

IOWA DEPARTMENT OF NATURAL RESOURCES

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Solid Waste Administrative Rule Review: 567 IAC 104

Sanitary Disposal Projects with Processing Facilities

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 104

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.

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."

Because material recovery facilities (i.e. recycling) 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 567 IAC 104.23), are SDPs. Because of this misinterpretation, the processing facility SDP permit classification was created. 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.

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

- 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.
- The goal of this administrative chapter can be achieved more efficiently by establishing a process to clearly determine the difference between material recovery facilities and SDPs that undertake certain waste processing activities. 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.
- Given all incinerator permitting is overseen by the DNR's Air Quality Bureau, it may be more appropriate to have the solid waste incinerator operator 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.

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.**