



TURKLE - CLARK
ENVIRONMENTAL
CONSULTING, L.C.

November 24, 2008

Chad Stobbe
Land Quality Bureau
IDNR Wallace Building
502 E. 9th St.
Des Moines, IA 50319

RE: Chapter 101 comments

Dear Mr. Stobbe,

The following are my comments and concerns related to the proposed changes to Chapter 101:

1. The proposed changes to subrule 101.7(3) relating to exceptional events will create excessive documentation and paper work that it will result in most landfills not bothering to even apply. It appears that either the Department does not trust the landfills or that the Department does not actually want landfills to apply for exceptional event exemptions. The rule requires excessive documentation and includes requiring submittal of:
 - A protocol for screening and documenting the waste
 - A preliminary estimate of total tonnage
 - Copies of all scale tickets and summary reports
 - All newspaper articles,
 - FEMA reports
 - Photos, etc.

All these requirements result in extra and unnecessary landfill staff time to compile and copy at a time when the staff will be excessively busy anyway. The Department needs to reconsider the number and amount of documentation to make it more feasible for landfills to meet.

In addition, requiring that all debris being received within six months of the event may be difficult for the affected disaster area. In the case of hailstorms, some planning areas have found that during the first three or more months the weather doesn't allow for repairs or replacement (e.g. damage in December may not be replaced until April or even May). During the next months there may not be enough contractors to complete the work for all the affected buildings. Some provision for an extension of the six months should be provided.

2. Proposed subrule 101.7(3) appears to also eliminate the exemption for soils from brownfields or contaminated site cleanups. Elimination of this exemption will result in landfills being unable to provide an economical disposal option for these projects. Other Department staff in other sections work to encourage the cleanup of contaminated sites. A major stumbling block is always the cost and the financing of the projects. Many Iowa landfills work with the project owners and managers to provide economical and environmentally proper disposal. Eliminating this exemption will result in less incentive to clean up the sites, an increase in tipping fees, and an uncontrollable increase in the tonnage that will now go towards the planning area's goal progress numbers. If the landfills know the tonnage will put them below the State reduction goals, they will be less inclined to accept the waste or establish a reasonable tipping fee, and the projects may either abandon the cleanup project or choose instead to use a less environmentally desirable disposal option such as land application of the contaminated soils.
3. Subrule 101.12(2) says that to retain autonomy the planning area must not share any services other than the disposal of the waste. There are a multitude of solid waste programs that can benefit from cooperation with other planning areas, including household hazardous waste, recycling programs, educational programs, etc. Why would the Department discourage these opportunities? With such a rule, the planning area wanting to remain autonomous would not be able to participate in programs similar to the tire initiative educational program or a household hazardous materials educational program. I suggest the Department rethink the wording of this proposed rule. Our efforts should be directed at solid waste programs that benefit all residents and businesses.
4. Subrule 101.12(3) appears to have a wording and/or formatting problem. The current version from the EPC agenda is confusing and unclear.
5. Subrule 101.14(2) proposes to amend the exemption provision for construction and demolition (C&D) waste from the tonnage fee. The elimination of this will result in all landfills charging the same for C&D as for MSW. Some landfills provided a lower cost for major demolition projects such as those undertaken by their member communities to clean up vacant and abandoned buildings. These communities are strapped economically and many of the landfill agencies work with them for the betterment of the community and planning area. This will result in an additional economic burden on the communities.

In addition, there are many rural buildings that are vacant and/or abandoned. Some property owners have used the economic incentive provided by the landfills to properly dispose of the buildings. With an increase in costs, many of these buildings will either be buried in a farm ravine or burned and pushed into the basement and left onsite without a concern for the potential environmental affects. The result is air and/or water pollution.

In addition, an increase in tipping fees for small contractors has the potential to result in an increase in roadside dumping and a documented increase in job site burning of the C&D debris.

In general terms, the proposed rules appear to result in additional expense for exempting any wastes from the goal progress numbers and from the tonnage fee. I can understand the need of the Department to obtain more revenue for their programs. However, the purpose of the Department is to encourage proper disposal of all wastes. When regulations result in an increase in disposal costs at the landfills many residents and businesses will choose other less costly options especially during a national economical crises year.

Sincerely,

A handwritten signature in cursive script that reads "Cynthia Turkle". The signature is written in black ink and is positioned above the printed name.

Cindy Turkle

President and Senior Environmental Professional