

CHAPTER 106
CITIZEN CONVENIENCE CENTERS AND TRANSFER STATIONS

567—106.1(455B) Compliance. All existing citizen convenience centers and transfer stations shall be inspected and reviewed by the department to ensure compliance with these rules. These rules do not apply to medical waste transfer stations.

106.1(1) If a citizen convenience center or transfer station existing before July 17, 2002, is not in compliance, the department shall notify that facility in writing of the specific deficiencies. The facility shall then submit to the department in writing a compliance schedule for that facility within 30 days of notification by the department. The compliance schedule shall not exceed two years from the date of written notification by the department.

106.1(2) If an existing facility does not achieve compliance within two years from the date of written notification by the department, the facility shall close pursuant to 567—106.7(455B) if it is a citizen convenience center or 567—106.17(455B) if it is a transfer station.

567—106.2(455B,455D) Definitions. In addition to the definitions set out in Iowa Code section 455B.301, which shall be considered incorporated by reference in these rules, the following definitions shall apply:

“Citizen convenience center” means a permanent, fixed-location facility that has the primary purpose of receiving solid waste from citizens and small businesses that do not utilize solid waste collection vehicles or satellite solid waste collection vehicles. A citizen convenience center is a sanitary disposal project and may hold solid waste for a short period of time before collection. A citizen convenience center is not a transfer station or final disposal facility.

“Hot load” means solid waste that is smoking, smoldering, emitting flames or hot gases or otherwise indicating that the solid waste is in the process of combustion or close to igniting.

“Incidental solid waste transfer” means the truck-to-truck transfer of solid waste from a satellite solid waste collection vehicle to a solid waste collection vehicle, if that solid waste could be collected only by a satellite solid waste collection vehicle due to vehicle access restrictions.

“Satellite solid waste collection vehicle” means a small, specialized solid waste collection vehicle that has been specifically designed to service locations that have vehicle access restrictions that would otherwise render solid waste collection technically prohibitive.

“Solid waste collection vehicle” means a vehicle that has the primary purpose of collecting solid waste from a variety of locations, including at curbside and from dumpsters, compactors, and roll-off boxes.

“Solid waste transport vehicle” means a vehicle that serves the purpose of transporting solid waste received by a transfer station.

“Surge pit” means a pit inside a transfer station building that receives solid waste from the tipping floor or directly from solid waste collection vehicles. Surge pits provide more space for temporary storage during peak operating hours and allow for additional compaction of the solid waste before it is loaded into solid waste transport vehicles.

“Transfer station” means a permanent, fixed-location, enclosed transportation terminal that has the primary purpose of receiving solid waste from solid waste collection vehicles and loading that solid waste into solid waste transport vehicles. Truck-to-truck transfer of solid waste that is not incidental solid waste transfer is not allowed outside a transfer station building. A transfer station is a sanitary disposal project and may hold or store solid waste before transport for a short period of time. A transfer station is not a final disposal facility.

“Truck-to-truck transfer” means the direct transfer of solid waste from one vehicle to a second vehicle with no intermediary handling. Truck-to-truck transfer of solid waste that is not incidental solid waste transfer is not allowed outside a transfer station building.

“*Vector*” means a carrier organism that is capable of transmitting a pathogen from one organism to another. Vectors include, but are not limited to, birds, rats and other rodents, and insects.

“*Washwater*” means a water-based liquid that has either originated from solid waste unloaded inside the enclosed portion of a transfer station or that has come into contact with enclosed transfer station areas that have come into contact with solid waste.

567—106.3(455B) Citizen convenience center and transfer station permits.

106.3(1) *Permit required.* A citizen convenience center or a transfer station is a sanitary disposal project and shall not be constructed or operated without a permit from the department. In order to be issued a permit, a citizen convenience center or transfer station must satisfy the comprehensive planning requirements set forth in 567—Chapter 101. The issuance of a permit by the department in no way relieves the applicant of the responsibility of complying with all other local, state, or federal statutes, ordinances, and rules or other requirements applicable to the construction and operation of a citizen convenience center or transfer station.

106.3(2) *Citizen convenience center permit exemption.* If a citizen convenience center is located at a permitted recycling or composting facility or sanitary disposal project, it shall not require its own permit; instead, the citizen convenience center shall be amended into the host facility’s permit.

106.3(3) *Construction and operation.* A citizen convenience center or transfer station shall be constructed and operated according to the plans and specifications approved by the department and the conditions of the permit. The approved plans and specifications shall constitute a condition of the permit.

106.3(4) *Transfer of title and permit.* If title to a citizen convenience center or transfer station is transferred, then the department shall transfer the permit within 60 days if the department has found that the following requirements have been met:

a. The title transferee has applied in writing to the department to request a transfer of the permit within 30 days of the transfer of title.

b. The permitted facility is in compliance with Iowa Code chapters 455B and 455D, these rules and the conditions of the permit.

106.3(5) *Permit conditions.* Any permit may be issued subject to conditions specified in writing by the department that are necessary to ensure that the sanitary disposal project is constructed and operated in compliance with Iowa Code chapters 455B and 455D and these rules.

106.3(6) *Effect of revocation.* If a permit for a citizen convenience center or transfer station held by any public or private agency is revoked by the director, then no new permit shall be issued to that agency for that sanitary disposal project for a period of one year from the date of revocation. Such revocation shall not prohibit the issuance of a permit for the sanitary disposal project to another public or private agency.

106.3(7) *Inspection prior to commencing new operation.* The department shall be notified when the construction of a new citizen convenience center or a transfer station has been completed. The department shall then complete an inspection of the facility to determine if the sanitary disposal project has been constructed in accordance with the plans and specifications and permit requirements. No solid waste shall be accepted by the facility until it has been inspected and approved by the department.

106.3(8) *Duration and renewal of permits.* A citizen convenience center or transfer station permit shall be issued for a period of three years and is renewable, unless otherwise specified by conditions set forth in subrule 106.3(5).

106.3(9) Request and approval of permit renewal. A request for permit renewal shall be in writing and must be filed at least 90 days before the expiration of the current permit by submitting Form 50 (542-1542) to the department. The department may request that additional information be submitted for review in order to make a permit renewal decision. The department shall renew the permit if, after a review and inspection of the facility and its compliance history, the department finds that the facility is in compliance with Iowa Code chapters 455B and 455D, these rules and the conditions of the permit, and is making a good-faith effort to maintain compliance. If the facility is found not to be in compliance with Iowa Code chapters 455B and 455D, these rules, and the conditions of the permit or if a good-faith effort to maintain compliance is not being made, the sanitary disposal project shall be brought into compliance or placed on a compliance schedule approved by the department before the permit is renewed. The permit may be renewed with new conditions pursuant to subrule 106.3(5).

106.3(10) Request for permit modification. A request for permit modification shall be submitted in writing to the department with supporting documentation and materials. The department may request that additional information be submitted for review in order to make a permit modification decision. The department may also request that information pursuant to rule 106.4(455B) for citizen convenience centers or rule 106.8(455B) for transfer stations be resubmitted, in part or in whole, in order to make a permit modification decision. The modified permit may be approved with new conditions pursuant to subrule 106.3(5).

106.3(11) Emergency solid waste transfer permit. If a primary sanitary disposal project in a service area becomes inoperable, the department may issue an emergency solid waste transfer permit for a period of time no longer than necessary for a sanitary disposal project that provides replacement capacity to be constructed and become operational. The department may also issue an emergency solid waste transfer permit for a period of time no longer than necessary for a sanitary disposal project to return to permitted capacity if more solid waste is produced by an extraordinary event than can be managed by a sanitary disposal project. The conditions of an emergency solid waste transfer permit shall be determined by the department and may be used as an alternative to the requirements of this chapter. The department shall issue an emergency solid waste transfer permit only if the department has determined that the following conditions apply:

- a. It is not technically feasible to direct haul with solid waste collection vehicles and manage the solid waste at another sanitary disposal project or combination thereof in the service area or surrounding service areas.
- b. Solid waste must be transferred from the area in order to protect human health and the environment.

567—106.4(455B) Citizen convenience center permit application requirements.

106.4(1) A citizen convenience center permit applicant shall submit the following permit application information to the department:

- a. The name, address, and telephone number of:
 - (1) Owner of site where project will be located.
 - (2) Permit applicant.
 - (3) Official responsible for the operation of the project.
 - (4) Professional engineer (P.E.) licensed in the state of Iowa and retained for the design of the facility, if any.
 - (5) Agency to be served by the project, if any.
 - (6) Responsible official of agency to be served, if any.
- b. A legal description of the site.
- c. A map or aerial photograph locating the boundaries of the site and identifying:
 - (1) North and other principal compass points.
 - (2) Zoning and land use within 250 feet.
 - (3) Homes and buildings within 250 feet.
 - (4) Section lines or other legal boundaries.

- d.* Proof of the applicant's ownership of the site and legal entitlement to use the site as a citizen convenience center.
- e.* Days and hours of operation of the site.
- f.* The service area of the facility and political jurisdictions included in that area.
- g.* Type, source, and expected weight of solid waste to be handled per day, week, and year.
- h.* A description of the disposal process to be used.
- i.* A site design illustrating the facility, which may include engineering plans and specifications completed by the engineer listed in 106.4(1)"a"(4).
- j.* A plan of operations detailing how the site will comply with rule 106.5(455B) and with rule 106.6(455B,455D), if applicable.
- k.* A closure plan detailing how the site will comply with rules 106.7(455B) and 106.18(455B).
- l.* An emergency response and remedial action plan (ERRAP) pursuant to rule 106.19(455B).

106.4(2) If the department finds the permit application information to be incomplete, it shall notify the applicant in writing of that fact and of the specific deficiencies and return the application materials to the applicant within 30 days of such notification. The applicant may reapply without prejudice.

567—106.5(455B) Citizen convenience center operations.

106.5(1) Solid waste shall be accepted only from citizens and small businesses residing in the service area designated in 106.4(1)"f." Solid waste shall not be accepted from solid waste collection vehicles.

106.5(2) All solid waste received shall be loaded into dumpsters, compactors, or roll-off boxes and collected by solid waste collection vehicles. Solid waste shall not be loaded into solid waste transport vehicles.

106.5(3) Dumpsters, compactors, and roll-off boxes shall not be allowed to overflow, and solid waste shall be collected as often as necessary to prevent the attraction or harborage of vectors and to prevent a nuisance or public health hazard.

106.5(4) Litter shall be collected as often as necessary to prevent a nuisance or public health hazard.

567—106.6(455B,455D) Citizen convenience center reporting requirements. A citizen convenience center that directly disposes of solid waste outside Iowa shall report the following information, on a form provided by the department, to the department and local solid waste authority on a quarterly basis:

106.6(1) Tons of solid waste disposed of.

106.6(2) Comprehensive planning areas from which the solid waste originated, and the tons of solid waste disposed from each county and comprehensive planning area.

106.6(3) Destinations of all outgoing solid waste.

567—106.7(455B) Citizen convenience center closure requirements. The facility shall submit to the local political jurisdiction, the department, and department field office with jurisdiction over the citizen convenience center written notice of intent to permanently close the facility at least 180 days before closure. Closure shall be in conformance with the closure plan pursuant to 106.4(1)"k" and shall not be official until the department field office has given written certification of the completion of the closure plan and the following activities:

106.7(1) Proper disposal of all solid waste and litter at the site.

106.7(2) Removal of all dumpsters, compactors, roll-off boxes, and other solid waste receptacles.

106.7(3) Reporting of the completion of these activities to the local political jurisdiction, the department, and the department field office with jurisdiction over the citizen convenience center.

567—106.8(455B) Transfer station permit application requirements.

106.8(1) A transfer station permit applicant shall submit the following permit application information to the department:

- a.* The name, address, and telephone number of:
 - (1) Owner of site where project will be located.
 - (2) Permit applicant.
 - (3) Official responsible for the operation of the project.
 - (4) Professional engineer (P.E.) licensed in the state of Iowa and retained for the design of the facility.
 - (5) Agency to be served by the project, if any.
 - (6) Responsible official of agency to be served, if any.
- b.* A legal description of the site.
- c.* A map or aerial photograph locating the boundaries of the site and identifying:
 - (1) North and other principal compass points.
 - (2) Zoning and land use within 750 feet.
 - (3) Homes and buildings within 750 feet.
 - (4) Haul routes to and from the site with load limits or other restrictions.
 - (5) Section lines or other legal boundaries.
- d.* Proof of the applicant's ownership of the site and legal entitlement to use the site as a transfer station.
- e.* Days and hours of operation of the site.
- f.* The service area of the facility and political jurisdictions included in that area.
- g.* Type, source, and expected weight of solid waste to be handled per day, week, and year.
- h.* A description of the waste transfer and disposal process to be used.
- i.* An organizational chart.
- j.* An engineering design including applicable approvals from responsible government agencies and public entities, and triplicate engineering plans and specifications completed by the engineer listed in 106.8(1) "a"(4), detailing how the site will comply with rules 106.9(455B), 106.10(455B), 106.12(455B), and 106.15(455B).
- k.* A plan of operations detailing how the site will comply with rules 106.11(455B) through 106.16(455B).
- l.* A closure plan detailing how the site will comply with rules 106.17(455B) and 106.18(455B).
- m.* An emergency response and remedial action plan (ERRAP) pursuant to rule 106.19(455B).

106.8(2) If the department finds the permit application information to be incomplete, it shall notify the applicant in writing of that fact and of the specific deficiencies and return the application materials to the applicant within 30 days of such notification. The applicant may reapply without prejudice.

567—106.9(455B) Transfer station siting and location requirements. A transfer station shall meet the following requirements:

106.9(1) A transfer station shall not be located within a 100-year floodplain unless the design includes structures to prevent floodwater inundation from a 100-year flood of any area that comes into contact with solid waste or washwater.

106.9(2) A transfer station shall not be located within 500 feet of an educational or health care facility or permanent residence unless screening is utilized to minimize noise and visibility of operations. Such screening shall utilize natural components to the maximum extent possible. This requirement shall not apply if construction of the educational or health care facility or permanent residence began after the transfer station permit application was received by the department.

567—106.10(455B) Transfer station design standards.

106.10(1) Transfer station building. A transfer station shall include a building inside which all solid waste is unloaded from solid waste collection vehicles and loaded into solid waste transport vehicles. Truck-to-truck transfer of solid waste that is not incidental solid waste transfer is not allowed outside a transfer station building. A rear-loading solid waste transport vehicle that does not have any other open access and securely abuts the transfer station building so that minimal amounts of solid waste escape during loading shall qualify as being inside the building. The transfer station building shall meet the following requirements:

a. All surfaces that come into contact with solid waste shall be enclosed by walls and a roof satisfactory to:

- (1) Minimize dust and litter exiting the building.
- (2) Keep precipitation out of the building.
- (3) Prevent the attraction or harboring of vectors.

b. All surfaces that come in contact with solid waste or washwater shall be impervious to liquids.

c. The transfer station building shall have a drainage system that maintains a separation between stormwater and washwater.

d. The transfer station building shall have a washwater collection system that directs washwater to a storage tank for later disposal, a sanitary sewer system, or equivalent as approved by the department. Storage tanks shall have high-level indicators or gauges.

e. Each area where unloaded solid waste is stored during nonoperating hours shall be clearly marked and include a fire detection system.

f. If solid waste is to be managed or stored in a surge pit, then effective odor control mechanisms such as, but not limited to, mist systems and air filters shall be required.

g. If solid waste is to be managed or stored in a surge pit, then a sprinkler system shall be installed over that area.

h. Each area where salvaged materials are stored shall be clearly marked.

i. The transfer station building shall have adequate indoor and outdoor lighting that minimizes the difference in lighting when entering or exiting the building.

j. The transfer station building shall have doors at each entrance and exit.

106.10(2) Other transfer station design requirements. A transfer station shall:

a. Provide a secure perimeter fence, with lockable gate(s).

b. Use a scale certified by the Iowa department of agriculture and land stewardship.

c. Provide adequate queuing distance for vehicles entering and exiting the property such that lines of vehicles will not extend onto public streets during peak hours, unless approved by the appropriate local government authority.

d. Provide signs or pavement markings indicating safe and proper on-site traffic patterns.

e. Post a sign at the primary entrance to the facility specifying:

- (1) Name and permit number of facility.
- (2) Operating hours.
- (3) Materials that are accepted or the statement "All materials must have prior approval."
- (4) Telephone number of emergency contact person(s).

567—106.11(455B) Transfer station operating requirements. A transfer station shall perform its operations in a manner that complies with the following requirements:

106.11(1) Site access shall be controlled and limited to a time when a transfer station operator who has met the following training requirements is on duty:

a. Has read, understands, and is able to implement the plan of operations pursuant to 106.8(1) "k."

b. Has read, understands, and is able to implement the emergency response and remedial action plan pursuant to 106.8(1) "m."

c. Is able to visually recognize universal symbols and markings, and indications of unacceptable materials pursuant to subrule 106.11(4).

d. Is certified by a training program approved by the department such as, but not limited to, the Solid Waste Association of North America's Managing Transfer Station Systems Training and Certification Course, if the facility is permitted for 20,000 tons or more per year of solid waste.

106.11(2) Solid waste shall be accepted only from generators within the service area designated in 106.8(1) "f."

106.11(3) All unloading, handling, processing, screening, open storage, loading, and similar activities or processes involving solid waste shall be performed inside the transfer station building. Truck-to-truck transfer of solid waste that is not incidental solid waste transfer is not allowed outside a transfer station building. A rear-loading solid waste transport vehicle that does not have any other open access and securely abuts the transfer station building so that minimal amounts of solid waste escape during loading shall qualify as being inside the building. Salvaged materials that do not attract or harbor vectors may be stored outside the building in clearly marked designated areas.

106.11(4) All solid waste accepted by the transfer station shall, at a minimum, be visually inspected by personnel capable of identifying hot loads and hazardous, infectious, radioactive, and other wastes not acceptable for disposal in a sanitary landfill.

106.11(5) Transfer station operators shall segregate and manage unacceptable wastes and hot loads in accordance with applicable laws, and in a manner as safe and responsible as practical.

106.11(6) Transfer station operators shall be allowed to salvage materials. Scavenging shall not be allowed.

106.11(7) The operation of the facility shall be carried out in a manner that attempts to minimize litter, dust, odor, noise, vibration, and the attraction or harborage of vectors.

106.11(8) The transfer station building shall be maintained at a level of cleanliness necessary to prevent a nuisance or public health hazard.

106.11(9) On-site litter shall be maintained at a level of cleanliness necessary to prevent a nuisance or public health hazard. Off-site litter shall be collected daily.

106.11(10) The exterior of all buildings shall be maintained in a reasonable aesthetic condition, and that prevents the attraction or harborage of vectors, so as not to create a nuisance or public health hazard.

106.11(11) Washwater management systems shall not be allowed to overflow and shall be inspected monthly and maintained in proper operating condition.

106.11(12) Any breach of a surface that prevents washwater from entering the ground and groundwater shall be repaired within 24 hours to make that surface impervious to liquids. If such repairs cannot be made within 24 hours, the facility shall not allow solid waste or washwater to come into contact with the breached area until repairs are complete. If the facility cannot prevent solid waste or washwater from coming into contact with the breached area, the department may require the facility to shut down until repairs are completed.

106.11(13) Adequate provisions shall be made for the routine operational maintenance of the facility.

567—106.12(455B) Temporary solid waste storage at transfer stations.

106.12(1) *Areas permitted for storage.* Solid waste shall be stored at the transfer station in the following manner:

- a. Inside a transfer station building in a clearly marked designated area; or
- b. Inside a transfer station building in a surge pit; or
- c. Inside a secure solid waste transport vehicle, protected from precipitation and vectors.

106.12(2) *Storage time requirements.* Solid waste shall be stored no longer than the following periods of time, unless shorter storage times are required by the department or local government authority to prevent a nuisance or public health hazard:

- a. Inside a transfer station building without a surge pit or similar operational structure for not more than 48 hours, excluding Sundays and national holidays.

- b.* Inside a transfer station building in a surge pit for not more than seven days, including Sundays and national holidays.
- c.* Inside a solid waste transport vehicle designated to travel only via roadway for not more than 48 hours, excluding Sundays and national holidays.
- d.* Inside a solid waste transport vehicle designated to travel via rail or navigable waterway, including intermodal container systems, for not more than seven days, including Sundays and national holidays.

567—106.13(455B,455D) Transfer station record-keeping requirements.

106.13(1) A transfer station shall maintain a copy of the following documents:

- a.* Current permit(s), on site.
- b.* Plan of operation, on site.
- c.* Emergency response and remedial action plan, on site.
- d.* Proof of financial assurance, on file.

106.13(2) A transfer station shall maintain records of the following information for a period of three calendar years:

- a.* Tons of all solid waste disposed of quarterly.
- b.* Destination of all outgoing solid waste.
- c.* Washwater management system inspection log.
- d.* Hot loads and hazardous, infectious, radioactive, or other unacceptable wastes found.
- e.* Training received by transfer station operator(s) pursuant to 106.11(1).

567—106.14(455B,455D) Transfer station reporting requirements.

106.14(1) A transfer station shall report the following information, on a form provided by the department, to the department and local solid waste authority on a quarterly basis:

- a.* Tons of solid waste disposed of.
- b.* Comprehensive planning areas from which the solid waste originated, and the tons of solid waste disposed from each county and comprehensive planning area.
- c.* Destinations of all outgoing solid waste.

106.14(2) A transfer station shall be inspected annually by an Iowa-licensed professional engineer (P.E.). The inspection shall, at a minimum, cover the design standards pursuant to rule 106.10(455B). The inspection report shall reflect the facility's compliance with respect to the department-approved design and construction. The annual report shall be submitted to the department and department field office with jurisdiction over the facility by the first workday in November each year.

567—106.15(455B) Solid waste transport vehicle construction and maintenance requirements.

106.15(1) The portion of a solid waste transport vehicle that contains solid waste shall be designed to prevent the accidental discharge of its contents, the attraction or harborage of vectors, and infiltration of precipitation. This design shall include a suitable cover that is not easily torn, shredded, broken, or otherwise breached under normal use.

106.15(2) Any solid waste transport vehicle that fails to meet the requirements of this rule shall be repaired before it is utilized in the transport or storage of solid waste.

106.15(3) All solid waste transport vehicles shall be cleaned at intervals frequent enough to prevent a nuisance or vector attraction.

106.15(4) Wastewater generated from the cleaning of the areas of the solid waste transport vehicles that hold solid waste shall be considered washwater and shall be managed accordingly.

567—106.16(455B) Solid waste transport vehicle operation requirements.

106.16(1) A solid waste transport vehicle's openings shall be securely closed before transport and during solid waste storage so as to prevent the loss of solid waste.

106.16(2) A solid waste transport vehicle shall be loaded with solid waste inside a transfer station building and in a manner that minimizes the spilling of materials. Truck-to-truck transfer of solid waste that is not incidental solid waste transfer is not allowed outside a transfer station building. A rear-loading solid waste transport vehicle that does not have any other open access and securely abuts the transfer station building so that minimal amounts of solid waste escape during loading shall qualify as being inside the building. Solid waste spilled from a solid waste transport vehicle during loading shall be collected as often as necessary to minimize litter, dust, or other fugitive debris.

106.16(3) If solid waste is spilled from a solid waste transport vehicle during transport that is not on transfer station property, the spilled solid waste shall be collected as soon as possible. The transfer station shall immediately report the spill to the department and the department field office with jurisdiction over the transfer station and spill location.

567—106.17(455B) Transfer station closure requirements. The facility shall submit to the local political jurisdiction, the department, and department field office with jurisdiction over the transfer station written notice of intent to permanently close the facility at least 180 days before closure. Closure shall be in conformance with the closure plan pursuant to 106.8(1)“I” and shall not be official until the department field office has given written certification of the completion of the closure plan and the following activities:

106.17(1) Proper disposal of all solid waste and litter at the site.

106.17(2) Cleaning the transfer station building, including the rinsing of all surfaces that have come in contact with solid waste or washwater.

106.17(3) Cleaning of all solid waste transport vehicles that will remain on site, including the rinsing of all surfaces that have come in contact with solid waste.

106.17(4) Removal and proper management of all washwater in the washwater management system.

106.17(5) Locking all doors, gates, entrances, and exits.

106.17(6) Reporting of the completion of these activities to the local political jurisdiction, the department, and the department field office with jurisdiction over the transfer station.

567—106.18(455B) Citizen convenience center and transfer station financial assurance. The holder of a permit for a citizen convenience center or transfer station shall maintain a closure account as financial assurance. The account shall be specific to a particular facility.

106.18(1) Definitions. For the purpose of this rule, the following definitions shall apply:

“*Account*” means a formal set of separate records.

“*Current cost estimate*” means the cost estimate pursuant to subrule 106.18(2) prepared and submitted to the department by an Iowa-licensed engineer on an annual basis for transfer stations and once before the commencement of operation for a citizen convenience center.

106.18(2) Current cost estimate. The current cost estimate submitted by an Iowa-licensed professional engineer (P.E.) on an annual basis to the department shall be the sum of the following costs:

a. Transportation costs and total tip fees to properly dispose of twice the maximum daily tonnage of solid waste that could be accepted by the citizen convenience center or transfer station;

b. Transportation costs and total tip fees to properly dispose of the tons of solid waste equal to the maximum solid waste storage capacity of the transfer station, including solid waste storage in solid waste transport vehicles;

c. The cost of properly cleaning the transfer station building pursuant to 106.17(2) and solid waste transport vehicles pursuant to 106.17(3); and

d. The cost of properly disposing of a one-week volume of washwater from the transfer station. If the transfer station utilizes washwater storage tanks, then this estimate shall assume that the storage tanks are full and add that volume to the one-week volume.

106.18(3) *Nonassignment of funds.* Money in the account shall not be assigned for the benefit of creditors except the state of Iowa.

106.18(4) *Final judgments.* Money in an account shall not be used to pay any final judgment against a permit holder arising out of the ownership or operation of the site during its active life or closure.

106.18(5) *Withdrawal of funds.* Money in the account may be withdrawn without department approval only for the purpose of funding closure, including partial closure, activities that are in conformance with the closure requirements for citizen convenience centers or transfer stations. Withdrawals for activities not in conformance with a closure requirement must receive prior written approval from the department.

106.18(6) *Excess funds.* If the balance of a closure account exceeds the current cost estimate for closure at any time, then the permit holder may withdraw the excess funds so long as the withdrawal does not cause the balance to be reduced below the amount of the current cost estimate.

106.18(7) *Initial proof of establishment of account and funds.* Proof of the establishment of the account and its compliance with this rule shall be submitted to the department within 30 days of the close of the permit holder's first fiscal year that begins after July 17, 2002, or at the time of application for a permit for a new citizen convenience center or transfer station.

106.18(8) *Deposits.* Deposits into the closure account shall be made on an annual basis for a period of five years, in the amount specified in this rule, beginning with the permit holder's first fiscal year that begins after July 17, 2002. The deposits shall be made within 30 days of the close of the permit holder's fiscal year. The minimum annual deposit to the closure account shall be determined using the following formula:

$$\frac{CE - CB}{Y} = \text{annual deposit to closure account}$$

"CE" means the current cost estimate of closure costs, as applicable.

"CB" means the current balance of the closure account, as applicable.

"Y" means the number of years remaining in the five-year pay-in period.

106.18(9) *Investment of funds.* Funds held in the account established by this rule may only be invested in instruments listed at Iowa Code section 12B.10(5).

106.18(10) *Access to funds by the department.* The department shall have full rights of access to all funds existing in a facility's closure account, at the sole discretion of the department, if the permit holder fails to undertake closure activities after being directed to do so by a final agency action of the department. These funds shall be used only for the purpose of funding closure activities at the site.

567—106.19(455B) *Emergency response and remedial action plans.* A citizen convenience center or transfer station shall develop, submit to the department for approval, and maintain on site a detailed emergency response and remedial action plan (ERRAP).

106.19(1) *Submittal requirements.*

a. The owner or operator of facilities that have been permitted prior to the effective date of these rules shall submit a complete detailed ERRAP that meets the requirements set forth in this rule no later than December 31, 2001.

b. Applications for a new permit after the effective date of this rule shall incorporate a complete detailed ERRAP that meets the requirements set forth in these rules.

c. An updated ERRAP that meets the requirements of this rule shall be submitted at the time of each permit renewal or reissuance application that is due after December 31, 2001.

d. An updated ERRAP shall be included with any request for permit modification to incorporate a facility expansion or significant changes in facility operation that require modification of the currently approved ERRAP.

e. Three sets of ERRAP documents shall be submitted for department approval.

106.19(2) Content. The content of ERRAP documents shall be concise and readily usable as a reference manual by facility managers and operators during emergency conditions. The ERRAP document content shall address at least the following primary issues in detail, unless project conditions render the specific issue as not applicable. To facilitate department review, the rationale for exclusion of any issues that are not determined to be applicable must be provided either in the body of the plan or as a supplement. Additional ERRAP requirements unique to the facility shall be addressed, as applicable.

a. Facility information.

- (1) Permitted agency.
- (2) DNR permit number.
- (3) Facility description.
- (4) Responsible official and contact information.
- (5) Site and environs map.

b. Regulatory requirements.

- (1) Iowa Code section 455B.306(6) “*d*” criteria citation.
- (2) Reference to provisions of the permit.

c. Emergency conditions—response activities—remedial action.

- (1) Failure of utilities.
 1. Short-term (48 hours or less).
 2. Long-term (over 48 hours).
- (2) Weather-related events.
 1. Tornado.
 2. Windstorms.
 3. Intense rainstorms and erosion.
 4. Lightning strikes.
 5. Flooding.
 6. Event and postevent conditions.
- (3) Fire and explosions.
 1. Waste materials.
 2. Buildings and site.
 3. Equipment.
 4. Fuels.
 5. Utilities.
 6. Facilities.
 7. Working area.
 8. Hot loads.
 9. Waste gases.
 10. Evacuation.
- (4) Regulated waste spills and releases.
 1. Waste materials.
 2. Washwater.
 3. Waste gases.
 4. Waste stockpiles or storage facilities.
 5. Waste transport systems.
 6. Litter and airborne particulate.
 7. Site drainage systems.
 8. Off-site releases.

- (5) Hazardous material spills and releases.
 1. Load-check control points.
 2. Mixed waste deliveries.
 3. Fuels.
 4. Waste gases.
 5. Site drainage systems.
 6. Off-site releases.
- (6) Mass movement of land and waste.
 1. Earthquakes.
 2. Slope failure.
 3. Waste shifts.
- (7) Emergency and release notifications and reporting.
 1. Federal agencies.
 2. State agencies.
 3. County and city agencies.
 4. News media.
 5. Public and private facilities with special populations within five miles.
 6. Emergency response agencies and contact information.
 7. Reporting requirements and forms.
- (8) Emergency waste management procedures.
 1. Communications.
 2. Temporary discontinuation of services—short- and long-term.
 3. Facilities access and rerouting.
 4. Waste acceptance.
 5. Wastes in process.
- (9) Primary emergency equipment inventory.
 1. Major equipment.
 2. Fire hydrants and water sources.
 3. Off-site equipment resources.
- (10) Emergency aid.
 1. Responder contacts.
 2. Medical services.
 3. Contracts and agreements.
- (11) ERRAP training requirements.
 1. Training providers.
 2. Employee orientation.
 3. Annual training updates.
 4. Training completion and record keeping.
- (12) Reference tables, figures and maps.

These rules are intended to implement Iowa Code section 455B.304.

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