



DNR Comprehensive Planning Waste Flow Fact Sheet

- **Cities and Counties are responsible for the proper management of the solid waste generated within their jurisdiction under Iowa Code 455B.302 Duties of Cities and Counties.**
- **Cities, counties and sanitary disposal facilities that cooperate in the design and implementation of an integrated solid waste management system represent a comprehensive solid waste planning area (planning area).**
- **Each permitted sanitary disposal facility has a specific service area that is defined by the jurisdictions of local governments using the facility and detailed in the facility's operating permit.**
- **All waste generated in a planning area must be disposed of in that planning area. ¹**
- **By Iowa Code 455B.306 (7)"e" ...a planning area shall not include any part which is included in another planning area...**
- **The unincorporated area of a county is a single local government jurisdiction and therefore cannot be part of more than one service area or planning area.**

Legal Standing

Iowa's comprehensive planning methodology, including intrastate flow control has been upheld in federal court. The US Court of Appeals for the 8th Circuit affirmed a lower court ruling that Iowa's solid waste disposal program does not violate the Commerce Clause of the US Constitution. The Court ruled that tracking and controlling in-state waste are valid and legitimate state objectives. The department believes that the benefits of this methodology includes:

- Tracking of Iowa garbage;
- Ensuring compliance with laws for landfill operation and safety;
- Assisting cities and counties in controlling their waste and limiting their liability;
- Providing the framework for the collection of tipping fees that fund various recycling and pollution prevention programs.

Iowa's methodology is one of few statewide flow control systems that has been challenged and upheld by the Courts. The department is reluctant to diminish the force of the 8th Circuit ruling by altering the parameters by which planning areas are defined. ***Ultimately this system enables local governments to protect the health, safety and welfare of its citizens.***

¹ A sanitary disposal facility has the right to refuse any particular waste type. If waste is refused the facility director, city or county must, in conjunction with the generator establish or arrange for access to disposal.