

# Memo

To: Planning Area Responsible Officials  
From: Mark R. Warren  
Date: June 20, 2008  
Re: Solid Waste Comprehensive Planning Rules Revisions

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The Department is initiating a rules revision for Iowa Administrative Code (IAC) 567 Chapter 101, Solid Waste Comprehensive Planning Requirements. This chapter underwent a complete revision prior to the 5<sup>th</sup> round of solid waste comprehensive plan submittals, which is now nearly complete. During this round of submittals, several items were identified for clarification.

Revisions are also proposed to the municipal solid waste and recycling survey, several of the fourteen (14) online forms which make up the online database, and the Quarterly Solid Waste Fee Schedule and Retained Fees Report. Revisions to these three areas are also included in the rulemaking.

The proposed revisions are for correction, clarification, and ease of use purposes. The attached document outlines the revisions that the Environmental Protection Commission (EPC) will be asked to approve. The Notice of Intended Action will be presented as an information item to the EPC at its August meeting.

Please distribute this information as you feel appropriate to your planning area members. Please note that this information is also being provided via email to permitted facilities, consultants, and other interested parties; therefore, some overlap is anticipated.

If you would like to submit comments or have additional questions, please feel free to contact me at (515) 281-4968 or [mark.warren@dnr.iowa.gov](mailto:mark.warren@dnr.iowa.gov) or Becky Jolly at (515) 281-8308 or [becky.jolly@dnr.iowa.gov](mailto:becky.jolly@dnr.iowa.gov). Please submit comments no later than July 14, 2008. There will also be an opportunity for public comment as part of the rulemaking process.

## Proposed IAC 567 Chapter 101 Revisions

### Requested Narrative Clean Up

#### 101.1(2) Applicability.

This section is not necessary as the Iowa Code Sections implemented are cited at the end of the chapter. Therefore propose to remove the section.

#### 101.2 Definitions.

##### *Planning Cycle*

Propose the planning cycle remain as set (3 years) for the next round of plan updates but change to five (5) years for subsequent rounds (starting with the 7<sup>th</sup> round).

##### *Solid Waste*

Propose to revise the definition of Solid Waste to include federally exempted hazardous waste except to the extent that any such exempted substances are liquid wastes or wastewater.

#### 101.3 Waste management hierarchy.

Revise 101.3 to be consistent with Iowa Code Section 455B.301A.

This moves combustion with energy recovery above other approved techniques of solid waste management.

#### 101.7(3)"c" – Contaminated soils.

Propose to remove this section. This section allows the exclusion of contaminated soils from goal progress calculations. In many cases, contaminated soils can be remediated to state and federal standards at which time it becomes dirt, which is specifically exempted from the statutory definition of solid waste. If disposal of contaminated soil is the result of an exceptional event, a request for exemption from goal progress calculation can be made under the provisions of 101.7(3). Therefore it is unnecessary for separate provisions.

#### 101.10 Municipal solid waste and recycling survey.

Current rule allows for four (4) options when completing the municipal solid waste and recycling survey (survey) outlined in 101.10(1) through 101.10(4). The options outlined in 101.10(1) and 101.10(4) states the department will enter the data into the online database. It is proposed to remove the options that state the department will enter the data.

Completion of the previous round of comprehensive plans has fully populated the online database resulting in the need to only review and update the submitted information. It is the planning area's responsibility to ensure submitted data is accurate.

#### 101.12 Solid waste comprehensive plan types.

Revise 101.12 to be consistent with Iowa Code Section 455B.306.

Recent changes to 455B.306 (Senate File 2276) clarifies language related to planning areas that choose to remain autonomous by closing all their landfills and using a transfer station to transfer waste to a facility in another planning area.

### 101.13 Types of comprehensive plan submittals to be filed.

Recent changes in Iowa Code section 455B.306 (Senate File 2276) remove the comprehensive planning requirement for non municipal solid waste facilities. Therefore propose to remove language which indicates comprehensive planning requirements for non municipal solid waste facilities.

### 101.13(2) Comprehensive plan updates: for permitted municipal solid waste landfills, construction and demolition waste disposal sites, material recovery facilities, and transfer stations.

Revise the heading of this section to state comprehensive plan updates for municipal solid waste sanitary disposal projects.

### 101.13(3) Transfer stations and construction and demolition waste disposal sites.

Propose to remove reference to construction and demolition waste disposal sites from the section as these facilities are included in the provisions of 101.13(2).

### 101.13(4) Comprehensive plan updates for permitted monowaste facilities.

Recent changes in Iowa Code section 455B.306 (Senate File 2276) remove the comprehensive planning requirement for non municipal solid waste facilities. Therefore propose to remove section.

### 101.13(5) Comprehensive plan updates for permitted monogenerator facilities.

Recent changes in Iowa Code section 455B.306 (Senate File 2276) remove the comprehensive planning requirement for non municipal solid waste facilities. Therefore propose to remove section.

### 101.13(6) Comprehensive plan updates for permitted incinerators.

Recent changes in Iowa Code section 455B.306 (Senate File 2276) remove the comprehensive planning requirement for non municipal solid waste facilities. Therefore propose to remove section.

### 101.14(2) Exclusions.

Request to revise 101.14(2)"a" to be consistent with Iowa Code Section 455B.310(5).

This revision is being proposed for clarification purposes in order to correct inconsistencies between the Iowa Code and Iowa Administrative Code as they pertain to the exemption from tonnage fees for solid waste facilities disposing of construction & demolition (C&D) wastes.

## **Narrative Discussion Item**

### 101.7 Base year adjustment method.

Discuss the removal of the provision where the department will perform a goal progress calculation 12 months prior to the due date of the comprehensive plan update for each planning cycle for planning purposes.

This provision was added during the last revision of the chapter and was intended to provide the planning area with an evaluation towards goals prior to the approval of the plan and assist with the trends analysis portion of the plan. It is unclear how beneficial this is for the planning areas.

If only a small number of planning areas find benefit from receiving the “unofficial” calculations, then staff time should be directed towards other potentially more beneficial activities.

Please provide comment on the benefits gained, if any, by the completion of the “unofficial” goal progress calculations. These comments will be used to determine if staff time could or should be directed towards other beneficial activities.

### **Requested Municipal Solid Waste and Recycling Survey Clean Up**

(Note: a blank copy of the survey can be found here: <http://www.iowadnr.com/waste/sw/files/survey.pdf>)

- Change questions 2d) for both Garbage and Recycling collection to:

d) *Collected by city/county/solid waste agency crews*

- Change question 3 to:

3. *List the names of all waste and recycling haulers (including both curbside and drop off) that serve your community, and put a checkmark (✓) in appropriate boxes to indicate their services.*

- Change City column heading for question 8 to include County. Question 8 reads as follows:

8. *Put a checkmark (✓) in appropriate boxes to indicate recycling services for paper, plastic, metal, and glass.*

- Change Yard Waste Management Programs heading to: *Yard Waste Management ~~Programs~~ Options*

- Change question 16 to:

16. *What yard waste (i.e., leaves, grass clippings and garden waste) and tree waste (i.e., trees, tree limbs/branches) management options are ~~available~~ promoted in your community.*

- Change question 18 to include the following two questions that have been included on the Yard Waste Management Site Form of the online database:

*Select the collection method that best describes how materials get to the yard waste management site? Dropped off on-site; Curbside pickup; Both.*

*Select which items listed below are accepted at the yard waste management site: (check all that apply) Garden Waste; Grass Clippings; Leaves; Trees and Brush; Tree Limbs.*

### **Requested Online Database Clean Up**

#### Contact Information form

Add a “Last Update” column to the display.

### Yard Waste Management Site form

- Remove the following questions:

4. *Does this site have a sanitary disposal project (SDP) permit?*

5. *Is this site permitted by rule (IAC 567-105)?*

- (Note - Questions 6 & 7 will then become 4 & 5 and will be included under question 18 on the survey (see above)).

### Recycling and Waste Haulers form

- Change question 1 to read as follows:

1. *List the names of all waste and recycling haulers (including both curbside and drop off) that serve your community, and put a checkmark (✓) in appropriate boxes to indicate their services.*

### Residential Recycling Program form

- Change column heading for question 8 to: *City/County*

### **Revision of Quarterly Solid Waste Fee Schedule and Retained Fees Report**

The Quarterly Report is also proposed to be revised in order to streamline the report form and to remove requests for information that are not required.