



MetroWaste Authority

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August 28, 2003

Iowa Department of Natural Resources
Energy & Waste Management Bureau
Attn: Jeff Myrom
502 E. 9th Street
Des Moines, IA 50319

RE: Proposed Landfill Expansion and Liner Rules

Dear Mr. Myrom:

I respectfully submit the following comments concerning the proposed Guidance Statement regarding MSW Landfill Expansion and Liners. I first want to commend the Department for addressing this important issue that will provide the protection to the environment as originally desired by 40 CFR part 258 (EPA's Subtitle D) requirements.

1. There is some confusion to the procedural impact that guidance documents provide to the regulatory process. Are they enforceable? Are they meant only to provide the industry notice of pending regulations?
2. The ten-year implementation timeframe is too long. A three-year timeline should be adequate for Solid Waste Agencies to transition to liners technically comparable to Subtitle D standards. When does this transition timeframe begin?
3. Vertical Expansions. Though the two situations identified as exemptions appear to be legitimate issues and quite plausible, language should be incorporated that prevents landfills from exploiting the exemptions to continue disposing over unlined areas for many years into the future. I would recommend that these exemptions are sunset after a pre-defined period.
4. Horizontal Expansions. - The area above existing waste should also incorporate a liner component in addition to the drainage layer.

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East Locust Street, Suite 100, Des Moines, Iowa 50309-1864

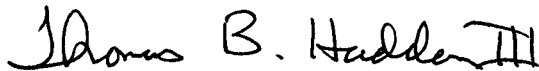
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As you know, RCRA Subtitle D standards for municipal solid waste landfills have been promulgated to ensure that operating landfills do not create contamination through offsite migration of pollutants. It is perhaps the most important environmental protection that RCRA provides to property owners and citizens who adjoin or live down stream from landfill sites. I do not believe it was the intention of the Federal Government to delay the implementation of this extremely important regulation for an additional 10 years. I would therefore urge that Iowa come into compliance with Subtitle D within three years, and require that all landfill permit renewals will, as a condition of renewal, be required to be in full compliance with this regulation. To do otherwise, makes a mockery of the environmental protections which all of us have committed to implement as part of our stewardship.

Sincerely,



Thomas B. Hadden III
Executive Director
Metro Waste Authority

