

IOWA DEPARTMENT OF NATURAL RESOURCES

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Solid Waste Administrative Rule Review: 567 IAC 105

Organic Materials Composting 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 105

The intent of this administrative chapter was to ensure that composting operations are carried out in a manner that is protective of human health and the environment, by addressing the various types of composting and level of regulation, if any.

DNR's legal authority

This administrative chapter directly implements the provisions of Iowa Code section 455D.9(3), in that it provides exemptions, permit-by-rule and individual facility permits to ensure the safe and proper method of composting of solid and yard wastes.

Improvement opportunities for discussion

- A case can be made that composting does not facilitate the final disposition of solid waste (i.e. a sanitary disposal project (SDP)), but rather is a form of recycling and therefore does not warrant an SDP permit. This position is supported by the definition of "recycling" in 567 IAC 100.2, where it states in part, "Recycling includes, but is not limited to, the composting of yard waste which has been previously separated from other waste and collected by the sanitary facility." However, it's unclear whether the composting of other solid wastes should be defined as recycling or should be further regulated by the DNR. In conflict with this are the numerous instances within this administrative chapter where the composting permit is referred to as an SDP permit, or certain permitting requirements only applicable to SDPs are being required (e.g. financial assurance).

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.

- Problems associated with compost facilities are typically nuisance odor or storm water/wastewater related, all of which fall outside the regulatory authority of the DNR's Solid Waste section. To address many of the nuisance concerns, perhaps an alternative to explore further would be to exempt those that operate in an enclosed structure with a liquids collection system from having to obtain an operating permit.
- Rather than a regulatory effort focused primarily upon facility permitting, perhaps DNR resources could be focused more on expanded education and technical assistance to compost operations to avoid those common management issues (e.g. odor, runoff, compost leachate lagoon management) brought to local and state officials. Given liquid runoff is regulated by the DNR's storm water program, dead farm animal disposal is regulated by the Iowa Department of Agriculture and Land Stewardship (IDALS) and odors are regulated by the local authority, expanded outreach efforts could improve understanding and compliance.
- Further dialogue with our counterparts at IDALS is necessary to identify any areas of regulatory overlap regarding composting and the management of dead farm animals. While 567 IAC 105.6 sets forth specific requirements for the composting of dead farm animals, Iowa Code chapter 167 and 21 IAC 61 set forth IDALS's authority over dead farm animal disposal.
- Another option may be to differentiate between the types of composting feed stocks (e.g. food waste, yard waste) and the various methods of composting in order to promulgate appropriate regulations for each, rather than a common set of requirements applicable to all composting operations that may actually be limiting to certain operations.

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-dnrswwr@lists.ia.gov. The subject line is left blank.

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