

March 16, 2006

Iowa Dept. of Natural Resources
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CITY OF IOWA CITY

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Re: Comments on draft IAC 567—Chapter 113, p. 1-35

Dear Jeff:

Landfill staff has looked over the draft rule and have the following concerns and comments. We will have staff members present at one of the ICN sites on March 17, and they may ask some of the same questions, regarding the following references:

113.2(10)b. "...If a new MSWLF unit is constructed, the construction of the new compliant MSWLF unit shall be completed by October 1, 2007, and at least 5-feet of select MSW placed over the liner before December 15, 2007..

ICLF: If this requirement is intended to protect the liner from freeze thaw cycles, can the insulating properties of the drainage layer (such as shredded tires) be taken into consideration for the freeze protection. We believe, through onsite experience that 22" of tire shreds placed in previous cells has prevented freezing of the bottom liner completely. The necessity to place 5' of garbage across the entire liner may be very difficult to accomplish in many instances. If the necessity to cover the liner with MSW extends to the sides of cell, this presents additional serious operational issues which may be technically insurmountable.

113.7(3) *General site design*

b. A secure perimeter fence with lockable gate(s) to help prevent unauthorized access and control blowing litter.

ICLF: This language is very general and hard to interpret in view of the current climate regarding anything "secure". Would this be construed to require a chain link fence around the entire site or would a farm fence be "secure"? Litter control is an entirely different subject and type of fence than used for "security". Would this be construed to include 2 fences? Can litter control be better managed by other means than a perimeter fence? We don't have a problem with a requirement to achieve security or litter control, but the approach to both should not be dictated in the rules.

c.(3) A sign... Materials that are and are not accepted, or the statement "All materials must have prior approval."

ICLF: These very specific means of controlling the site by language in the rules seem futile, in that the size of the text, location of signs, and whether customers read these and renounce or confess their bad habits to the operators before they unload is doubtful. Why not just leave it to the operators to convey disposal requirements in whatever appropriate means found to be necessary.

f. Adequate queuing distance for vehicles entering and exiting the property such that lines of vehicles will not extend onto public streets, unless approved in writing by the appropriate local government authority and a copy of such approval is submitted to the Department.

ICLF: This is also a very general requirement. Why cannot this issue be left to the local authorities to manage traffic control issues and leave the DNR out of managing an area that other authorities have more jurisdiction over. DOT, local county sheriffs, and local police would all have certain control for public safety. Would the agreement have to say no trucks ever queue, or up to 10 vehicles, 10 days a year? What would happen after an emergency event (tornado) occurred?

h. At least a 25-foot wide fire lane around the outside of the active portion and within the perimeter fence.

ICLF: This is also a very general requirement. Why not defer the entire subject to the requirement of the Emergency Response and Remedial Action Plan in the DOPS which would be more comprehensive and site specific than the over-simple statement above. Over-simplified rules just get operators and DNR inspectors at odds over interpretations.

113.7(5) MSWLF unit liners and leachate collection systems.

b. *Leachate collection system.* (3) The leachate collection system shall be designed and constructed to minimize leachate head over the liner at all times. A MSWLF unit shall have a leachate collection system that is designed and constructed to always maintain maintains less than a 30 cm centimeter (cm; i.e. 12-inch) depth of leachate over the liner.

ICLF: Is “designed and constructed to always maintain less than 30 cm...” the same as an enforceable operations compliance issue? We have always designed to do this but other operational rules have affected the performance of the design and the actual effect in the field. The use of dirt for daily and intermediate cover generates trapped lenses of leachate, no matter how diligent the operator may be. Will the term “always” leave no opportunity for field evaluations if one well shows two feet of liquid? What will happen when a cell has been in use for a number of years and shows too much liquid in part or all of it?

(8) The leachate collection system shall consist of four components as follows.
3. One of the following high hydraulic-conductivity materials: ...

ICLF: Will these rules preclude the use of alternative hydraulic-conductivity materials such as shredded tires, ground glass, or future developments? No mention is made of the possibility of these materials in this section.

113.7(6) Quality Control and Assurance Programs. All MSWLF units shall be constructed under the supervision of a strict quality control and assurance (QC&A) program to ensure MSWLF units are constructed as good or better than the requirements of rule 113.7 ...

a. The owner or operator shall designate a quality control and assurance (QC&A) officer. The QC&A officer shall be a professional engineer (P.E.) registered in Iowa. The QC&A officer shall not be an employee of the facility.

b. The QC&A officer shall supervise and be responsible for all inspections, testing, documentation and other activities necessary to ensure compliance with rule 113.7, and the

approved plans and specifications. The QC&A officer may delegate another person or persons who are not employees of the facility ...

ICLF: The language of this section notes that the QC&A officer and delegated assistants cannot be “an employee of the facility”. The City of Iowa City, for example, maintains staff positions that are professional engineers and also construction inspectors. In many instances we have found that our own staff is considerably more cost effective and more technically responsive than hired engineering consultants. Our own local staff can spend more time on-site at critical stages of construction than outside consultants. Our own engineers and inspectors work closely with experienced landfill operators in managing contractors’ activities so that specifications are more closely adhered to and engineering design errs and omissions discovered and addressed. If the intent of the language is to gain better accountability, DNR should address it in other ways than simply requiring outside consultants to perform the work. The Consultant who both designs and manages construction is not more accountable. The facility, or owner, must still pay the outside consultant. DNR would have the same legal recourse for non-compliance if it is employees or consultants that have failed.

e. The QC&A officer shall document the QC&A program. Upon completion of the MSWLF unit construction, the QC&A officer shall submit a final report to the Department that verifies compliance

(6) Copies of daily reports containing the following information.

Items 1-9

ICLF: The items required to be included in the final construction report of the QC&A officer seem extremely burdensome for submittal to DNR. It may be true that all of these items are generated by competent project management on a complex project. In some cases the City of Iowa City has produced a four-drawer file cabinet (or more) full of project documentation. The bulk of the information proposed to be submitted is not relevant to design, construction, or operational compliance. Landfill operators have been told already in public meetings that DNR and the State of Iowa have not managed previous information submittals in an effective manner. It seems apparent that the extensive report would be an expensive burden to both the DNR and facilities. This level of construction reporting is not required in other environmental construction industries, such as for water and wastewater facilities.

Sincerely,



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