

## Guidance for the Transfer of a Landfill Permit

This document provides guidance for the transfer of a Solid Waste Sanitary Disposal Project (SDP) Permit for all sanitary landfills.

### Kickoff Meeting

Each permit transfer is unique, so it is recommended to set up a meeting (in-person or virtual) with the permit's project officer for the Iowa Department of Natural Resources (DNR) early on in the process. This provides an opportunity to go over this document and information that is available from the permit holder and/or the proposed permit holder.

Although not required for the meeting, the following information will need to be provided to the DNR to determine the next steps.

- Permit Information – Permit number and name. A signed Form 50 for the applicable type of landfill.
- Material Changes – Items that would affect the operations or the permit, including but not limited to responsible official, certified operators, equipment, permitted agency, etc.
- Compliance – Status of current or ongoing violations and non-compliance items.
- Timeframe – Although a definitive timeframe may not be known, a preliminary schedule of critical deadlines up through the closing of the transaction is needed.

### Public Notice

For a municipal solid waste landfill (MSWLF), a public notice will typically be required. Although this determination will be on a case-by-case basis, this requirement may be waived by the DNR if material changes are limited.

If a public notice is required, the DNR will prepare the public notice and provide it to the current permit holder for publication. Following publication, there is a 30-day public comment period after which the DNR reviews and responds to any comments received.

Although unusual, the Iowa Administrative Code contains provisions for a public meeting/hearing depending on the extent of comments received during the public comment period. In this case, the outcome of the meeting may impact the timing or ability of the DNR to transfer the permit.

### Conditional Approval

It is understood that both parties, the current permit holder and the entity to whom the permit is to be transferred, may need conditional approval from DNR to complete the transaction. An example conditional approval statement is provided below.

Based upon the information submitted in the November DD, YYYY letter from XYZ Company and after reviewing Iowa Administrative Code 567- 113.4(3) for transfer of title and permit for municipal solid waste sanitary landfills, the Iowa Department of Natural Resources (DNR) hereby conditionally approves the transfer of the sanitary disposal project permit listed above. The official transfer of the permit will occur after completion of the required public notice process, upon receipt of approvable financial assurance from the proposed permit holder, and upon receipt of a written statement that the transaction has closed. The DNR reserves the right to reconsider this conditional approval if any of the information provided is determined to be inaccurate.

### Financial Assurance

As stated in the example statement above, the proposed permit holder shall provide documentation to the DNR that adequate financial assurance is in place before the DNR can transfer the permit. In addition, the current permit holder shall maintain their financial assurance until the DNR gives written notification that they are no longer required to demonstrate financial responsibility.

Since financial assurance is a broad and detailed topic, it is recommended that a meeting be set up with the DNR's project officer, as well as the DNR's financial assurance reviewer, early on in the process. This will help ensure a smooth transition and that the requirements are understood by all parties.

## Compliance Items

567 IAC 102.8(1) The department shall transfer the permit when it determines that the sanitary disposal project is in compliance with Iowa Code chapter 455B and these rules and the terms of the permit, and that the transferee possesses the equipment and personnel to operate the project in conformance with chapter 455B and these rules and the terms of the permit.

Depending on the situation, ongoing violations or non-compliance items will need to be resolved before the permit can be transferred, and the DNR may place conditions in the new permit to address these issues. Therefore, it is in the current permit holder's best interest to resolve any issues before commencing this process.

## Permit Transfer

Once the above process is completed to the satisfaction of the DNR, the DNR can transfer the permit to the new permit holder.

## Other Items

Depending on the material changes and the type of landfill, updates to the permit documents may be necessary following the transfer of the permit, such as:

- Update of the organizational chart.
- Review and update of the Emergency Response and Remedial Action Plan (ERRAP).
- Changes in equipment, certified/licensed operators, monitoring, reporting, and methods of operation.
- A contingency plan detailing procedures in case of equipment breakdown, maintenance downtime, or fire in equipment or vehicles, including methods to be used to remove or dispose of accumulated waste.

## Additional Information

### Iowa Administrative Codes

- [IAC Chapter 567-102: Permits and Rules of Practice](#)
- [IAC Chapter 567-103: Coal Combustion Residue](#)
- [IAC Chapter 567-113: Sanitary Landfills for Municipal Solid Waste](#): Groundwater Protection systems for the disposal of nonhazardous wastes
- [IAC Chapter 567-114: Sanitary Landfills: Construction and Demolition Wastes](#)
- [IAC Chapter 567-115: Sanitary Landfills: Industrial Monofills](#)
- [IAC Chapter 567-106: Citizen Convenience Centers and Transfer Stations](#)

### Financial Assurance

- [Sanitary Landfills](#)

### Solid Waste Permitting

- [Solid Waste Programs](#)