

IOWA DEPARTMENT OF NATURAL RESOURCES

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502 E. NINTH STREET, DES MOINES, IA 50319
WWW.IOWADNR.GOV

CHUCK GIPP, DIRECTOR
BRUCE TRAUTMAN, DEPUTY DIRECTOR

Solid Waste Administrative Rule Review: 567 IAC 114

Sanitary Landfills: Construction And Demolition Wastes

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 114

The intent of this administrative chapter was to provide requirements for proper siting, design, and operation of a sanitary landfill that accepts only construction and demolition (C&D) wastes.

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."

Improvement opportunities for discussion

- The goal of this chapter may be achieved in a more efficient/streamlined manner by combining all sanitary landfill requirements into one comprehensive chapter. Those requirements, specific to a certain type of waste stream or facility, (e.g., monitoring parameters, cover requirements) could be delineated in subsequent rules within said chapter. Consolidating these similar landfill chapters into one comprehensive chapter may help eliminate duplication, resolve conflicting requirements, and lessen confusion (e.g., standardizing application/reporting forms) as to what needs to be submitted by applicants to obtain a sanitary landfill permit. This also recognizes the inefficiencies of maintaining and enforcing a separate set of administrative rules for a limited number of sites

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.

statewide, when many of the design and operating standards are comparable to those for municipal solid waste landfills.

- This administrative chapter is disorganized and difficult to locate specific provisions, which are often spread throughout the entire chapter and located in unrelated sections. For example, there are requirements related to facility closure located in no less than four different locations (i.e., 567 IAC 114.3(4), 114.13(10), 114.26(13) and 114.27(9)). Every effort should be made to ensure all related topics are located in the same section of the administrative chapter.
- A more vigorous waste load inspection requirement could be adopted to ensure incoming loads only contain C&D waste. Expanded DNR enforcement and a strict adherence to the materials specifically defined as C&D waste in 567 IAC 100.2 (i.e., wood, metal, rubble and trees) would be needed to consider maintaining current design requirements.
- A more fundamental issue is that this administrative chapter is only applicable to those sanitary landfills accepting only C&D wastes. However, the provisions contained within this administrative chapter repeatedly speak to “requirements for all sanitary disposal projects” or “general requirements for all sanitary landfills” or even to outdated specific design requirements (i.e., nonmunicipal landfill liner design) for sanitary landfills that are not restricted to one type of waste. Given there is so much overlap within this administrative chapter to provisions that are to be applicable to all sanitary landfills, it raises the question of whether the provisions specific to C&D waste should be incorporated into a single sanitary landfill administrative chapter.

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.