

# IOWA DEPARTMENT OF NATURAL RESOURCES

## LEADING IOWANS IN CARING FOR OUR NATURAL RESOURCES

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### Solid Waste Administrative Rule Review: 567 IAC 100

#### Scope of Title – Definitions – Forms – Rules of Practice

This summary is an invitation for stakeholders to participate in the Iowa DNR's solid waste administrative rule review process. We would like your input and to discuss your concerns before developing draft rule revisions.

#### Why is the DNR seeking stakeholder input?

The Solid Waste Section is conducting a detailed review of Iowa's solid waste regulations in accordance with Iowa Code section 17A.7(2), which requires all state agencies perform ongoing comprehensive five-year reviews of all administrative rules. The intent of this review is to eliminate unnecessary regulations, remove duplication and confusion, and ensure statutory authority exists for each chapter. Our goal is to ensure all solid waste administrative rules meet present and future needs, are plain-spoken and logical, and carry out the laws of Iowa and federally-mandated programs without imposing unnecessary regulatory burdens upon stakeholders.

#### The purpose of 567 IAC 100

The intent of this administrative chapter was to provide general definitions and application procedures for the administrative chapters the DNR implements regarding solid waste management. Over time, variations to these definitions and procedures have been incorporated into other solid waste administrative chapters. 567 IAC 100 also includes regulations for the disposal of farm buildings and dead farm animals, as well as excavation of sanitary landfills or closed dumps.

#### DNR's legal authority

There is no specific Iowa statute that requires the DNR adopt rules that provide for Scope of title in 567 IAC 100.1, Definitions in 567 IAC 100.2, Forms and rules of practice in 567 IAC 100.3, or Disruption and excavation of sanitary landfills or closed dumps in 567 IAC 100.5. Rather, broad authority is given under Iowa Code section 455B.304(1) to adopt rules for the proper administration of Division IV "Solid Waste Disposal," Part 1 "Solid Waste."

The justification for 567 IAC 100.3 (Forms and rules of practice) can be construed from the authorities granted to the DNR to issue permits under Iowa Code section 455B.305; in that the term "permit applicant" is used which implies that an application is required. The justification for 567 IAC 100.4 (General conditions of solid waste disposal) is provided in Iowa Code section 455B.307(1), where the DNR is granted the power to authorize the disposal of solid waste at a location other than a sanitary disposal project (SDP), when such a location is owned or leased by a waste generator.

#### How can I provide input?

The DNR seeks stakeholder input on opportunities for improvement identified during the rule review process. When preparing your comments be sure to:

- Explain your views as clearly as possible;
- Describe assumptions used;
- Provide technical information and/or data used to support your views;
- Explain how you arrived at your estimate for potential burdens, benefits or costs; and
- Provide specific examples to illustrate your views and offer alternatives.

#### Please submit comments to:

Solid Waste Administrative Rule Review  
Iowa Department of Natural Resources  
Wallace State Office Building  
502 East 9<sup>th</sup> Street  
Des Moines, IA 50319  
Fax: (515) 725-8202  
Email: [SWRR@dnr.iowa.gov](mailto:SWRR@dnr.iowa.gov)

#### For more information

If you have questions about the DNR's solid waste administrative rule review process or information contained within this summary, please submit them to [SWRR@dnr.iowa.gov](mailto:SWRR@dnr.iowa.gov).

## Improvement opportunities for discussion

- Returning to a single administrative chapter dedicated solely to solid waste definitions may minimize duplication and conflicting language.
- The provisions of 567 IAC 100.4 regarding the on-site burial of dead farm animals are duplicative and at times conflicting with 21 IAC 61 titled, “Dead Animal Disposal,” which is administered by the Iowa Department of Agriculture and Land Stewardship (IDALS). Iowa Code section 159.6(5) gives IDALS the authority to enforce laws relative to the use and disposal of dead animals. Administration of these requirements under a single state agency could provide greater clarity and transparency to livestock producers and those engaged in the disposal of dead animals.
- The provisions of 567 IAC 100.4 regarding the on-site burial of farm waste and farm buildings could be considered for inclusion under a broader section of rules pertaining to permitting of solid waste management, as Iowa Code requires the DNR issue a permit for this activity. Compliance with permitting requirements of Iowa Code section 455B.307(1) could be achieved by a permit-by-rule approach in administrative rule.
- The provisions of 567 IAC 100.5 regarding the disruption and excavation of waste at sanitary landfills and closed dumps could be moved to another more applicable solid waste administrative chapter (e.g. sanitary landfill permitting), rather than being included in a chapter dedicated to definitions.

## What input does the DNR seek?

- Should the DNR consider an alternative approach?
- How might the objectives of this administrative chapter be better achieved?
- What considerations or information should the DNR take into account when developing rule revision language?

## Rulemaking process

Because this review effort encompasses multiple chapters, spanning a broad range of complex issues, they will be divided into smaller groupings to facilitate a more manageable and phased rulemaking approach. All chapters will follow the process outlined below:

- **External Stakeholder Rule Review.** This step is intended to obtain input from external stakeholders in regard to the DNR’s initial analysis of existing rules. To facilitate an open and collaborative dialogue, the DNR will host a series of stakeholder meetings and accept written stakeholder input on the preliminary rule reviews.
- **Discussion and Consensus Building.** This step entails continued dialogue with external stakeholders to build consensus regarding proposed changes and rule revisions. After the initial stakeholder review period, the DNR will evaluate feedback received and facilitate additional stakeholder engagement as needed, to further develop supported administrative rule revisions.
- **Draft Proposed Revisions.** This step will seek public input prior to submitting the proposed revisions to the Governor’s Office for approval to proceed with formal rulemaking. All proposed rules will at this stage, go through an external stakeholder input process and be analyzed for fiscal and job impacts.
- **Begin formal rulemaking.** This process is set out in Iowa Code chapter 17A. All proposed revisions will be open for interested party review and comment prior to final adoption or repeal by the DNR, in accordance with the procedures expressed in Iowa Code chapter 17A. It should be noted that Iowa Code chapter 17A provides additional opportunities for public comment on draft rule revisions prior to any final agency action.

Throughout this process, further in-depth rule reviews, meeting summaries, and submitted comments will be available at [www.iowadnr.gov/SWRR](http://www.iowadnr.gov/SWRR).

## How can I track rules review and development progress?

Stakeholders are encouraged to sign up for the DNR’s electronic mailing list, which provides automatic updates regarding the solid waste administrative rule review process. Registered users will receive periodic progress updates and be notified when information is posted to the rulemaking website. To subscribe, please send a blank e-mail to [join-dnrswrr@lists.ia.gov](mailto:join-dnrswrr@lists.ia.gov). The subject line is left blank.

**\*Further in-depth rule reviews and supporting documents are available at [www.iowadnr.gov/SWRR](http://www.iowadnr.gov/SWRR).**