



October 11, 2004

Mr. Jeff Myrom
Executive Officer
Energy and Waste Management Bureau
Iowa Department of Natural Resources
502 East 9th Street
Des Moines, Iowa 50319

RE: Comments on Draft Milestones and Timelines for Municipal Solid Waste (MSW)
Landfill Rule Revisions

Dear Mr. Myrom:

Foth & Van Dyke supports the Iowa Department of Natural Resources (DNR) in its effort to require all MSW landfills to dispose of waste only on areas that meet the minimum federal requirements. In addition, DNR's proposed timeline appears to offer unlined facilities sufficient additional time to evaluate their options in light of this requirement and past DNR guidance.

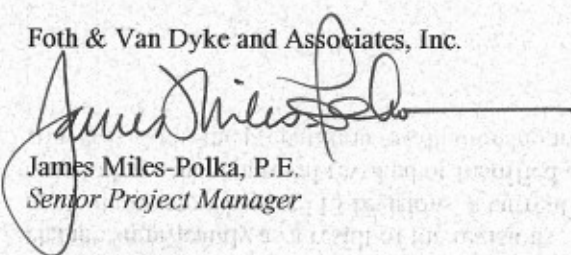
Foth & Van Dyke would like to express concern regarding landfills attempting to achieve compliance with the new landfill liner requirements using the alternative liner provisions in 567 IAC 113.26(1)e for continued landfill cell development. Since Chapter 113 will be revised, alternative liner provisions may change significantly as a result of the revisions. Thus, if the existing alternative liner provisions are applied prior to Chapter 113 revisions, a current facility may be granted approval for an alternative liner only to have that approval revoked or modified as part of the revisions to Chapter 113. We also have concerns about the preparation, evaluation, approval and construction quality assurance of alternative liners.

Therefore, we ask that DNR consider placing a temporary moratorium on alternative liner approvals until the revisions to Chapter 113 are finalized. This would ensure new landfills developed during the revisions of Chapter 113 will meet minimum federal standards.

Please contact us at (515) 323-7050 if you have any questions. Thank you for the opportunity to comment.

Sincerely,

Foth & Van Dyke and Associates, Inc.


James Miles-Polka, P.E.
Senior Project Manager


Michael W. Smith, P.E.
Lead Environmental Engineer

JEM:MWS1:kl11

cc: Gerald Sevick, Foth & Van Dyke

KL11\K:\PRIEIE\Prieie.04\DNR\L-Myrom 04J13.doc