



# STATE OF IOWA

THOMAS J. VILSACK, GOVERNOR  
SALLY J. PEDERSON, LT. GOVERNOR

DEPARTMENT OF NATURAL RESOURCES  
JEFFREY R. VONK, DIRECTOR

June 30, 2006

MR. SCOTT SMITH, PRESIDENT  
ISOSWO  
BOONE COUNTY LANDFILL  
1268 224<sup>TH</sup> LANE  
BOONE, IA 50036

Dear Scott:

This letter is in response to the ISOSWO Board's written request that the Department consider altering the timeline for the proposed Chapter 567—113 rulemaking. The Department's position is to initiate the formal rulemaking process with the presentation of the new Chapter 567—113 as an information item at the Environmental Protection Commission's August 21, 2006 meeting. The rationale for continuing on the planned course follows.

With the exception of financial assurance requirements (Chapter 567—111, effective date 2/18/04) there have not been any significant changes to the state landfill permitting requirements since 1998. A comprehensive review of the existing requirements is included in the Department's rulemaking plan developed to satisfy Executive Order No. 8. Incorporating this review within the proposed process to rescind the existing Chapter 567—113 and replace it with a new chapter is the most effective way to ensure clarity throughout the chapter and consistency with Federal requirements. This will lend itself to receiving US EPA approval. Partially amending the current chapter may result in the inclusion of contradictory, confusing or unnecessary provisions.

The issues surrounding liner requirements remain a primary concern regardless of the rulemaking approach that is taken. We are waiting for a response from EPA on questions regarding liners and landfill expansions. But we feel it is imperative to provide the highest level of certainty to the regulated community. After three years of discussion it is time to move into the formal rulemaking process. There is still one month before the rule must be prepared for placement on the EPC agenda. If we received EPA's comments in early to mid-July, there would be adequate time to incorporate these into the proposed rule. Otherwise, these can be addressed as part of the rulemaking input process.

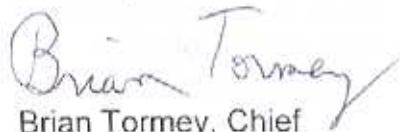
The stakeholder communication and input process the Department has conducted since mid-2003 on this matter has been extensive, open and inclusive. The Energy and Waste Management Bureau has dedicated considerable staff resources into this task.

And we acknowledge and appreciate the time ISOSWO members have invested in this cooperative effort. The end product in the form of the final draft Chapter 567—113 reflects the consideration we have given to stakeholder concerns as well as the value we have placed on their input. The final draft will be posted on DNR's website no later than July 3<sup>rd</sup>. It is noted that public input is an important component of the rulemaking process.

We suggest that the revised version of the proposed Chapter 567—113 that will be posted and distributed through the ISOSWO list serve be reviewed before proceeding into a further discussion on this matter. This latest version will clearly indicate through underlining and strikethroughs the changes that have been made to the previous draft that your membership reviewed.

I plan on attending the July 7<sup>th</sup> Board meeting to listen to the discussion on this matter. But I would like to talk with you prior to that. Let's plan on making contact next week at your convenience.

Sincerely,

A handwritten signature in cursive script that reads "Brian Tormey".

Brian Tormey, Chief  
Energy and Waste Management Bureau  
Environmental Services Division

Cc: Jeffrey R. Vonk, DNR  
Wayne Gieselman, DNR  
Alex Moon, DNR  
Nina Koger, DNR