



October 14, 2004

Jeff Myrom, Executive Officer
Administrative Rules & Policy, Energy & Waste Bureau
Wallace Building
502 East 9th Street
Des Moines, IA 50319

Re: Proposed Rule Changes

Dear Jeff,

This letter is intended to supplement the Metro Waste Authority comment letter of August 28th 2003 regarding the Iowa Department of Natural Resources proposed "Guidance Document" regarding landfill liner requirements. There continues to be opposition from some Iowa landfills regarding these proposed guidelines. The purpose of this letter is to address those objections.

First, there are some who object because they believe the Iowa Department of Natural Resources is imposing stricter landfill liner standards on landfills as a result of the changes proposed in the "Guidance Document". The IDNR needs to clarify why this is not true. Many landfills are unaware that these guidelines are designed to insure that Iowa landfills are not in violation of existing federal standards that require a composite liner. Although the federal regulations give states the authority to allow alternative liner systems, those systems must meet minimum federal standards, and the proposed "Guideline Document" does nothing more than set out the minimum requirements necessary to meet these standards.

Regardless of whether the proposed "Guideline Document" is adopted, the federal regulations will still apply. Those landfills that are currently not following the guidelines set out in the proposed "Guideline Document" do so at their own risk. The state rules are not intended to replace Subtitle D, they implement it. Therefore, unless the federal rules are changed, the "Guideline Document" must accurately mirror those regulations. That is all the proposed "Guideline Document" is intended to do.

300 East Locust Street, Suite 100
Des Moines, Iowa 50309-1864
515-244-0021
515-244-9477 fax
www.mwatoday.com

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Second, there has been opposition to the ten year implementation period, and the opposition is justified. The ten year implementation period is not provided for in the federal regulations and puts non-complying landfills at risk. More importantly, there is no environmental justification for the period. These regulations are intended to establish minimum environmental standards for the operation of landfills. Allowing landfills ten more years to meet standards that already have been in place for more than ten years trivializes the importance of these rules. If we are serious about protecting Iowa's natural resources, implementing these rules in a timely manner would be a good start.

Sincerely,

A handwritten signature in cursive script that reads "Thomas B. Hadden III". The signature is written in dark ink and is positioned above the typed name.

Thomas B. Hadden III
Executive Director