

# IOWA DEPARTMENT OF NATURAL RESOURCES

## LEADING IOWANS IN CARING FOR OUR NATURAL RESOURCES

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### Solid Waste Administrative Rule Review: 567 IAC 106

#### Citizen Convenience Centers And Transfer Stations

**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 106

The intent of this administrative chapter was to provide a convenient and efficient means of consolidating residential and commercial waste into larger, high-volume transfer vehicles for more economical shipment. These facilities reduce overall transportation costs, air emissions, energy use, truck traffic and road wear and tear. The requirements of this administrative chapter ensure the use of best management practices in siting, design, and operation to maximize facility effectiveness and efficiency, while minimizing their impact on the surrounding community.

#### DNR's legal authority

Iowa Code section 455B.305 authorizes the DNR to administer a permitting program for the construction and operation of sanitary disposal projects (SDP). 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 authority to establish rules for the issuance of permits and the general operation and maintenance of SDPs.

Given solid waste transfer stations are facilities which "facilitate the final disposition of solid waste", they are therefore, SDPs by definition. In support of the DNR's legal authority to regulate, the Iowa Supreme Court case of ABC Disposal vs. Iowa Department of Natural Resources, 681 N.W.2d 596, 605-606 (Iowa 2004) concluded that solid waste transfer stations are indeed 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 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

- Iowa Code section 455B.304(18) provides the authority for “general permits” to be issued for a type of solid waste facility that is representative of a class of facilities across the state. This approach would expedite permit issuance, as well as minimize unnecessary paperwork and staff oversight. Additional advantages include a simplified application form, no submittal of engineering plans, reduced DNR review and processing time, improved permit consistency, and explicit permit requirements prior to application. As solid waste consolidation and transfer operations occur indoors, most environmental concerns have been eliminated.
- Operator training is required for facilities accepting more than 20,000 tons annually. A discussion with industry regarding whether or not this is necessary, or if it should be required of all facilities regardless of the amount of waste accepted, is suggested. The requirement that operators be certified also requires the DNR track such certifications to ensure they’re current, and DNR resources may be better utilized elsewhere.
- Permit renewals are required every three years, yet very few changes occur at solid waste transfer stations or citizen convenience centers (CCCs) within this timeframe. As there are costs associated with preparing permit renewal documents, changing to a “general permit” or permit-by-rule approach, or extending the permit duration beyond three years are key opportunities to evaluate in achieving the appropriate level of oversight.
- Evaluate switching from requiring an individual facility permit to a “general permit” or permit-by-rule for CCCs. While the functions of a CCC closely parallel those of a solid waste transfer station, they do so on a significantly smaller scale. The limited environmental risk may not warrant the same level of permitting oversight as a solid waste transfer station. Any nuisance conditions may be addressed through existing DNR authorities.

## 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](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).