

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. Permitted solid waste citizen convenience centers and transfer stations must obtain and submit a financial assurance instrument to the department for solid waste storage in accordance with this rule. The financial assurance instrument shall provide monetary funds to properly dispose of any solid waste that may remain at a facility due to the owner's or operator's failure to properly close the site within 30 days of permit suspension, termination, revocation, or expiration.

106.18(1) *No permit without financial assurance.* The department shall not issue or renew a permit to an owner or operator of a citizen convenience center or transfer station until a financial assurance instrument has been submitted to and approved by the department.

106.18(2) *Proof of compliance.* Proof of the establishment of the financial assurance instrument and compliance with this rule, including a current closure cost estimate, 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. The owner or operator must provide continuous coverage for closure and submit proof of compliance, including an updated closure cost estimate, with each permit renewal thereafter until released from this requirement by the department.

106.18(3) *Use of one financial assurance instrument for multiple permitted activities.* Citizen convenience centers and transfer stations required to maintain financial assurance pursuant to any other provisions of 567—Chapters 100 to 123 may satisfy the requirements of this rule by the use of one financial assurance instrument if the permit holder ensures that the instrument provides financial assurance for an amount at least equal to the current cost estimates for closure of all sanitary disposal project activities covered.

106.18(4) *Financial assurance amounts required.* The estimate submitted to the department must be certified by an Iowa-licensed professional engineer and must account for at least the following factors determined by the department to be minimal necessary costs for closure pursuant to rule 106.7(455B) for citizen convenience centers and rule 106.17(455B) for transfer stations, as applicable:

a. Third-party labor and transportation costs and total tip fees to properly dispose of all solid waste and litter at the facility equal to twice the maximum storage capacity of the facility. If materials are temporarily stored on site in transportation vehicles or waste receptacles, then this estimate shall include disposal costs for the maximum number of transportation vehicles and waste receptacles that can be on site at any one time.

b. The cost of hiring a third party to properly clean and decontaminate all equipment, storage facilities, holding areas and drainage collection systems. This estimate shall include the cost of properly disposing of a one-week volume of washwater from the facility. If the facility utilizes washwater storage tanks, then this estimate shall assume that the storage tanks are full and add that volume to the one-week volume.

c. The costs for maintaining financial assurance pursuant to any other provisions of 567—Chapters 100 to 123, if any, in accordance with subrule 106.18(3).

106.18(5) *Acceptable financial assurance instruments.* The financial assurance instrument shall be established in an amount equal to the cost estimate prepared in accordance with subrule 106.18(4) and shall not be canceled, revoked, disbursed, released, or allowed to terminate without the approval of the department. Financial assurance may be provided by cash in the form of a secured trust fund or local government dedicated fund, surety bond, letter of credit, or corporate or local government guarantee as follows:

a. Secured trust fund. The owner or operator of a citizen convenience center or transfer station or entity serving as a guarantor may demonstrate financial assurance for closure by establishing a secured trust fund that conforms to the requirements of this paragraph.

(1) The trustee must be an entity which has the authority to act as a trustee and whose trust operations are regulated and examined by a federal or state agency. The fund shall be restricted for the sole purpose of funding closure activities at the facility, and a copy of the trust agreement must be submitted to the department and placed in the facility's official files.

(2) A secured trust fund shall name the department of natural resources as the entity authorized to draw funds from the trust, subject to the provision of proper notification to the trust officer of failure by the permittee to properly close the site within 30 days of permit suspension, termination, revocation, or expiration.

(3) Moneys in the fund shall not be assigned for the benefit of creditors with the exception of the state.

(4) Moneys in the fund 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 after closure.

(5) The owner or operator or another person authorized to conduct closure activities may request reimbursement from the trustee for closure expenditures as they are incurred. Requests for reimbursement shall be granted by the trustee only if sufficient funds are remaining in the trust fund to cover the remaining costs of closure and if documentation of the justification for reimbursement has been submitted to the department for prior approval.

(6) If the balance of the trust fund exceeds the current cost estimate for closure at any time, the owner or operator may request withdrawal of the excess funds from the trustee so long as the withdrawal does not cause the balance to be reduced below the amount of the current cost estimate.

b. Local government dedicated fund. The owner or operator of a publicly owned citizen convenience center or transfer station or a local government serving as a guarantor may demonstrate financial assurance for closure by establishing a dedicated fund that conforms to the requirements of this paragraph.

(1) The fund shall be dedicated by state constitutional provision or local government statute, charter, ordinance, resolution or order as a restricted fund to pay for closure costs arising from the operation of the facility.

(2) A copy of the document establishing the dedicated fund must be submitted to the department and placed in the facility's official files.

(3) If the balance of the dedicated fund exceeds the current cost estimate for closure at any time, the owner or operator may withdraw excess funds so long as the withdrawal does not cause the balance to be reduced below the amount of the current cost estimate.

c. Surety bond. A surety bond must be written by a company authorized by the commissioner of insurance to do business in the state. The surety bond shall comply with the following:

(1) The bond shall be in a form approved by the commissioner of insurance and shall be payable to the department of natural resources.

(2) The bond shall be specific to a particular facility for the purpose of properly disposing of any solid waste that may remain on site due to the owner's or operator's failure to properly close the site within 30 days of permit suspension, termination, revocation, or expiration.

(3) The owner or operator shall provide the department with a statement from the surety with each permit application renewal, noting that the bond is paid and current for the permit period for which the owner or operator has applied for renewal.

d. Letter of credit. The issuing institution must be an entity which has the authority to issue letters of credit and whose letter-of-credit operations are regulated and examined by a federal or state agency.

(1) The owner or operator must submit to the department a copy of the letter of credit and place a copy in the facility's official files.

(2) A letter from the owner or operator referring to the letter of credit by number, issuing institution, and date, and providing the name and address of the facility and the amount of funds assured, must be included with the letter of credit submitted to the department and placed in the facility's files.

(3) The letter of credit must be irrevocable and must be issued for a period of at least one year. The letter of credit must provide that the expiration date will be automatically extended for a period of at least one year unless the issuing institution has canceled the letter of credit by sending notice of cancellation by certified mail to the owner or operator and to the department 90 days in advance of cancellation. When such notice is provided, the owner or operator shall, within 60 days, provide to the department adequate proof of alternative financial assurance, notice of withdrawal of cancellation, or proof of a deposit of a sum equal to the amount of the letter of credit into a secured trust fund that meets the requirements of paragraph 106.18(5) "a." If the owner or operator has not complied with this subrule within the 60-day time period, the issuer of the letter of credit shall deposit a sum equal to the amount of the letter of credit into the secured trust fund established by the owner or operator. The provision of funds by the issuer of the letter of credit shall be considered an issuance of a loan to the owner or operator, and the terms of that loan shall be governed by the letter of credit or subsequent agreement between those parties. The state shall not be considered a party to this credit transaction.

e. Corporate guarantee. An owner or operator may meet the requirements of this rule by obtaining a written guarantee. The guarantor must be the direct or higher-tier parent corporation of the owner or operator, an owner or operator whose parent corporation is also the parent corporation of the owner or operator, or an owner or operator with a “substantial business relationship” with the owner or operator.

(1) The terms of the written guarantee must provide that within 30 days of the owner’s or operator’s failure to perform closure of a facility covered by the guarantee, the guarantor will:

1. Perform closure or pay a third party to perform closure as required (performance guarantee);
2. Establish a fully funded secured trust fund as specified in paragraph 106.18(5) “a” in the name of the owner or operator (payment guarantee); or
3. Establish an alternative financial assurance instrument in the name of the owner or operator as required by this rule.

(2) The guarantor must satisfy one of the following three conditions:

1. A current rating for its senior unsubordinated debt of AAA, AA, A, or BBB as issued by Standard & Poor’s or Aaa, Aa, A, or Baa as issued by Moody’s; or
2. A ratio of less than 1.5 comparing total liabilities to net worth; or
3. A ratio of greater than 0.10 comparing the sum of net income plus depreciation, depletion and amortization, minus \$10 million, to total liabilities.

(3) The tangible net worth of the guarantor must be greater than the sum of the current closure cost estimate and any other environmental obligations, including other financial assurance guarantees.

(4) The guarantor must have assets amounting to at least the sum of the current closure cost estimate and any other environmental obligations, including other financial assurance guarantees.

(5) Record-keeping and reporting requirements. The guarantor must submit the following records to the department and place a copy in the facility’s official files:

1. A copy of the written guarantee between the owner or operator and the guarantor.
2. A letter signed by a certified public accountant and based upon a certified audit that:
 - Lists all the current cost estimates covered by a guarantee including, but not limited to, cost estimates required by subrule 106.18(4); cost estimates required for municipal solid waste management facilities pursuant to 40 CFR Part 258; cost estimates required for UIC facilities under 40 CFR Part 144, if applicable; cost estimates required for petroleum underground storage tank facilities under 40 CFR Part 280, if applicable; cost estimates required for PCB storage facilities under 40 CFR Part 761, if applicable; and cost estimates required for hazardous waste treatment, storage, and disposal facilities under 40 CFR Parts 264 and 265, if applicable; and
 - Provides evidence demonstrating that the guarantor meets the conditions of subparagraphs 106.18(5) “e”(2), (3) and (4).

3. A copy of the independent certified public accountant’s unqualified opinion of the guarantor’s financial statements for the latest completed fiscal year. In order for the guarantor to be eligible to use the guarantee, the guarantor’s financial statements must receive an unqualified opinion from the independent certified public accountant. An adverse opinion or disclaimer of opinion shall be cause for disallowance of this instrument. A qualified opinion related to the demonstration of financial assurance may, at the discretion of the department, be cause for disallowance. If the department does not allow use of the corporate guarantee, the owner or operator must provide alternative financial assurance that meets the requirements of this rule.

f. Local government guarantee. An owner or operator may demonstrate financial assurance for closure by obtaining a written guarantee provided by a local government or jointly provided by the members of an agency established pursuant to Iowa Code chapter 28E.

(1) The terms of the written guarantee must provide that within 30 days of the owner’s or operator’s failure to perform closure of a facility covered by the guarantee, the guarantor will:

1. Perform closure or pay a third party to perform closure as required (performance guarantee);

2. Establish a fully funded secured trust fund as specified in paragraph 106.18(5)“a” in the name of the owner or operator (payment guarantee); or

3. Establish an alternative financial assurance instrument in the name of the owner or operator as required by this rule.

(2) The guarantor must satisfy one of the following requirements:

1. If the guarantor has outstanding, rated, general obligation bonds that are not secured by insurance, a letter of credit, or other collateral or guarantee, the guarantor must have a current rating of Aaa, Aa, A, or Baa, as issued by Moody's, or AAA, AA, A, or BBB, as issued by Standard & Poor's, on all such general obligation bonds; or

2. The guarantor must satisfy each of the following financial ratios based on the guarantor's most recent audited annual financial statement: a ratio of cash plus marketable securities to total expenditures greater than or equal to 0.05, and a ratio of annual debt service to total expenditures less than or equal to 0.20.

(3) The guarantor must prepare its financial statements in conformity with generally accepted accounting principles or other comprehensive basis of accounting and have its financial statements audited by an independent certified public accountant or the office of the auditor of the state of Iowa. The financial statement shall be in the form prescribed by the office of the auditor of the state of Iowa.

(4) A guarantor is not eligible to assure its obligations if:

1. The guarantor is currently in default on any outstanding general obligation bonds; or

2. The guarantor has any outstanding general obligation bonds rated lower than Baa as issued by Moody's or BBB as issued by Standard & Poor's; or

3. The guarantor operated at a deficit equal to 5 percent or more of total annual revenue in each of the past two fiscal years; or

4. The guarantor receives an adverse opinion or disclaimer of opinion from the independent certified public accountant or office of the auditor of the state of Iowa auditing its financial statement. A qualified opinion that is related to the demonstration of financial assurance may, at the discretion of the department, be cause for disallowance of this mechanism; or

5. The closure costs to be assured are greater than 43 percent of the guarantor's total annual revenue.

(5) The local government guarantor must include disclosure of the closure costs assured through the guarantee in its next annual audit report prior to the initial receipt of waste at the facility or prior to cancellation of an alternative financial assurance instrument, whichever is later. For the first year the guarantee is used to assure costs at a particular facility, the reference may instead be placed in the guarantor's official files until issuance of the next available annual audit report if timing does not permit the reference to be incorporated into the most recently issued annual audit report or budget. For closure costs, conformance with Governmental Accounting Standards Board Statement 18 ensures compliance with this public notice component.

(6) The local government owner or operator must submit to the department the following items:

1. A copy of the written guarantee between the owner or operator and the local government serving as guarantor for the closure costs at the facility.

2. A copy of the guarantor's most recent annual financial audit report indicating compliance with the financial ratios required by numbered paragraph 106.18(5)“f”(2)“2,” if applicable, and the requirements of subparagraphs 106.18(5)“f”(3) and (4).

3. A letter signed by the local government's chief financial officer that lists all the current cost estimates covered by the guarantor, as described in subrule 106.18(4); and that provides evidence and certifies that the local government meets the conditions of subparagraphs 106.18(5)“f”(2), (3), (4) and (5).

106.18(6) Financial assurance cancellation and permit suspension.

a. A financial assurance instrument may be terminated by the owner or operator only if the owner or operator substitutes alternate financial assurance prior to cancellation, as specified in this rule, or if the owner or operator is no longer required to demonstrate financial responsibility in accordance with this rule.

b. A financial assurance instrument shall be continuous in nature until canceled by the financial assurance provider or until the department gives written notification to the owner, operator, and financial assurance provider that the covered site has been properly closed. The financial assurance provider shall give at least 90 days' notice in writing to the owner or operator and the department in the event of any intent to cancel the instrument.

c. Within 60 days of receipt of a written notice of cancellation of financial assurance by the financial assurance provider, the owner or operator must provide the department an alternative financial assurance instrument. If a means of continued financial assurance is not provided within that 60 days, the department shall suspend the permit.

d. The owner or operator shall perform proper closure within 30 days of the permit suspension. For the purpose of this rule, "proper closure" means completion of all items pursuant to rule 106.7(455B) or 106.17(455B), as applicable, and subrule 106.18(4).

e. If the owner or operator does not properly close the site within the 30-day period allowed, the department shall file a claim with the financial assurance instrument provider to collect the amount of funds necessary to properly close the site.

f. An owner or operator who elects to terminate a permitted activity, whose renewal application has been denied, or whose permit has been suspended or revoked for cause must submit within 30 days of the termination of the permit a schedule for completing proper closure of the terminated activity. Closure completion cannot exceed 60 days from the date of termination of the permit.

g. The director may also request payment from any financial assurance provider for the purpose of completing closure when the following circumstances exist:

(1) The owner or operator is more than 15 days late in providing a schedule for closure or for meeting any date in the schedule for closure.

(2) The owner or operator declares an economic inability to comply with this rule, either by sending written notification to the director or through an action such as, but not limited to, filing for bankruptcy.

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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