



Department of Natural Resources

Five-Year Rule Review Worksheet

Phase 2 - Part C

BASIC INFORMATION

Date Part C Review Concluded: December 1, 2014

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Chapter¹ Number: Chapter 104

Chapter Name: Sanitary Disposal Projects With Processing Facilities

1. DOES THIS CHAPTER² DO THE JOB IT SETS OUT TO DO?

1a. Is this chapter effective at protecting the health, welfare, and safety of Iowans and our natural resources?

Yes

No

(check or circle)

1b. Explain how the chapter protects the health, welfare, and safety of Iowans and our natural resources.

The intent of this administrative chapter was to provide requirements for processing operations at sanitary disposal projects (SDPs). The purpose of these requirements was to provide for the proper handling of solid waste in a manner that is protective of human health and the environment. These requirements also 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.

The DNR has the statutory authority to permit facilities that are deemed to be SDPs, and other

¹ If the Phase 1 Worksheet addresses a portion of a chapter, rather than a whole chapter, then this follow-up worksheet should address the same portion of the chapter (e.g. rule or rules, paragraph, etc.).

² Throughout this worksheet, the word "chapter" is meant to apply to the chapter or portion of a chapter to which the worksheet applies.

types of solid waste management activities for which specific authority has been granted. As material recovery facilities are not specifically addressed, this administrative chapter has been misinterpreted over time to imply that all facilities that mechanically process solid waste, with the exception of source-separated recycling operations (i.e. paper, cans, bottles exempted in Iowa Administrative Code (IAC) 567 Chapter 104.23), are SDPs. Because of this misinterpretation, the processing facility SDP permit classification was created. Continuing to place SDP permitting requirements and costs upon these entities engaged in recycling, without proper administrative authority is not justified. Those provisions which the state legislature deems appropriate for certain recycling operations should first be codified in statute, and then incorporated into another administrative chapter.

The facilities in this classification typically accept solid waste for the purpose of removing anything that can be recycled or processed into a refuse-derived fuel; not processing of waste for the purpose of disposal at a sanitary landfill or incineration without energy recovery. Court rulings and legal reviews do not support that every situation where waste is processed constitutes an SDP. Several facilities have had to maintain an SDP permit, while no permit is required for facilities that recycle source-separated materials using similar processes.

2. IS THERE LEGAL AUTHORITY FOR THIS CHAPTER?

2a. Is the chapter intended to implement any **state statutes**?

Yes No (check or circle)

If this chapter is intended to implement any state statutes, then answer questions 2b and 2c. If not, then proceed to question 2d.

2b. Provide citations for the specific provisions of the Iowa Code implemented by this chapter.

[Iowa Code section 455B.304](#) - 455B.304(1), 455B.304(8) and 455B.304(12)

[Iowa Code section 455B.305](#) - 455B.305(1)

[Iowa Code section 455B.306](#) - 455B.306(7)"a" and "d" & 455B.306(9)"a", "c" and "d"

2c. Provide a narrative summary of how the state statutes are implemented by this chapter.

There is legal authority for regulating facilities that process solid waste for disposal in a sanitary landfill or solid waste incinerator, as these facilities meet the definition of an SDP. The definition of "processing facility" in 567 IAC 100 does not include recycling, yet this administrative chapter has regulations (e.g. 567 IAC 104.21 – 104.24) specific to recycling operations. Because recycling facilities are not SDPs (i.e. do not facilitate the final disposition of solid waste), there is no specific statutory authority for the permitting of such operations. This

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position is reiterated in the title of this administrative chapter when it states, "Sanitary Disposal Projects With Processing Facilities."

In order for this administrative chapter to apply, the processing facility must first be an SDP, which falls under the DNR's permitting authority in Iowa Code sections 455B.304 and 455B.305. However, the distinction between recycling facilities and SDPs is not specified. There needs to be a process to better define when a waste diversion or recycling facility is operating more akin to an SDP, such as a recycling rate. This type of process can provide an incentive for facilities to maintain their recycling facility status in lieu of being classified as an SDP and having to meet certain SDP permitting requirements.

While there are specific rules within this administrative chapter that have direct statutory authority (e.g. solid waste incinerator operator certification in Iowa Code section 455B.304(12) and financial assurance in Iowa Code section 455B.304(8)), many requirements are based upon the broad authority 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." In addition, Iowa Code section 455B.305(1) provides further statutory authority for the issuance of SDP permits by the DNR, and Iowa Code sections 455B.306(7) and (9) address proper site closure and postclosure care, emergency response planning and financial assurance coverage requirements applicable to SDPs. However, these requirements have traditionally been applied to facilities that do not meet the definition of an SDP (e.g. material recovery facilities), and therefore the DNR has no statutory authority to require compliance.

Also, there are certain requirements within this administrative chapter that are operation and maintenance in nature (e.g. equipment cleaning schedules, storage timeframes of salvaged materials) that may go beyond the authority granted to the DNR, or that go beyond minimum requirements necessary to adequately protect human health and the environment.

2d. Does the chapter implement any **federal statutes or regulations**?

Yes No (check or circle)

If this chapter is intended to implement any federal statutes or regulations, then answer questions 2e and 2f. If not, then proceed to question 3.

2e. Provide citations for the specific provisions of federal statutes and regulations implemented by this chapter.

Not Applicable

2f. Provide a summary of how federal statutes and regulations are implemented by this chapter.

Not Applicable

3. DOES THE CHAPTER GO BEYOND FEDERAL LEGAL REQUIREMENTS?

3a. Is this chapter more stringent than federal statutory or regulatory requirements?

Yes No Not Applicable (check or circle)

If the answer is "yes," then answer question 3b. If not, then proceed to question 4.

3b. Provide a narrative statement regarding how this chapter is more stringent than required by federal statutes and regulations, and a short justification of why it is more stringent.

Not Applicable

4. DOES THIS CHAPTER HAVE UNINTENDED CONSEQUENCES?

4a. Does the chapter result in the equitable treatment of those required to comply with it?

Yes No (check or circle)

4b. Provide a narrative summary of your response.

For any public or private entity deemed to require an SDP permit for their solid waste processing activities, the provisions of this administrative chapter are applied equally to all. There are currently no facilities permitted pursuant to 567 IAC 104. For this administrative chapter to be applicable, a facility must already be deemed an SDP, which would require its design and operations to be in compliance with its primary SDP permitting chapter. Any solid waste management activity that is beyond what's authorized in the facility's primary SDP permitting chapter would be incorporated into their operating permit as a special condition; not amended pursuant to authorities granted in 567 IAC 104. As such, this administrative chapter has been rendered moot, except for those provisions pertaining to solid waste incinerator operator certification.

4c. Does the chapter result in the inequitable treatment of anyone affected by the chapter but not required to comply with it?

Yes No (check or circle)

4d. Provide a narrative summary of your response.

The administrative chapter as written does not result in inequitable treatment, but rather the DNR's interpretation and implementation of its requirements has changed. A case could be made that the DNR has not held all "recycling operations" (e.g. mixed waste recyclers and single-stream recycling processors) to the same standards expressed in 567 IAC 104.21 - 104.24, and therefore those entities required to obtain an SDP permit have been treated inequitably, despite not being required to comply given current statutory authorities.

4e. Are there known negative unintended consequences of this chapter?

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Yes No (check or circle)

If the answer is "yes," then answer question 4f. If not, then proceed to question 5.

4f. Specifically state the nature of any negative unintended consequences.

As highlighted in response to question 1(b) above, the misinterpretation of this administrative chapter has led to some facilities being permitted as an SDP that should not have been. These facilities have had to apply for an SDP permit and have been subject to SDP permit conditions when their solid waste management activities did not meet the statutory definition of an SDP (i.e. facilitates the final disposition of solid waste). Furthermore, Iowa's waste flow control laws limit the area from which an SDP can accept waste for management. This placed those material recovery operations with an SDP permit at a competitive disadvantage and in direct competition with the local landfill or waste transfer station.

This administrative chapter also appears to over-regulate the use of mechanical separation and processing equipment, and it's unclear how this level of regulatory oversight at an SDP provides any appreciable level of additional human health or environmental protection.

One of the stated goals of the Iowa General Assembly is to divert waste from landfill disposal. However, certain regulatory requirements placed upon SDPs through solid waste comprehensive planning (i.e. waste flow control and comprehensive planning area authorization) have resulted in negative impacts that potentially limit waste diversion efforts. If waste diversion and recycling facilities are classified as SDPs, the area from which they can accept waste is limited to the planning area's member communities. This could be a limiting factor in the establishment of some facilities and places these facilities in direct competition with the local landfill or transfer station. In addition to waste flow, SDPs are required to obtain written acceptance into the solid waste comprehensive planning area with which it provides waste management services to. This creates a situation in which the material recovery facility's direct competitor (e.g. landfill agency) controls whether they're allowed to operate within the comprehensive planning area.

5. CAN THE GOALS OF THE CHAPTER BE ACHIEVED IN A MORE EFFICIENT OR STREAMLINED MANNER?

5a. Is the chapter broader than necessary to accomplish its purpose or objective?

Yes No (check or circle)

5b. Provide a narrative summary of your response.

While the objective of this administrative chapter was to establish standards for SDPs using certain mechanical separation equipment, much of this chapter outlines basic SDP permitting and operational provisions that have over time been incorporated into other administrative chapters. This administrative chapter also seems to be a catchall for provisions that do not fit

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neatly into any other solid waste administrative chapter. For example, the provisions of 567 IAC 104.25 pertain to solid waste incinerator operator certification and should be reviewed for inclusion within a more applicable administrative chapter. This has resulted in provisions that appear out of place, which may have lead to confusion by the regulated public and the DNR in interpreting what solid waste management activities this administrative chapter regulates.

5c. Is the purpose of this chapter achieved in the least restrictive manner?

Yes No (check or circle)

5d. Provide a narrative summary of your response.

This administrative chapter is overly prescriptive (e.g. all equipment is to be washed daily, metals that have been recovered are to be stored in containers, the operating area for solid waste is to be as small as practicable). Also, many of the chapter's requirements are duplicative of what's being adopted in other solid waste permitting chapters (e.g. closure requirements in 567 IAC 104.11). As stated previously, material recovery facilities are not included within the definition of an SDP and therefore should not be permitted as such.

5e. What, if any, reasonable and practical alternatives to this chapter are available by the agency?

- The goal of this administrative chapter can be achieved in a more efficient and streamlined manner by establishing a process to clearly determine the difference between material recovery facilities and SDPs that undertake certain waste processing activities. Once this type of process is decided upon, the DNR could better evaluate whether or not a separate administrative chapter for SDPs with processing facilities is necessary. An example for further discussion could be the establishment of a minimum recycling rate that would define when a material recovery facility is operating more like an SDP, which could provide an incentive for facilities to attain a high recycling rate to maintain their SDP exempt status.
- Operational requirements that do little to protect the environment should be considered for rescission (e.g. washing equipment daily, solid waste handling area shall be as small as practicable, storing metals in a leak proof container). These operational activities should be left to the equipment manufacturers and operators to determine and be based upon commensurate environmental risks. There are also several operating and storage requirements within this administrative chapter that are duplicative of those in other solid waste permitting chapters (e.g. 567 IAC 102), and therefore could be rescinded. Those provisions that should be retained (e.g. storage of solid waste), should be incorporated into another more applicable solid waste permitting chapter.
- The solid waste incinerator operator certification process could be simplified. These requirements are extensive and overly complicated. For example, having to apply to take the exam that is administered by the DNR, and then apply to the DNR for certification seems redundant and unnecessary work for both the operator and the DNR. It may also be more appropriate to adopt the operator certification requirements

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for solid waste incinerators in a portion of Iowa Code administered by the DNR's Air Quality Bureau, rather than in Iowa Code section 455B.304(12). Further dialogue with those currently permitted and the DNR's Air Quality Bureau is needed to determine what ramifications this revision may have upon current operations.

- Further discussion regarding what constitutes a legitimate product vs. solid waste as it relates to storage (e.g. containers and timeframe) and financial assurance requirements is also needed.

5f. How do the economic and social costs of various alternatives to this chapter, if known, appear to compare to the known economic costs of this chapter?

Clarifying how material recovery facilities are to be regulated by the DNR would reduce confusion as to what permitting provisions are applicable. As a result, there could be those limited instances where a facility that currently is not required to obtain an SDP permit, could be required to comply with permitting provisions.

Reducing overly prescriptive provisions and reorganizing those provisions which make sense for inclusion within other solid waste administrative chapters will improve regulatory understanding and compliance. Therefore, it's not anticipated that the suggested revisions would result in an increase in cost to either the DNR or the regulated public.

5g. Do the known economic costs of the chapter outweigh the known economic and social benefits?

The costs of this administrative chapter do outweigh the benefits, given the prescriptive requirements of this administrative chapter would not be applied to a facility already permitted pursuant to another SDP permitting chapter. Unless the DNR is granted statutory authority to regulate certain recycling or material recovery activities, the provisions of this administrative chapter (except for solid waste incinerator operator certification) are unnecessary, as they only provide regulatory hurdles to those SDPs employing certain types of processing equipment. The DNR's solid waste administrative rules should be constructed in such a manner that activities resulting in material recovery or other types of waste diversion are encouraged, and have regulatory requirements commensurate with associated environmental risks.

6. DOES THE CHAPTER AFFECT BUSINESS OR INDUSTRY?

6a. Does the chapter affect businesses operating in Iowa?

Yes No (check or circle)

If the answer is "yes," then answer questions 6b through 6i as applicable. If not, then proceed to question 6f.

6b. What kinds of businesses are affected by this chapter?

Any public or private agency operating an SDP that includes certain mechanical processing equipment shall comply with this administrative chapter.

6c. Does this chapter create a burden for businesses?

Yes No (check or circle)

6d. Explain your response to question 6c.

The misinterpretation of this administrative chapter has led to some facilities being permitted as SDPs that should not have been. These facilities have had to apply for SDP permits and have been subject to SDP permitting provisions such as financial assurance and waste flow control. Also, the lack of clarity and consistency regarding how the DNR is to regulate "recycling operations" (567 IAC 104.21 - 104.24) has been a burden for businesses.

If the answer to question 6c is "yes," then answer question 6e. If not, then proceed to questions 6f through 6i.

6e. If this rule does create a burden for businesses, what options are available to address those burdens?

The DNR has the statutory authority to permit facilities that are deemed to be SDPs, and other types of solid waste management activities for which specific authority has been granted. As recycling facilities are not specifically addressed, this chapter has been misinterpreted over time to meet certain oversight concerns at the time. Continuing to place SDP permitting requirements and costs upon these entities engaged in recycling, without proper administrative authority is an unnecessary burden. Those provisions which the state legislature deems appropriate for certain recycling operations should first be codified in statute and then incorporated into another administrative chapter.

6f. Do industry standards affect the subject matter of this chapter?

Yes No (check or circle)

If the answer is "yes," answer questions 6g through 6i as applicable. If not, proceed to question 7.

6g. Have industry standards changed since the adoption of this chapter?

Yes No (check or circle)

If the answer is "yes," answer questions 6h and 6i. If not, proceed to question 7.

6h. What industry standards have changed since the adoption of this chapter?

Recycling and reuse technologies have advanced since this chapter was first adopted, resulting in provisions being outdated and not representative of operations undertaken (e.g. 72 hour storage restriction). In addition, as the cost of solid waste disposal has increased, renewed interest has been placed upon waste conversion technologies that result in various biofuels and refuse-derived fuels. Solid waste is being viewed more as a commodity with value, rather than a necessary burden with associated management and disposal costs.

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6i. Would revision of the chapter be useful in implementing the purposes of the chapter in light of any industry standard revisions? (Cite the portions of the chapter that could be revised.)

Revision of this administrative chapter or deletion of it would be useful upon further legislative clarification of what activities are deemed to “facilitate the final disposition of solid waste” or what activities constitute “final disposition.” This clarification would allow the DNR to evaluate what regulatory oversight and administrative chapter revisions are needed to address material recovery and waste processing operations.

With regard to waste conversion facilities that undertake processing activities, the DNR has determined it can regulate these facilities in a manner that is protective of human health and the environment under existing air pollution control and water quality laws. If necessary, the DNR and local authorities can still use solid waste and public nuisance laws to address public nuisances and open dumping issues at such facilities. With that in mind, the DNR acknowledges that additional discussion is needed with stakeholders to determine the appropriate level of regulatory oversight, and what subsequent administrative chapter revisions may be needed.

7. DOES THIS CHAPTER AFFECT JOB CREATION?

7a. Does the chapter affect job creation?

Yes No (check or circle)

If the answer is “yes,” then answer questions 7b and 7c. If not, then proceed to question 8.

7b. If this chapter affects job creation, in what manner does that occur?

Not Applicable

7c. If this chapter is required by state or federal statutes, or federal regulations, how has the department minimized negative job impacts?

Not Applicable

8. IS THERE ANY DOCUMENTATION OR PAPERWORK REQUIRED BY THIS CHAPTER?

8a. Is there any documentation or paperwork required by this chapter?

Yes No (check or circle)

If documentation or paperwork is required, then answer questions 8b through 8e. If not, then proceed to question 9.

8b. What is the purpose of the documentation or paperwork?

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The rules within this administrative chapter that require the submittal of paperwork pertain to three specific areas: 1) DNR notification of recycling operations processing paper, cans, and bottles, 2) applications for solid waste incinerator certified operator training and examination, and 3) financial assurance for SDPs with processing facilities. All other documentation pertaining to minimum permit application requirements and subsequent reporting to the DNR are adopted in 567 IAC 104.1 by referencing the permitting provisions of 567 IAC 102.

8c. Who reviews the paperwork required by the chapter?

DNR central office program staff and field office staff review permit applications, semi-annual reports and site inspection reports to ensure compliance with regulations and to ensure such activities are protective of human health and the environment. The minimum permit application and management plans required in this administrative chapter serve as the basis for permit issuance, documentation of compliance with operating requirements, and proof of operator certification.

8d. How is the documentation or paperwork required by this chapter informative or useful for the public?

Because all paperwork is made public, it provides transparency and a level playing field for all required to comply with this administrative chapter. The minimum permit application and management plans required in this administrative chapter serve as the basis of information to include in a facility's SDP permit. This provides the DNR and the public with information on who, what and how solid waste materials are being managed at a site. These permit application requirements are vital to the permitting process to ensure solid waste management activities are adequately protective of human health and the environment.

8e. How, if possible, can the documentation or paperwork requirements be reduced?

As stated in the Phase 2 summary for 567 IAC 102, there are several opportunities to streamline the permitting process for solid waste management facilities; either through the adoption of "general permits" or a broader application of "permit-by-rule," which would result in a more efficient process for the regulated community, without a lessening of environmental protection standards. There are also opportunities to restructure and simplify the required management plans that must accompany each permit application submittal, and opportunities to reduce paperwork through streamlining/standardizing reporting requirements (e.g. tonnage reports, financial assurance).

9. DO OTHER STATE AGENCIES REGULATE THE ISSUES ADDRESSED BY THIS CHAPTER?

9a. Do any other state agencies regulate any issue(s) addressed by this chapter?

Yes No (check or circle)

If the answer is "yes," then answer questions 9b to 9e. If not, then proceed to question 10.

9b. If other state agencies regulate any issue(s) addressed by this chapter, provide the name of each agency, a description of how each agency is involved, and specify the subject matter regulated by each agency.)

Not Applicable

9c. Is there a need for more than one set of rules?

Yes No (check or circle)

If the answer is "yes," then proceed to question 9d. If not, then proceed to question 9e.

9d. If any other state agencies regulate any issue(s) addressed by this chapter and one or more of the other sets of rules are necessary, explain why.

Not Applicable

9e. If this chapter or a portion thereof is duplicative, explain how and why.

Not Applicable

10. IS THE CHAPTER USER FRIENDLY?

10a. Is the chapter written and organized in a clear and concise manner so that those to whom it applies can readily understand it?

Yes No (check or circle)

If the answer is "no," then answer question 10b. If not, then proceed to question 11.

10b. If not, explain what changes can be made to improve readability, eliminate ambiguity, or increase understanding. Be specific, to the extent possible.

This administrative chapter is confusing as is evident by the way in which it has been implemented incorrectly to imply that all facilities that mechanically process solid waste, with the exception of source-separated recycling operations, are SDPs. There are provisions within this administrative chapter that appear to have been incorporated without forethought as to whether it was applicable or how the DNR should enforce such provisions. This "cut-and-paste" layout only increases confusion as to what requirements are applicable to which facilities.

Beyond the fundamental application of this administrative chapter, there are several opportunities to consider in addressing the ambiguity within this administrative chapter. They include:

- Perhaps the most significant point of ambiguity is in who this administrative chapter applies to, and how those waste processing activities are to be regulated. Further legislative clarification of what activities are deemed to "facilitate the final disposition of

solid waste” and what activities constitute “final disposition” is needed. This clarification would allow the DNR to evaluate what regulatory oversight and administrative chapter revisions would be needed to address material recovery and waste processing operations.

- Given many of the site design, operating, and closure requirements expressed within this administrative chapter are also outlined in other solid waste permitting chapters, this raises the question of whether many of the provisions within this administrative chapter are needed. However, there are some provisions within this administrative chapter that are not duplicated in any other solid waste permitting chapter (e.g. solid waste incinerator operator certification, recycling operations), and those provisions need to be re-evaluated and possibly amended into another applicable solid waste administrative chapter.
- Confusion also arises in those instances where an SDP permitted under another administrative chapter also undertakes certain waste processing activities expressed within this administrative chapter. As a result, a case could be made that these processing activities would also need to meet the permitting provisions of 567 IAC 104, which may or may not be contradictory to one another.
- 567 IAC 104.3 through 567 IAC 104.7 pertain to specific types of equipment that may be used in processing solid waste. These types of requirements should be left to the equipment manufacturers as to proper maintenance schedules and operation. As stated prior, it's unclear how this level of oversight of mechanical separation and processing equipment at an SDP provides any appreciable additional level of human health or environmental protection.
- 567 IAC 104.21 through 567 IAC 104.24 pertain to "recycling operations", however, recycling operations are not defined in this administrative chapter, and given they promote waste diversion, it's not clear how these facilities meet the definition of an SDP for which the DNR has regulatory authority. One solution may be to set diversion criteria to help define those material recovery facilities operating more like an SDP, and subsequently exempt those facilities that meet a minimum diversion goal (e.g. % of the volume received monthly is recycled/diverted) from SDP permitting.
- 567 IAC 104.25 pertains to solid waste incinerator operator certification. This certification is required in Iowa Code, however, given all incinerator permitting is overseen by the DNR's Air Quality Bureau, it may be more appropriate to have this certification program administered by DNR's Air Quality Bureau, instead of the Solid Waste section. Further discussion with the DNR's Air Quality Bureau is needed to evaluate this assertion. This revision may require an Iowa Code change, as this requirement (Iowa Code section 455B.304(12)) is currently located within the state's

solid waste statutes.

- 567 IAC 104.26 pertains to SDP financial assurance requirements. These provisions are virtually identical in all solid waste permitting chapters, and consolidating these requirements into a singular administrative chapter could significantly reduce the level of duplication that currently exists. Depending upon how material recovery facilities and recycling operations are defined, they may or may not be permitted as an SDP for which financial assurance is applicable.
- 567 IAC 104.11 and 567 IAC 104.24 are both closure requirements. Since 567 IAC 104.11 is for SDPs and 567 IAC 104.24 is for recycling operations, it seems to imply recycling operations are not SDPs, however, the scope of this administrative chapter pertains only to SDPs with processing equipment. The inclusion of permitting requirements for recycling operations under an administrative chapter that applies to SDPs with processing, adds to the confusion.
- 567 IAC 104.23 provides an exemption to certain recycling operations based upon the materials they manage and the processes they employ. By providing an exemption to some recycling facilities, it implies that the administrative chapter is applicable to all other recycling facilities (except those specifically exempted). However, as discussed above, most recycling operations do not meet the definition of an SDP and therefore permitting them as such is not appropriate. Either statutory authority must be provided to the DNR to regulate certain recycling operations, or the DNR will need to consider establishing some diversion criteria that can be applied to these operations in order to determine whether those activities should be regulated as an SDP.
- 567 IAC 104.24 pertains to closure requirements applicable to recycling operations. This rule states that they must "close in conformance with their approved closure plan, this rule, rule 567-104.11(455B), and the requirements of 567-Chapter102." The only closure requirements expressed in this administrative chapter are in 567 IAC 104.11, so referencing "this rule" and "their approved closure plan" are redundant and provides no additional level of clarification.

11. ARE THE CITATIONS IN THE CHAPTER ACCURATE?

11a. If this chapter contains Iowa Code citations, are those citations proper and current?

Yes No Not Applicable (check or circle one option)

If the answer is "no," then answer question 11b. If not, then proceed to question 11c.

11b. If not, list and explain the corrections that need to be made to the Iowa Code citations.

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Not Applicable

11c. If this chapter contains federal statutory citations, are those citations proper and current?

Yes No Not Applicable **(check or circle one option)**

If the answer is "no," then answer question 11d. If not, then proceed to question 11e.

11d. If not, list and explain the corrections that need to be made to the federal statutory citations.

Not Applicable

11e. If this chapter contains federal regulatory citations, are those citations proper and current?

Yes No Not Applicable **(check or circle one option)**

If the answer is "no," then answer question 11f. If not, then proceed to question 11g.

11f. If not, list and explain the corrections that need to be made to the federal regulatory citations.

Not Applicable

11g. If this chapter contains internal cross-reference citations, are those citations correct and current?

Yes No Not Applicable **(check or circle one option)**

If the answer is "no," then answer question 11h. If not, then proceed to question 11i.

11h. If not, list and explain the corrections that need to be made to the internal cross-references.

567 IAC 104.26(6)"d" states that proper closure means the completion of all items in 567 IAC 104.11 and 567 IAC 104.26(4). 567 IAC 104.11 outlines the closure requirements and 567 IAC 104.26(4) outlines the amount of financial assurance required. If the facility completes proper closure in accordance with 567 IAC 104.11, there is no need to reference the cost estimate required by a professional engineer to complete closure.

11i. If the chapter contains cross-reference citations to other chapters, are those citations correct and current?

Yes No Not Applicable **(check or circle one option)**

If the answer is "no," then answer question 11j. If not, then proceed to question 11k.

11j. If not, list and explain the corrections that need to be made to the cross-references to other chapters or outside sources.

Not Applicable

11k. If this chapter contains website references, are those website references necessary, correct and current?

<p>Yes <input type="checkbox"/> No <input type="checkbox"/> Not Applicable <input checked="" type="checkbox"/> (check or circle one option)</p> <p><i>If the answer is "no," then answer question 11l. If not, then proceed to question 11m.</i></p>
<p>11l. List and explain any necessary corrections to the website references.</p> <p>Not Applicable</p>
<p>11m. If the chapter contains <u>addresses and phone numbers</u>, are the addresses and phone numbers necessary, correct and current?</p> <p>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Not Applicable <input type="checkbox"/> (check or circle one option)</p> <p><i>If the answer is "no," then answer question 11n. If not, then proceed to question 11o.</i></p>
<p>11n. List and explain any corrections that need to be made to the addresses and phone numbers contained in the chapter.</p> <p>Not Applicable</p>
<p>11o. If the chapter contains <u>adoptions by reference</u>, are those adoptions by reference correct and current?</p> <p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Not Applicable <input type="checkbox"/> (check or circle one option)</p> <p><i>If the answer is "no," then answer question 11p. If not, then proceed to question 11q.</i></p>
<p>11p. List and explain any corrections that need to be made to update adoptions by reference.</p> <p>567 IAC 104.26(5)"f"(5) refers to Government Accounting Standards Board (GASB) Statement 18. GASB Statement 18 pertains only to accounting standards for municipal solid waste landfill closure and postclosure care costs; not to any activity this administrative chapter regulates.</p>
<p>11q. If the chapter contains <u>DNR-created documents adopted by references</u>, are those document references necessary, correct and current?</p> <p>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Not Applicable <input type="checkbox"/> (check or circle one option)</p> <p><i>If the answer is "no," then answer question 11r. If not, then proceed to question 12.</i></p>
<p>11r. List and explain any corrections that need to be made to update the DNR-created document references.</p> <p>Not Applicable</p>

<p>12. WHAT PUBLIC GROUPS ARE AFFECTED BY THE CHAPTER?</p>
<p>12a. List any stakeholder groups, workgroups, public groups or other public participants impacted by the issues in the chapter.</p> <p>Potential interested parties: Public and private agencies operating or planning to operate an SDP</p>

This document has been created as a preliminary internal review tool for DNR staff to use in the initial analysis of rules and rule chapters. Any information contained in this document is subject to change and is not meant to imply any specific intention to request that any further evaluation or formal rulemaking process should occur.

in Iowa, Iowa Society of Solid Waste Operations (ISOSWO), Association of Business and Industry (ABI), Iowa League of Cities, Iowa State Association of Counties (ISAC), Iowa Solid Waste Comprehensive Planning Areas, Iowa Environmental Council (IEC), Iowa Recycling Association (IRA), Sierra Club – Iowa Chapter, County Environmental Health Sanitarians, DNR Air Quality permitted solid waste incinerators

12b. If any stakeholders have already been included in a review process for this chapter during the past five years, state the names of those stakeholder groups, workgroups, public groups, or other public participants, and explain the nature of their involvement.

External stakeholder feedback has not been sought in the past five years regarding revisions to this administrative chapter.