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Solid Waste Administrative Rule Review: 567 IAC 118

Discarded Appliance Demanufacturing

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 118

The intent of this administrative chapter was to provide for the proper removal and disposal of hazardous components commonly found in discarded appliances (e.g. polychlorinated biphenyls (PCBs), mercury and refrigerants).

DNR's legal authority

The provisions of this administrative chapter directly implement the statutory obligations expressed in Iowa Code section 455D.6(4) by establishing operating, record-keeping, training and closure standards for appliance demanufacturing operations. These standards are implemented through the issuance of permits to appliance demanufacturers.

Improvement opportunities for discussion

- Switching from an individual facility permit to a "general permit" or a permit-by-rule approach would streamline the regulatory process, while not lessening environmental protection standards.
- To limit the abandonment of discarded appliance stockpiles, a permit-by-rule approach similar to the Cathode Ray Tube (CRT) collection site registration program could be adopted. This could help close the loop on discarded appliance management from the point of collection through demanufacturing.
- This administrative chapter could be rescinded, since Iowa has no authority to implement the RCRA, Subtitle C hazardous waste program. The state could focus solely on providing education and technical assistance instead

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.

of permitting, or look to the U.S. EPA Region 7 office to implement the hazardous waste program in Iowa. Given most provisions of 567 IAC 118 were adopted to reinforce federal hazardous waste regulations, deferring to the entity that yields the regulatory authority would be appropriate.

- In lieu of the existing permitting program, a registration program could be established. Requirements for the program could include notification of facility location, proof of training and certification on how to dismantle appliances and annual reporting. This would minimize the burden of applying for a permit and the costs associated with it, yet still ensure that entities are trained and a network of known demanufacturers remains available to the public
- Further clarification is needed regarding when appliances are collected for parts and reuse, versus being recycled or deemed a solid waste by state law. Some facilities have collected thousands of appliances and stored them outside, yet claim that the appliances are for parts or are destined for future repair. As a result, they're not considered "discarded" and subject to the provisions of 567 IAC 118. Clarifying when an appliance is discarded would assist in determining which facilities are subject to permitting requirements.
- A more level playing field could be achieved if scrap metal salvaging operations agree to only accept discarded appliances from businesses that are part of an accredited appliance recycling program. Getting this type of agreement could possibly be achieved legislatively, administratively or through a cooperative agreement between auto shredders, the DNR and/or the U.S. EPA.

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.**