



UPDATE ON SUBTITLE D COMPLIANCE

Amie Hart, Iowa Dept. of Natural Resources

- Brief History of Iowa's Landfill Regulatory Program
- Why Send Verification Letters
- Iowa DNR's Proposed Timeline
- Status of Revisions to IAC 567-Chapter 113
- Q&A



UPDATE ON SUBTITLE D COMPLIANCE

BRIEF HISTORY

- **October 1991** - EPA finalizes minimum federal standards for MSW landfills in 40 CFR 258 (commonly referred to as RCRA Subtitle D).
 - Sets national standards for liners (composite and alternative), leachate collection systems, explosive gas control, groundwater monitoring and corrective action.

- **September 1993** - EPA rejects Iowa's first application for Subtitle D authorization due to insufficient rule requirements.



UPDATE ON SUBTITLE D COMPLIANCE

BRIEF HISTORY (cont'd)

- **October 1994** - Original compliance deadline in 40 CFR 258 for states affected by the floods of '93.
- **August 1997** - EPA accepts Iowa's second application for Subtitle D authorization after several rulemakings by the DNR.
 - However, no compliance date is set in the IAC 567 – Chapter 113 for MSW landfills



UPDATE ON SUBTITLE D COMPLIANCE

BRIEF HISTORY (cont'd)

- **October 1999** – EPA finalizes 40 CFR 239, establishing more strict rules for the determination of adequacy of MSW landfill programs.
 - Every time substantive changes to MSW landfill rules occur, they must be reviewed and approved by EPA to maintain our state authorization.

- **January 2003** – DNR splits each landfill type into its own regulatory chapter (Ch. 113 for MSW).
 - 40 CFR 239 not triggered because the changes are not substantive.



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BRIEF HISTORY (cont'd)

September 2004 - Department issues a draft Summer 2006 compliance date for comment after meeting with EPA Region 7 and reviewing the state authorization requirements of 40 CFR 239.



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BRIEF HISTORY (cont'd)

November 2004 - Department receives letter from EPA Region 7 confirming that 2 years is an acceptable compliance timeline.

November 2004 - Department receives and reviews comments from stakeholders pertaining to the 2006 compliance timeline.

January 2005 - After reviewing the comments received, the Department sends a request to EPA Region 7 for a new October 1, 2007 compliance timeline.



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BRIEF HISTORY (cont'd)

January 2005 - Department requests comments on select alternative liner and modeling issues.

March 2005 - Department receives and begins processing alternative liner and modeling comments from stakeholders.

April 2005 - Department issues liner verification letters to MSWLFs in preparation for compliance schedules.



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BRIEF HISTORY (cont'd)

April 2005 - Department receives confirmation from EPA Region 7 that October 1, 2007 compliance date is acceptable.

April 2005 - Department requests guidance from EPA regarding alternative liner modeling standards and methodologies.



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BRIEF HISTORY (cont'd)

Why send Verification Letters?

Several corrections to DNR's liner compliance list have been made since the 2004 ISOSWO Fall Conference.

The letters give facilities an opportunity to correct their information before compliance schedules are issued.

The letters will be utilized to finalize the compliance schedules (likely to be issued in May) for MSWLFs that do not meet Subtitle D equivalent standards.



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BRIEF HISTORY (cont'd)

3 Types of Verification Letters

- Subtitle D equivalent landfills.
 - These 27 landfills meet the current Chapter 113 (Subtitle D equivalent) standards for composite or alternative liners and leachate collection systems.
- Landfills with 4-ft of compacted clay and a leachate collection system.
 - These 9 landfills are missing the POC modeling certifying the liner as an alternative liner.
- Non-compliant landfills.
 - These 23 have no equivalent liner or leachate collection system.



UPDATE ON SUBTITLE D COMPLIANCE

BRIEF HISTORY (cont'd)

What do the 3 Types Mean?

Subtitle D equivalent landfills.

- These 27 landfills will have to stop placing waste in any older non-compliant areas by 10/1/07.

4-ft of compacted clay and leachate collection system.

- These 9 landfills will have to demonstrate (as required in current Chapter 113) the POC modeling to certify the liner as an alternative liner. If the POC modeling is not adequate, they will be considered non-compliant landfills.

Non-compliant landfills.

- These 23 must construct a Sub D equivalent disposal area or close, and stop placing waste in non-compliant areas by 10/1/07.



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IOWA DNR's PROPOSED TIMELINE

Winter/Spring 2005 - Release draft 567 – Chapter 113 for EPA and public comment.

Spring/Summer 2005 - Continue work on draft rules per EPA and public comment.

Fall 2005 - Begin formal rulemaking for revised 567 – Chapter 113.

Fall 2005 - Finalize rulemaking for revised 567 – Chapter 113.



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IOWA DNR's PROPOSED TIMELINE (cont'd)

Winter 2006 - All non-compliant landfills submit development plans to DNR regarding necessary upgrades or closure.

2006 - EPA reviews 567 – Chapter 113 for federal approval.

October 1, 2007- All landfills comply with revised 567 – Chapter 113 and RCRA Subtitle D liner standards. EPA grants final federal approval.



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POINTS TO REMEMBER-

Given that USEPA has Accepted the October 1, 2007 Compliance Date:

Review your fill sequencing now to maximize future airspace and minimize infiltration into the old cell.

Plans & Specs for new Subtitle D cells will be due to the DNR in the winter of 2006.

Build sooner rather than later.

All non-compliant cells must at least stop taking MSW by October 1, 2007. Closure should soon follow.

All new Subtitle D cells must be constructed by October 1, 2007.

4 to 5 feet of waste must be in the new cells by December 2007 to prevent freeze-thaw damage.



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BRIEF HISTORY (cont'd)

So why is the Chapter 113 rulemaking so important?

The finalization of new MSWLF rules is the trigger for EPA review of Iowa's program under 40 CFR 239.

40 CFR 239 will likely require all landfills to be in compliance for state authorization approval.

Revocation of IA's MSWLF program may mean that permitting reverts to EPA Region 7.

New federal rules, such as RD&D, have been passed that could benefit IA MSWLFs.

Compliance date will be formalized in new 113.



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BRIEF HISTORY (cont'd)

Don't we have to wait to construct until new 113 is finalized?

No. Current Chapter 113 standards for liners were approved by EPA in 1997 as Subtitle D equivalent.

MSWLF disposal units constructed to current 113 standards are Subtitle D equivalent and will be grandfathered regarding liner requirements so long as they are constructed before any new 113 standards are finalized.



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BRIEF HISTORY (cont'd)

Can you summarize the alternative liner comments?

The DNR greatly appreciates the time and effort put into stakeholder responses!

There was no clear consensus regarding alternative liner modeling standards, methodologies, or performance.

Good points were brought up regarding leachate collection system performance, head over the liner, and quality control and assurance.

Good references were also submitted - EPA documents, comparative performance tables.



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BRIEF HISTORY (cont'd)

What will happen to alternative liners in the future?

No final decisions have been made regarding alternative liners. Any such draft changes will appear in the revised rules with opportunity for public comment.

However, we are looking at improvements to leachate collection system performance, head over the liner, and construction quality control and assurance plans for all liner types.

We will be seeking further guidance from EPA before proceeding with draft rules.



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BRIEF HISTORY (cont'd)

Do alternative liners have any restrictions that composites do not?

There is growing interest in bioreactive technologies.

The DNR is still researching whether bioreactive technology can be adopted over alternative liners.

At this point, the conservative approach is to utilize a composite liner if your facility may someday be interested in bioreactive technology.



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For the latest information about the MSW landfill rulemaking, please visit:

www.iowadnr.com/waste/policy/landfill.html



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QUESTIONS & ANSWERS