

IOWA DEPARTMENT OF NATURAL RESOURCES

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Solid Waste Administrative Rule Review: 567 IAC 102

Permits

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 102

The intent of this administrative chapter was to provide a singular location to outline the minimum permit application and general operating requirements for all sanitary disposal projects (SDP). The requirements of this administrative chapter serve as the basis of information to include in a facility's permit, which provides the DNR and the public with information on who, what and how solid waste materials are being managed at a site.

This administrative chapter was developed based upon the understanding that the DNR can only issue SDP permits. This interpretation has created unintended consequences in that almost all facilities managing solid waste, regardless of whether or not they meet the statutory definition of an SDP, have been required to maintain an SDP permit.

DNR's legal authority

Iowa Code section 455B.305 authorizes the DNR to administer a permitting program for the construction and operation of SDPs. Furthermore, 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." This includes the authority to establish rules for the issuance of permits and the general operation and maintenance of SDPs.

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 9th Street
Des Moines, IA 50319
Fax: (515) 725-8202
Email: 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.

Improvement opportunities for discussion

- The purpose of this administrative chapter could be achieved in a more efficient manner if the permit application requirements adopted in subsequent solid waste administrative chapters were rescinded, thereby consolidating all permitting provisions (e.g. application, general operating and closure requirements) into a single more comprehensive solid waste administrative chapter. This comprehensive permitting chapter could be applicable to all solid waste management activities, not just those that meet the statutory definition of an SDP. Rescinding duplicative permit application and general operating requirements in subsequent solid waste administrative chapters would improve regulatory clarity, while minimizing the overall length of Iowa's solid waste regulations.
- Another option, albeit not as streamlined, would be to rescind this administrative chapter in favor of more detailed permitting requirements included within each individual solid waste permitting chapter.
- The adoption of "general permits" (authority in Iowa Code section 455B.304(18)) to apply to similar types of solid waste management facilities (e.g. solid waste transfer stations, compost facilities) could significantly streamline the application preparation and DNR review and approval process.
- Another permitting approach to consider expanding upon is "permit-by-rule," for those solid waste management activities that may not warrant site specific oversight (e.g. farm waste management, onsite building burial). Extending the permit cycle timeframe beyond the current maximum of three years in 567 IAC 102.2(1), or considering "life-of-facility" permits, both have the potential to reduce a substantial amount of time currently devoted to DNR review of submittals.

What input does the DNR seek?

- Should the DNR consider an alternative approach?
- How might the objectives of this 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.

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. The subject line is left blank.

*Further in-depth rule reviews and supporting documents are available at www.iowadnr.gov/SWRR.