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ENVIRONMENTAL
CONSULTING, L.C.**

August 18, 2003

Jeff Myrom
IDNR Energy & Waste Management
5th Floor, Wallace Bldg.
Des Moines, IA 50319

Re: Proposed IDNR policy for Landfill Expansion and Liner Guidance

Dear Jeff,

Having reviewed your draft Guidance Statement *MSW Landfill Expansion and Liner Guidance* dated July 1, 2003, I have the following comments:

- IDNR proposes to implement this policy within a month. However, in discussions with other facilities, IDNR staff has been holding up review and approval of submitted designs for the past year. Many facilities have spent large sums of money to have an expansion design developed and submitted. IDNR has now indicated that once the policy is finalized (this fall), all plans will have to meet the conditions of the policy, even those that have been submitted during the past year. In most situations, this policy will require redesign of the plans that were previously submitted for review. This will result in unnecessary expense that could have been avoided if IDNR had shared their intent to implement this type of policy a year ago when internal department discussion was initiated.
- IDNR has held up their review and approval of multiple site design for the past year as they "internally" discussed this issue. They awarded a variance to the state's largest landfill to proceed with an expansion but have ignored the requests from the rest of the state landfills.
- This policy will significantly change the approval of new expansion designs as well as affect the previously approved and permitted site designs. IDNR proposes to implement these changes without going through the rule making procedures. Although IDNR staff indicates they will eventually incorporate this policy as a rule, they intend to enforce it as they review and approve all pending and new design submittals. I believe this exceeds the IDNR staff's authority under the Iowa Code. IDNR needs to implement this issue with public meetings provided under the rule-making process.

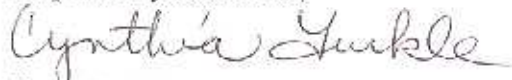
- The policy is being proposed strictly to comply with Federal Subtitle D criteria and does not consider any environmental issues. Federal policy regarding liners was developed by computer modeling and has been debated for some years. If IDNR is truly concerned that non-Subtitle D landfills are causing groundwater contamination, they should enforce the existing rules and require corrective action of those landfills causing the contamination. Don't arbitrarily assume all landfills in Iowa are causing environmental contamination. Iowa landfills are all unique with variable soils and groundwater conditions. Some are likely causing contamination, but many are not. To arbitrarily label them all the same is inaccurate and unfair.
- The concept promoted by many is that composite liners are the environmental answer for all of Iowa landfills. However, originally, when Subtitle D was developed, many in the industry believed composite liners would never leak. Now the industry says they factor in so many leaks per acre. In actuality, no one knows if a composite liner will last because none of the materials has been around long enough to provide verification of long term integrity.
- Although the IDNR and many within the landfill industry have indicated they believe the ten years is a fair time frame, there is no consideration related to the volume or amount of waste received and placed in these sites. The environment is impacted when too much contamination exceeds the ability of naturally occurring systems (soil attenuation, decomposition by organisms, dilution, etc.) to handle the amount. Contamination is a result of the amount and the strength of leachate and results when those naturally occurring systems cannot attenuate the amount released. Using this approach, ten years for the Metro Waste Authority landfill is excessive with over 466,000 tons annually, much of which is "industrial strength" waste. Naturally occurring systems probably cannot handle the concentration or this amount of waste. However a small landfill receiving only 5,000 tons annually of small community waste will have minor impact if it is located in good soils and has appropriate operational controls. This proposed policy should consider volume of space not just a calendar deadline.
- If this policy is implemented, other states have reported landfills holding "fire sales," incidences where they drop their prices to allow the acceptance of out-of-state waste so they can fill up the vertical expansion and receive more revenue prior to the ending date IDNR has given them for operating the vertical expansion. Do Iowa citizens want out-of-state waste filling up Iowa landfills?
- Many previously submitted and approved designs provided for a vertical expansion to correct inadequate slopes and drainage problems. Under this policy, those approved designs will now be required to redesign the site, impacting the efficiency of the operation and in some cases requiring the use of dirt to add slope and achieve proper drainage. This seems to be a terrible waste of landfill space and Iowa soil.
- As it is currently written, the policy is subject to IDNR staff interpretation of the manner in which some landfills will be allowed to "piggyback" or abut an existing non-Subtitle D areas. Subjective approval of some designs and denial of others will be the result. If this

approach is to be moved forward at a minimum, IDNR staff should provide detailed drawings so that all staff, representatives of the industry and consultants have a complete understanding of how IDNR will interpret this proposed "policy".

- IDNR policy has indicated any piggyback design will "be for a minimum amount of time to alleviate the situation" but does not indicate what that implies or what can be anticipated by the landfills submitting designs. Again, shouldn't the site conditions and not the time schedule arbitrarily determined by IDNR be the deciding factor?
- The policy believes it is in the best interest of the state to make existing landfills move into a Subtitle D expansion, taking Iowa land out of production or development. IDNR presents the alternative choice of closing the landfill. Iowa is unique in that it has a large number of publicly owned landfills. Iowa's citizens and elected officials have chosen to own/control their waste disposal facilities because they believe it is in their best interests. None of the landfills want to endanger the environment. If contamination is an issue, they are willing to address that concern, but arbitrary enforcement of a bureaucratic policy based upon computer modeling without supporting facts and consideration for specific site conditions is unreasonable.

If IDNR staff believes this issue is a major concern of EPA's, why was IDNR staff not involving the regulated community and professionals in the thought process initially instead of waiting a year to bring forward a draft policy. I am disappointed with the IDNR approach to this issue and object to its arbitrary approach for all landfills no matter what their size, what type of waste they receive, or in what type of soils they are located.

Respectfully submitted,



Cindy Turkle

President and Senior Environmental Professional