



## Department of Natural Resources

### Five-Year Rule Review Worksheet

#### Phase 2 - Part C

#### BASIC INFORMATION

Date Part C Review Concluded: December 1, 2014

Reviewer Name(s): Chad Stobbe, Susan Johnson, Theresa Stiner, Amie Davidson

561

565

567

571

575

Chapter<sup>1</sup> Number: Chapter 109

Chapter Name: Special Waste Authorizations

#### 1. DOES THIS CHAPTER<sup>2</sup> 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 a regulatory program for the safe and proper disposal of certain wastes (e.g. industrial process waste, pollution control waste or toxic waste) which present a threat to human health or the environment, or wastes with inherent properties that make disposal in a sanitary landfill difficult to manage. The provisions of this chapter assist sanitary landfills and waste generators in making waste determinations (per 40 Code of Federal Regulations (CFR), Part 261.2) and in evaluating various reuse and waste handling options.

<sup>1</sup> 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.).

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

## 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.

At the conclusion of this administrative chapter there is a chapter implementation sentence that states, "These rules are intended to implement Iowa Code section 455B.304."

[Iowa Code section 455B.304](#) - 455B.304(1) and 455B.304(17)

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

The provisions of this administrative chapter directly implement the statutory obligations expressed in Iowa Code section 455B.304(17), by establishing a special waste authorization program. In addition, while there are specific rules within this administrative chapter that have direct statutory authority, 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."

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.

40 CFR, Part 61, Subpart M pertains to the federal National Emission Standards for Hazardous Air Pollutants (NESHAPS) requirements regarding (e.g. dust emissions control, manifesting, protective safety equipment).

49 CFR, Parts 171 and 172 pertain to the transportation of asbestos-containing waste material and require waste containment and shipping records.

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

Asbestos-containing material with greater than 1% asbestos is designated a General Special Waste pursuant to 567 IAC 109.11(1), which details how it shall be handled at the sanitary landfill.

*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.*

### 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.

The following are examples of where regulatory provisions of this administrative chapter are more stringent than federal statutory or regulatory requirements:

- 567 IAC 109.5(2)"c" - Restricts disposal of all wastes with polychlorinated biphenyl (PCB) equal to or greater than 50 ppm. Recent federal regulation (i.e. February 29, 2012 reinterpretation of 40 CFR, Part 761.3) now allows bulk product PCB waste exceeding 50 ppm to be disposed of in a Resource Conservation and Recovery Act (RCRA) Subtitle D compliant landfill.
- 567 IAC 109.5(2)"d" - Restricts the disposal of certain levels of polynuclear aromatic hydrocarbon (PAH) contaminated soil from disposal in a sanitary landfill. There are no federal PAH waste disposal regulations, only cleanup levels under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).
- 567 IAC 109.11(1)"h" - States that asbestos containing wastes (ACM) with greater than 1 percent asbestos content, must be covered with 6" of compacted soil daily, where federal regulations state covering with 6" of non-asbestos containing material - 40 CFR 154(c)(1). The federal citation implies that alternative daily cover materials could be used in lieu of soil.
- 567 IAC 109.11(2) - Does not allow petroleum contaminated soil (PCS) to be buried in a sanitary landfill, rather it must be remediated until the total hydrocarbon level is less than 100 ppm before it can be disposed of. Federal regulations allow direct landfilling, as long as it's a non-hazardous waste as defined in 40 CFR, Part 261.
- 567 IAC 109.5(2)"d" - States that SW 846 Method 8270 shall be used to characterize PAH contaminated soil. This test method quantifies much more than is required by 567 IAC 109.5(2)"d," and perhaps U.S. EPA Method 8310 may be a more appropriate because it's specific to the compounds listed in this paragraph.

#### 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.

Two waste generators in different solid waste comprehensive planning areas may have to handle their waste differently if one landfill requires special waste authorization and the other does not. Landfill agencies may also set different disposal fees for those materials deemed as special waste.

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 decision of whether a solid waste is or is not deemed a special waste is first made by the receiving sanitary landfill, and then a request is made to the DNR to support that determination. As such, identical businesses within the service area of two different landfills could be treated differently, depending upon whether the landfill deems the waste a special waste.

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

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.

Several requirements in this administrative chapter are more stringent than applicable federal regulation (see examples in response to 3b above), and identical wastes may be treated differently by landfills across the state if a special waste authorization is requested of the DNR. The differing handling criteria are the result of each landfill developing their own special waste acceptance criteria (SWAC). The SWAC lists the different kinds of special waste that each landfill (facility specific) will accept and the instructions for handling and disposal of each.

In addition to differing handling requirements at sanitary landfills for identical wastes, the variability in the costs associated with its management may also be considered by some to be an unintended consequence. The concern is that SWA requests could be influenced by the elevated cost of management dictated by landfills, such that SWAs are sought for waste streams that may not warrant such a designation.

"General special wastes" are special wastes (i.e. asbestos-containing material; petroleum-contaminated soil; and stabilized grit, bar screenings and grease skimmings) that are commonly accepted by sanitary landfills that have specific handling requirements for disposal that are

*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.*

explicitly listed in 567 IAC 109.11. While the intent of specifying certain wastes as “general special waste” was done to streamline the handling and disposal process, in doing so, further options for management at a sanitary landfill have as a result been excluded. The management provisions specified for these wastes should be set as guidance unless federal regulations apply (e.g. asbestos), and not a mandate of how the waste must be handled in all instances.

## 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 this administrative chapter is fairly succinct and easy to understand, there are some regulatory provisions that could be considered overly prescriptive (e.g. general special wastes), and which do not allow for any equivalent management options outside of the variance process in 561 IAC 10.

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.

As expressed in response to 3b above, there are several instances within this administrative chapter where requirements are more stringent than federal statutory or regulatory provisions.

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

While this administrative chapter serves to assist sanitary landfills and waste generators in the proper management of materials that are difficult to manage, there are opportunities to ensure state regulations do not exceed applicable federal regulations. Further evaluation and discussion is needed as to whether more stringent requirements are warranted within this administrative chapter or if minimum federal regulatory requirements are appropriate. As with any administrative chapter, there are opportunities to restructure and simplify the required documentation that must accompany each authorization request, and opportunities to reduce paperwork through streamlining and standardizing of the application and reporting requirements (e.g. online application and reporting).

As the determination regarding whether a material is a special waste is made by each individual sanitary landfill, this administrative chapter could be modified in such a manner that the DNR performs an assistance rather than regulatory role and still maintain the same level of environmental protection. Rules pertaining to materials prohibited from disposal in a sanitary landfill could then be incorporated into the sanitary landfill chapters.

*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.*

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?

The alternatives expressed above would streamline the application and reporting process, and would result in reduced costs realized through those efficiencies. The time and financial resources saved in facilitating this authorization process electronically could be significant, not to mention the shorter timeframe with which the DNR could issue authorizations for those wastes needing special handling.

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

The costs of this administrative chapter do not outweigh the benefits. The provisions of this administrative chapter serve to assist sanitary landfills and waste generators in properly and safely handling wastes that present a threat to human health or the environment if mismanaged. Despite the suggested revisions noted above regarding the application process and the DNR's administration of such, this administrative chapter sets forth clear and concise requirements that are for the most part not overly prescriptive or unnecessary. However, as with any administrative chapter, there are opportunities to streamline the application process, which would reduce the amount of time, paperwork and associated costs needed to request and maintain a special waste authorization.

## 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 that feels they may generate a waste stream that could pose unique handling and disposal challenges at a sanitary landfill, or may present a threat to human health or the environment, may utilize this administrative chapter. Municipal solid waste sanitary landfills, based upon the possible unique physical characteristics of a particular waste stream, may seek a special waste authorization from the DNR. While the DNR may approve or deny a special waste authorization request based upon the information submitted as part of the application, the decision to submit a request is that of the receiving landfill.

In addition to sanitary landfills and waste generators, this administrative chapter impacts first responders in that it provides assurance that safe handling and disposal criteria are in place when dealing with emergency response situations (e.g. spill disposal), when prompt waste management is needed.

*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.*

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

Yes  No  (check or circle)

6d. Explain your response to question 6c.

This administrative chapter does not create a burden for businesses. While the state of Iowa does not have Resource Conservation and Recovery Act (RCRA) Subtitle C authority (i.e. hazardous waste program), the requirements of this administrative chapter serve as a screening tool for waste generators to make a complete waste determination. Assistance is provided to waste generators to ensure they'll be in compliance with applicable federal regulations. In some cases, it's the waste generator who initiates the special waste authorization process as they feel their waste should be handled in a special manner, which provides safety measures to sanitary landfill personnel. The special waste authorization process can also assist facilities in identifying alternative reuse options, when appropriate, thus resulting in significant savings from avoided waste disposal costs.

*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?

Not Applicable

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.*

Anyone who generates a waste is required to make a waste determination to know how that waste is to be handled and disposed.

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?

On October 24, 2012, the U.S. EPA published in the Federal Register a reinterpretation of their position regarding PCB-contaminated building materials, specifically addressing the definition of PCB bulk product waste and PCB remediation waste. This reinterpretation modified building material contaminated by the migration of PCBs from remediation waste to define it as bulk product waste, which can be landfilled in a RCRA Subtitle D sanitary landfill even if it exceeds 50 ppm.

With the advanced technology and interest in oil exploration, Technically Enhanced Naturally Occurring Radioactive Material (TENORM) waste is being produced, with surrounding states varying in their regulations for disposal. This waste stream is not federally regulated and currently banned from Iowa sanitary landfills.

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.)

- Once the U.S. EPA exclusions in 40 CFR, Part 261.4 are recognized by the state, the clarification regarding materials which are not solid wastes and solid wastes which are not hazardous wastes, could be sited in this administrative chapter or guidance developed.
- The DNR is working with other states to identify a regulatory approach to properly handle TENORM wastes given its potential public health and environmental impact. 567 IAC 109 could be revised to reflect those best management practices for disposal given those findings.

## 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?

*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.*



The rules within this administrative chapter that require the submittal of paperwork pertain to minimum special waste authorization application requirements. This required documentation ensures solid wastes with specific handling and disposal provisions are managed in a safe and protective manner. It is also necessary to ensure the waste generator is using a sanitary landfill within their solid waste comprehensive planning area, as well as evaluating possible reuse options prior to disposal.

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

DNR central office program staff review special waste authorization applications to ensure compliance with regulations and to ensure such activities are protective of human health and the environment. The sanitary landfill is the first reviewer of the special waste authorization application, as they set waste acceptance criteria. The DNR is the second reviewer to evaluate any possible reuse opportunities, to ensure a complete waste determination has been made by the generator (e.g. review laboratory analytics), and that potential landfill burial issues are assessed to ensure worker safety. Ultimate approval resides with the DNR as to whether the solid waste warrants designation as a special waste pursuant to 567 IAC 109.

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 special waste authorization application requirements in this administrative chapter provide the DNR and the public with information on who, what and how solid waste materials are being managed at a site. Special waste authorization reviews also assist waste generators in documenting their waste determination process as required by 40 CFR, Part 262.11. Ultimately, these application requirements are vital to the special waste authorization review 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?

Opportunities exist to simplify the special waste authorization application form and to reduce paperwork through streamlining/standardizing reporting requirements (e.g. online application and reporting). An additional consideration would be to extend the term of the authorization beyond three years as currently stipulated in 567 IAC 109.5(2)“e.” 567 IAC 109.5(1) requires that two copies of the special waste authorization application be submitted to the DNR, however, only one application is necessary. Creating an online database that sanitary landfills could access that indicates those special waste authorizations previously issued by the DNR and the applicable handling criteria, could be beneficial to other sanitary landfills in determining how to manage certain wastes at their site.

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

*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.*

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.

The Iowa Department of Public Health (IDPH) administers the Radioactive Materials Program (RAM) pursuant to the provisions of 641 IAC 38, 39, 40, 41, 42 and 45.

The Iowa Department of Transportation (IDOT) regulates the transportation of medical waste through its adoption of the federal requirements in 49 CFR, Parts 171-180. A specific definition of regulated medical waste is found in 49 CFR, Part 176.134(a)(5), which closely mirrors the definition of infectious waste found in Iowa Code section 455B.501.

Iowa Workforce Development's Division of Labor Services administers Iowa's asbestos licensing and permitting program pursuant to Iowa Code chapter 88B and 876 IAC 155.

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?

While these regulations address issues included within 567 IAC 109, they regulate them from differing aspects such as transportation and human health impacts. As such, these separate regulatory requirements are needed and appropriate.

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

The provisions of 567 IAC 109.11(2) pertain to petroleum contaminated soil, and further discussion is needed as to whether these requirements can be rescinded because they conflict at times with the DNR's underground storage tank (e.g. 567 IAC 134, 135 and 136) and petroleum-contaminated soil landfarming regulations (e.g. 567 IAC 120). Furthermore, in those instances where the soil contamination is the result of heavy petroleum oils or tars that take years to remediate, perhaps further consideration should be given to the direct disposal of these types of contaminated soils in lieu of remediation.

## 10. IS THE CHAPTER USER FRIENDLY?

10a. Is the chapter written and organized in a clear and concise manner so that those to whom

*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.*

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.

There are several opportunities to consider in addressing the ambiguity within this administrative chapter. They include:

- Pursuant to 567 IAC 109.10(3), waste tires are classified as a special waste. However, after processing, they do not require any special handling and can be managed as regular solid waste. Perhaps this provision should be rescinded.
- The provisions of 567 IAC 109.10(2) regarding sewage sludge prohibit disposal at a sanitary landfill if it meets the criteria for Class I or II sewage sludge (including unstabilized septic tank pumpings) in 567 IAC 67. However, it does allow for Class I and II sewage sludge to be used as daily, intermediate or final cover according to the approved plan for the landfill. If Class I and II sewage sludge are so benign that they're specifically restricted from being disposed of at a sanitary landfill, then it's unclear why they're allowed to be used as daily, interim, or final cover. Furthermore, if Class I and II sewage sludge is so benign, then it's unclear whether it warrants inclusion as a special waste under this administrative chapter. Further discussion with industry is needed regarding this practice to determine whether adequate safeguards are in place.
- As stated in response to question 8e above, creating an online database that sanitary landfills could access that indicates those special waste authorizations previously issued by the DNR and the applicable handling criteria could be beneficial to other sanitary landfills in determining how to manage certain wastes at their site.
- It's unclear whether a waste generator must comply with the management provisions of 567 IAC 109.5(2)"d" regarding polynuclear aromatic hydrocarbon (PAH) contaminated soil if no special waste authorization is initiated by the receiving landfill. There are no comparable PAH limits set forth in 567 IAC 113.8(1)"b," which outlines the prohibited operations and activities at municipal solid waste sanitary landfills. With regard to PAH testing, increased flexibility in applicable U.S. EPA testing methods is needed as there are other options that may be more cost effective than method 8270 specified in 567 IAC 109.5(2).
- It may be more appropriate for the waste disposal prohibitions in 567 IAC 109.10 (e.g. radioactive waste, waste tires) to be included within 567 IAC 113.8(1)"b," which outlines those materials prohibited from disposal at a municipal solid waste sanitary landfill,

rather than an administrative chapter dedicated solely to those wastes that can be disposed of.

- Pursuant to 567 IAC 109.11(2)“h,” petroleum-contaminated soil that has been remediated to 100 ppm total hydrocarbon content may be used as daily cover material or incorporated into the working face of a municipal solid waste sanitary landfill. However, 567 IAC 113.8(1)“b”(10) states that municipal solid waste sanitary landfills can only accept petroleum-contaminated soil that has been managed pursuant to 567 IAC 120. The concentration levels expressed in 567 IAC 120.12 are Tier I levels pulled from 567 IAC 135.9 and represent “clean” soil. To further complicate matters, 567 IAC 108.4(14)“b” states that petroleum-contaminated soil that has been remediated to the contaminant levels in 567 IAC 120.12 can be used as either fill material at the original excavation site pursuant to 567 IAC 108.6(1), or an alternative cover material at a sanitary landfill pursuant to 567 IAC 108.8. As a result, there are four administrative chapters that have varying levels of remediation that provide for varying levels of reuse. These discrepancies must be resolved and those authorized applications post-remediation clearly expressed.
- It’s unclear whether the infectious waste provisions of 567 IAC 109.9 were adopted to address in some part, the statutory obligations of Iowa Code section 455B.501(2) that requires the DNR to recommend for adoption standards for the on-site and offsite treatment of infectious waste. If not, it appears that this statutory obligation has not been met. The DNR should either propose to rescind this Iowa Code requirement or initiate applicable rulemaking.
- 567 IAC 109.9 is confusing and provides limited direction regarding the proper handling of infectious waste. Additional regulatory requirements for infectious waste are covered under Iowa Department of Transportation (49 CFR, Parts 171-180). Waste generators are often bounced between multiple agencies in seeking assistance. There needs to be further guidance as to how to dispose of infectious waste if the waste generator is not affiliated with a hospital treatment facility (uncodified provision of 1993 Iowa Acts, Chapter 103, section 2; moratorium not applicable to medical waste incinerators already in operation by hospitals).
- The provisions of this administrative chapter appear to be limiting in that it’s implied that special wastes may only be accepted by a municipal solid waste sanitary landfill. For example, petroleum-contaminated soil remediation provisions in 567 IAC 109.11(2) require the material to be placed at the evaporation area, which may be the soil borrow area or an area with intermediate cover. If petroleum-contaminated soil is allowed to be remediated in a landfill’s soil borrow area that does not have a liner, then perhaps the type of sanitary landfill should not be a determining factor in where it can be managed.

## 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.

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.

Not Applicable

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?

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

*If the answer is "no," then answer question 11l. If not, then proceed to question 11m.*

11l. List and explain any necessary corrections to the website references.

Not Applicable

11m. If the chapter contains addresses and phone numbers, are the addresses and phone numbers necessary, correct and current?

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

*If the answer is "no," then answer question 11n. If not, then proceed to question 11o.*

11n. List and explain any corrections that need to be made to the addresses and phone numbers contained in the chapter.

567 IAC 109.11(1)"p" phone numbers should be updated as follows:

U.S. Environmental Protection Agency = (800) 223-0425

DNR's Air Quality = (515) 725-9500

Iowa Division of Labor Services = (515) 281-6175

11o. If the chapter contains adoptions by reference, are those adoptions by reference correct and current?

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

*If the answer is "no," then answer question 11p. If not, then proceed to question 11q.*

11p. List and explain any corrections that need to be made to update adoptions by reference.

Not Applicable

11q. If the chapter contains DNR-created documents adopted by references, are those document references necessary, correct and current?

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

*If the answer is "no," then answer question 11r. If not, then proceed to question 12.*

11r. List and explain any corrections that need to be made to update the DNR-created document references.

Not Applicable

## 12. WHAT PUBLIC GROUPS ARE AFFECTED BY THE CHAPTER?

12a. List any stakeholder groups, workgroups, public groups or other public participants impacted by the issues in the chapter.

Potential interested parties: Iowa Society of Solid Waste Operations (ISOSWO), Iowa Environmental Council (IEC), Iowa Recycling Association (IRA), Sierra Club – Iowa Chapter, Association of Business and Industry (ABI), Iowa Solid Waste Comprehensive Planning Areas, Publicly- owned treatment works (POTWs), Iowa Association of Municipal Utilities (IAMU), Iowa Workforce Development (IWD), Iowa Department of Public Health (IDPH), Petroleum Marketers and Convenience Stores of Iowa (PMCI), Iowa Environmental Health Association (IEHA), Iowa League of Cities, Iowa State Association of Counties (ISAC), Iowa Department of Transportation (IDOT), U.S. Environmental Protection Agency (EPA), Iowa Occupational Safety and Health Enforcement (IOSHA), County Environmental Health Sanitarians and current permitted municipal solid waste sanitary landfills in Iowa.

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.