

December 1, 2008

Iowa Department of Natural Resources  
Attn: Alex Moon  
502 East 9<sup>th</sup> Street  
Des Moines, Iowa 50319

**RE: IAC 567-114 Comments**

Mr. Moon:

We are in agreement with the Department that C&D waste should be managed as a solid waste stream with the goal of protecting human health and the environment. The IDNR/EPC should be commended on its inclusion of C&D waste management rules (now IAC 567-114) in the original State RCRA Subtitle D Program approval through EPA in the early 1990's. Our State required (by rule) the construction of liners, leachate collection, groundwater monitoring, and the engineered closure of C&D landfills at a time when many states did not have such requirements. The recent Land Abatement Material "disposal" site in Madison County is a current example of what C&D disposal areas in Iowa may have become without the current version of IAC 567-114.

Our review of the October 22, 2008 Request for Comments results in the following:

- 1) It would seem appropriate to include "do nothing to the rules" as a fifth legitimate option for comment and consideration.
- 2) In your preamble (page 3, paragraph 4), you state that "While regulations do exist in Iowa for the design and operation of C&D landfills (Iowa Administrative Code 567-Chapter 114) stakeholders have echoed the Department's concerns that the rules and laws pertaining to the management of C&D wastes lack adequate protection for the environment and are not equitable when compared to the rule requirements for MSW landfills." In order to provide a more useful "response" to the proposed revisions, we request the following specific information in substantiation of the referenced statement:
  - a. *Stakeholders* – Who are the referenced stakeholders and what are their specific concerns?
  - b. *Environmental Protection* – Where are the specific C&D Landfill sites and what are the actionable environmental impacts that have occurred? Differing design standards and differing monitoring requirements are not considered to equate to lack of adequate protection.
  - c. *Equity* - Why is the Department addressing only IAC 567-114 (C&D Landfills) and remaining silent on IAC 567-112 (Biosolids Monofills) and IAC 567-115 (Industrial Monofills)? Each of these chapters

also include rule requirements that differ from IAC 567-113. It seems equitable to include all chapters in this revision, or delay the rule revisions until all chapters can be addressed. A delay and consideration of all chapters would generate comments from a much larger segment of the regulated community, would add fairness to the process, and would better balance the issues under consideration.

- 3) The recent revisions to IAC 567-113 included specific "incentive" provisions (avoidance of additional regulatory burden) for sites that expeditiously closed and stopped operations (i.e. IAC 567-113.2(4)). It would seem appropriate to include similar "incentive" provisions in the proposed IAC 567-114.
- 4) Ames-Story Environmental Landfill is one of the four "C&D Only" permitted sites listed in your preamble. The approved 2006 Comprehensive Plan Update for the Central Iowa Waste Management Association reports the FY2006 tonnage at Ames-Story Environmental Landfill at 16,351.23 tons. This is over 50% of the 30,000 ton waste stream that you reference in your October 22, 2008 document (page 3, paragraph 3).

Ames-Story Environmental Landfill meets all aspects of the current rules (siting, liner, leachate collection, monitoring, and closure) and has operated continuously under private ownership since 1991/92. It is well known by the Department that the permitted airspace at this facility may be exhausted during the current permit cycle. The facility operates on a business plan based on a fixed landfill capacity volume and on the current version of the rules.

A substantial and comprehensive rule revision imposed on this facility at this late date will most likely impose significant additional costs for closure/post-closure with no means of generating additional revenue. We recognize that both the Owner and IDNR stand to benefit from rule revisions that make allowance for closure and post-closure monitoring under the current rules by which this facility has operated for the entire permitted life of the facility.

It is our hope that rule revisions can be structured to the benefit of the owner, the Department, and the environment.

Respectfully submitted,  
**FOX ENGINEERING ASSOCIATES, INC.**



Todd Whipple, CPG



Doug Luzbetak, P.E.