisignano and McKean. H.J. 1111.
Apr. 05 89 Committee report. H.J. 1273.

Apr. 05 89 Recommended passage. H.J. 1273.
Apr. 05 89 Amendment H. 3843 filed. H.J. 1274.
Apr. 07 89 Amendment H. 3930 filed. H.J. 1410.
Apr. 12 89 Amendment H. 3930 withdrawn. H.J. 1523.
Apr. 12 89 Amendment H. 3843 lost. H.J. 1525.
Apr. 12 89 Deferred, retained on calendar. H.J. 1525.

Apr. 12 89 Rule 31.8 suspended. H.J. 1539.
Apr. 12 89 Amendment H. 3992 filed. H.J. 1540.
Apr. 12 89 Amendment H. 3992 lost. H,J. 1540.
Apr. 12 89 Passed House, ayes 70, nays 24. H.J. 1541.

Apr. 14 89 Message from House. S.J. 1437.

SF 0490

By Environment and Energy Utilities.

A bill for an act relating to the sale, lease, rental, or advertising of water treatment systems. (Formerly Study Bill 344).

Mar. 17 89 Introduced, placed on calendar, under Rule 28. S.J. 871.
Mar. 17 89 Committee report. S.J. 862.
Mar. 17 89 Approved. S.J. 862.
Mar. 21 89 Amendment S. 3353 filed. S.J. 935.
Mar. 29 89 Point of order raised S. 3353. S.J. 1072.
Mar. 29 89 Ruled out of order S. 3353. S.J. 1072.
Mar. 29 89 Passed Senate, ayes 46, nays 1. S.J. 1072.
Mar. 31 89 Message from Senate. H.J. 1150.
Apr. 03 89 Read first time, referred to Energy and Environmental Protection. H.J. 1182.

Apr. 04 89 Subcommittee, Osterberg, Johnson and McKean. H.J. 1249.
Apr. 07 89 Committee report. H.J. 1405.
Apr. 07 89 Recommended passage. H.J. 1406.
Apr. 12 89 Amendment H. 3986 filed. H.J. 1543.
Apr. 14 89 Deferred, retained on calendar. H.J. 1599.

This was an informational item; no action was required.

ADDRESS ITEMS FOR NEXT MEETING

Appoint acting chairperson

Role of Commission - discussion

NEXT MEETING

The next meeting of the Environmental Protection Commission will be held Monday, May 22, 1989 in the Wallace State Office Building convening at 8:00 a.m.

ADJOURNMENT

With no further business to come before the Environmental Protection Commission, Chairman Schlutz adjourned the meeting at 5:25 p.m., Monday, April 17, 1989

Charlotte Mohr

Charlotte Mohr, Secretary

Larry J. Wilson, Director

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File Name ADM-1-1 EPC Meeting April 17, 1989
Sanders Initials JS

MEETING AGENDA
ENVIRONMENTAL PROTECTION COMMISSION
WALLACE STATE OFFICE BUILDING
April 17-~~18~~, 1989

Meeting convenes at 1:30 p.m., April 17, 1989 in the fourth floor conference room and if necessary will reconvene on April 18, 8:30 a.m.

Appointment – Frank Sloan	2:00 p.m.
Break	3:00 p.m.
Public Participation	3:30 p.m.

Meeting reconvenes 8:30 a.m., April 18, 1989 (if necessary)

1. Approve Agenda
2. Approve Minutes of March 20-21, 1989
3. Landfill Alternatives Grant Contracts - Approval. (Hay) Decision.
4. Monthly Reports. (Stokes) Informational.
5. Rule Withdrawal--Chapters 60 and 61, Water Quality Standards. (Stokes) Decision.
6. Proposed Rule Amendment--Chapter 62, NPDES Permits. (Stokes) Informational.
7. Notice of Intended Action--Chapters 101, 102, 103, 104, 105 and 106, Landfill Closure/Post-Closure and Leachate Recovery Systems. (Stokes) Decision.
8. Final Rule--Chapters 100, 103 and 110, Landfill Groundwater Monitoring Rules. (Stokes) Decision.
9. Discussion - Animal Feeding Operation Permit Rules. (Stokes) Informational.
10. Referrals to the Attorney General. (Combs) Decision.
    (a) City of McGregor
    (b) City of Ellsworth
11. Legislation Update. (Combs) Informational.
12. Address Items for Next Meeting
    Statement – Catherine Dunn
    Statement – Donna Hammitt

NEXT MEETING DATES

May 22, 1989
June 19-20, 1989
July 17-18, 1989

ENVIRONMENTAL PROTECTION COMMISSION

April 17, 1989

NAME	COMPANY OR AGENCY	CITY
(please print)		
DAN WEST	GROWMARK	BLOOMINGTON, IL.
JANE McALLISTER	AHLERS LAW FIRM	DM
Tim Rollinson	IOWA PUBLIC SERVICE	Sioux City
Charles Bullard	D. M. Register	
Terri Dean	WRATHS	Carlisle, Ia
Cheryl Darr	WRATHS	Carlisle, Ia
Kim Walker	Nyemaster LAW Firm	Des Moines
Maggie La Mache	Ia Dept. Inspections & Appeals	Des Moines
Jerry Tonneson	Polk Co. APCD	DM