



STATE OF IOWA

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DEPARTMENT OF NATURAL RESOURCES
JEFFREY R. VONK, DIRECTOR

To: Landfill rule revision stakeholders.
From: Jeff Myrom, Deputy Bureau Chief, Energy & Waste Management Bureau.
Re: Draft milestones and timeline for MSW landfill rule revisions.
Date: 9/3/04

The purpose of this memo is to provide brief historical background and information regarding the timeline for Iowa's upcoming MSW landfill rule revisions. This information is important because it will determine when all MSW landfills in Iowa must comply with RCRA Subtitle D liner requirements or close.

The U.S. EPA finalized minimum federal liner standards for MSW landfills (see 40 CFR 258) on October 9, 1991. Those standards are commonly referred to as RCRA Subtitle D equivalent liners. Iowa originally attempted to gain RCRA Subtitle D authorization in September of 1993, but the application was rejected due to insufficient rule requirements in Iowa's administrative code. While many inadequately lined landfills closed around this time to avoid the more costly Subtitle D closure requirements, a significant number of non-Subtitle D liner equivalent landfills remained open and continued to operate.

Iowa's administrative rules were then revised in November of 1996 and a second application for RCRA Subtitle D program approval was accepted in 1997 (see Federal Register v. 62, n. 160, August 19, 1997, p. 44127-44128). At the time of this approval, no date was set by DNR for all landfills to either transition to Subtitle D equivalent liners or close. Thus, while some landfills made the transition to Subtitle D equivalent liners, other landfills have not.

These inadequately lined landfills continue to operate on uncompacted soils or liners consisting of some compacted soils, and either without a leachate collection system or with a retrofitted collection system that captures some of the leachate. Many of these inadequately lined landfills have groundwater contamination, and some have enough disposal capacity to operate for the next 30 to 100-years unless the situation is addressed.

Thus, to begin the transition to Subtitle D equivalent liners for all landfills, the DNR first separated its administrative code into discreet chapters addressing various landfill types in January 2003. Iowa administrative code (IAC) 567—Chapter 113 now addresses MSW landfills and will be the first landfill chapter revised by the DNR.

Furthermore, a draft liner guidance document was issued by DNR in July 2003. That draft guidance indicated DNR's intent to complete the transition to Subtitle D equivalent liners in the second phase of our landfill rule revisions, and encouraged landfills to begin planning for this transition. A draft maximum time window of 10-years was indicated in

that document for the transition. However, in preliminary discussions with U.S. EPA Region 7, it is apparent that a 10-year timeline from July 2003 is not acceptable.

The DNR anticipates receiving a letter from EPA Region 7 by October 2004, providing more guidance on the draft milestones and timeline below. In accordance with federal regulations pertaining to state RCRA Subtitle D authority authorizations (see 40 CFR 239), all Iowa landfills will likely have to be operating over Subtitle D equivalent liners before final federal approval is granted.

We are now undertaking the second, substantive, phase of our MSW landfill rulemaking that will pertain specifically to IAC 567—Chapter 113. The mandatory requirement for all landfills to operate over Subtitle D equivalent liners or close will be a major component of this rulemaking. DNR also plans to adopt RD&D authority.

Therefore, our draft milestones and timeline for the MSW landfill rule revisions are as follows:

- Late Summer 2004: DNR posts information on the landfill regulations of surrounding states.
- Late Summer/Fall 2004: DNR begins internal draft of IAC 567—Chapter 113.
- Fall 2004: DNR requests comments and feedback from stakeholders on select landfill rule issues.
- Winter 2004: Release draft rules for IAC 567—Chapter 113 for EPA and informal public comment.
- Winter/Spring 2005: Continue work on draft rules per EPA and informal public comment.
- Summer 2005: Begin formal rulemaking for IAC 567—Chapter 113.
- Fall 2005: Finalize revised IAC 567—Chapter 113.
- Winter/Spring 2006: EPA reviews IAC 567—Chapter 113 for federal approval.
- Summer 2006: All landfills comply with revised IAC 567—Chapter 113 and RCRA Subtitle D liner standards or close. EPA grants final federal approval.

The DNR is accepting written public comment on this draft timeline until the close of business on Friday, October 1, 2004. At that time we anticipate having received a letter from EPA Region 7 and will take all input under advisement. Persons wishing to provide written comments should submit them to the following address:

Iowa Dept. of Natural Resources
Attn: Jeff Myrom
502 East 9th St.
Des Moines, IA 50319

When submitting comments, the DNR encourages stakeholders to utilize the following guidelines. These guidelines aid the DNR in accurately understanding your input.

1. Include your name, mailing address and contact information.

2. Please state if you are submitting comments as an individual, or for a business or organization.
3. State the specific issue(s) on which you are commenting.
4. Explain your views as clearly as possible by describing any assumptions, data, or technical information you utilized.
5. Provide specific examples to illustrate your concerns.
6. Offer alternative language that you think would improve the proposal and explain why.

The DNR strongly encourages all MSW landfills operating over non-Subtitle D equivalent liners to begin planning for the transition to minimum federal liner standards.