

MEMO



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From: Leslie Goldsmith, DNR Land Quality Bureau EMS Program Planner

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To: Planning Area members, Consultants, EMS Participants

RE: Environmental Management System (EMS) Participants and Comprehensive Planning – What is required?

- When Iowa Code 455J (Environmental Management Systems) originally passed, 455J.5.2 stated participants only had to file updated Comprehensive Plan Updates every five years. At that time, that was less frequently than the rest of Iowa's Planning Areas, who needed to file every 3 years. Since then, Chapter Iowa Administrative Code (IAC) Chapter 567-101 "Solid Waste Comprehensive Planning Requirements" was updated. Now all Planning Areas submit updates every 5 years.
- The information submitted in EMS Annual Reports garnered during the annual EMS External Audits is considered by DNR to be equal to or more substantial than what is required to be submitted in "Comprehensive plan updates for municipal solid waste sanitary disposal projects" IAC 567-101.13(2).
- Therefore EMS participants in good standing may fill out and submit a Petition or Waiver or Variance (Form 542-0004) and submit and input Planning Area Municipal Surveys to satisfy the Comprehensive Plan Update requirement.
- If the Variance is approved, in addition to discontinuing submission of a Plan Narrative, EMS participants will no longer need to provide resolutions with local governments and evidence of public participation. Communications required by the EMS program meet this requirement.
- The Online Municipal Survey data is not supplied by the EMS Annual Report, therefore it must continue to be submitted by all Planning Areas. That data and information is used for queries both internal and external to DNR. The DNR will continue to send letters regarding who will send the surveys out to communities to the Planning Area one year prior to the Plan Update due date. The Municipal Online Survey must be updated by the Planning Area at the time the Comprehensive Plan Update is due.
- For planning areas where all cities and counties are not participating as an EMS, the non-participating areas must still complete all comprehensive plan update requirements as specified in IAC 567-101. For example – MWA, Cedar Rapids-Linn and Waste Commission of Scott County each represent a service area in a larger planning area. The EMS participant would be required only to fulfill the Municipal Online Survey requirements while the other participants in their planning area must still submit a full Comprehensive Plan Update. This may be an incentive to encourage the whole Planning Area to become an EMS.