

CHAPTER 102

PERMITS

[Prior to 7/1/83, DEQ Ch 27]

[Prior to 12/3/86, Water, Air and Waste Management[900]]

567—102.1(455B) Permit required. No public or private agency shall construct or operate a sanitary disposal project without first obtaining a permit from the director.

567—102.2(455B) Types of permits. There are four types of permits issued by the director. These are described in this rule.

102.2(1) Sanitary disposal project permit. This permit is issued by the director under the authority of Iowa Code section 455B.305. Such permits are issued for a term of three years and are renewable for similar terms.

a. Applications for renewal to be timely filed must be received at the department's office at least 90 days before the expiration date of the existing permit. For application forms, see 567—100.3(17A,455B).

b. The department shall conduct an inspection of the sanitary disposal project following receipt of the application for renewal. Following the inspection, the permit holder shall be notified of all measures needed to bring the sanitary disposal project into conformance with Iowa Code chapter 455B and these rules.

c. A permit shall be renewed when a properly completed application has been received and all corrective measures required under 102.2(1) "b" have been completed.

102.2(2) Temporary permit. This permit is issued by the director under the authority of Iowa Code subsection 455B.307(1) for solid waste disposal sites which do not comply with the requirements of Iowa Code chapter 455B and these rules. Such permits are issued for a term of one year, and are renewable. Temporary permits may be renewed if the director finds that the public interest will be best served by granting a renewal and the terms of the previous temporary permit have been complied with.

a. Temporary permits shall incorporate as a condition a compliance schedule specifying how and when the applicant will meet the requirements of Iowa Code chapter 455B and these rules.

b. The decision of the director whether to issue a temporary permit, being discretionary, shall be a final decision. Once a temporary permit has been issued, it may be suspended or revoked only as provided in Iowa Code section 455B.305 and 567—Chapter 7.

102.2(3) Developmental permit. The director may issue a developmental permit for construction and operation of a sanitary disposal project which is not specifically described in these rules if the permit applicant demonstrates at a public hearing that the proposed project can provide satisfactory disposal of solid waste without adverse health-related or environmental effects.

a. No such permit shall be issued until the director, after public hearing, considers and approves the proposed project.

b. Developmental permits shall be issued for a term no less than one year and no more than three years.

c. Developmental permits may be renewed if the director finds, following public hearing, that the sanitary disposal project provided satisfactory disposal of solid waste without adverse health-related or environmental effects over the term of the prior permit.

102.2(4) Closure permit. This permit is issued by the director under the authority of Iowa Code section 455B.305 for sanitary disposal projects which no longer accept solid waste. Such permits are issued for a term of 30 years. The term of subsequent renewal of the permit, if the postclosure period is extended, will be determined on a site-specific basis. A sanitary disposal project shall require a closure permit until the department determines that postclosure maintenance, postclosure monitoring, and operation of required leachate control system are no longer necessary.

a. Application shall be filed at the time of departmental notification of intended closure as required by this rule.

b. The application for issuance of this permit shall be based on a previously approved comprehensive plan and other rules adopted pursuant to the authority of Iowa Code section 455B.306.

c. This permit shall require submission of an annual audit report detailing the status of the financial instrument and other funds as required to guarantee completion of postclosure and monitoring requirements.

d. This permit may be modified by the issuance of an amendment by the department. Requests for permit amendments may be initiated by the department or by the permit holder.

e. At the end of the applicable postclosure period, and upon satisfactory completion of all required postclosure activities as established by Iowa Code chapter 455B, written notification shall be issued by the director stating that a permit is no longer required for the facility.

This rule is intended to implement Iowa Code section 455B.304.

567—102.3(455B) Applications for permits.

102.3(1) *Application requirements for permits and renewals.* See 567—100.3(17A,455B).

102.3(2) *Time limit on submittal of information.*

a. *Sanitary disposal project permit applications.* If an application for a sanitary disposal project permit is found to be incomplete by the department, the applicant will be notified of that fact and of the specific deficiencies. Thirty days following such notification, the application may be returned by the department as incomplete without prejudice to the applicant's right to reapply. The applicant may be granted, upon request, an additional 30 days to complete the application.

b. *Applications for renewal or amendment of a sanitary disposal project.* If an application for a sanitary disposal project permit renewal or amendment is found to be incomplete by the department, the applicant will be notified of that fact and of the specific deficiencies. Thirty days following such notification, the application may be denied by the department.

This rule is intended to implement Iowa Code section 455B.304.

567—102.4(455B) Preparation of plans. All plans and specifications submitted in the application for a sanitary disposal project permit or a developmental permit shall be prepared in conformance with Iowa Code chapter 114 and shall be submitted in triplicate.

567—102.5(455B) Construction and operation. All sanitary disposal projects shall be constructed and operated according to the plans and specifications as approved by the department and the terms of the permit. The approved plans and specifications shall constitute a term of the permit.

567—102.6(455B) Compliance with rule changes.

102.6(1) *Design and construction.* Sanitary disposal projects designed and constructed in accordance with rules in effect at the time of construction shall not be required to be redesigned or reconstructed due to subsequent rule changes unless the department finds that such facilities are causing pollution. Such facilities shall be brought into compliance with rules in effect at the time of reconstruction, enlarging, or otherwise modifying the sanitary disposal project, or at the time of permit renewal.

102.6(2) *Operation.* If any new rule conflicts with an operating procedure prescribed in the engineering plans or the permit of a sanitary disposal project, the operation shall conform with the new rule.

567—102.7(455B) Amendments. Sanitary disposal project permits, temporary permits, and developmental permits may be modified by the issuance of an amendment by the department, except as provided in 102.6(1).

567—102.8(455B) Transfer of title and permit. If title to an operational sanitary disposal project is transferred, and the transferee desires to continue operation of the project, the transferee shall apply in writing to the department within 30 days of the transfer for a transfer of the permit.

102.8(1) The department shall transfer the permit when it determines that the sanitary disposal project is in compliance with Iowa Code chapter 455B and these rules and the terms of the permit, and

that the transferee possesses the equipment and personnel to operate the project in conformance with chapter 455B and these rules and the terms of the permit.

102.8(2) No permit is valid after 60 days following transfer of title, unless the permit has been transferred by the department to the new titleholder pursuant to this rule.

567—102.9(455B) Permit conditions. Any permit may be issued subject to conditions specified in writing which are necessary to ensure the sanitary disposal project can be constructed and operated in compliance with these rules.

567—102.10(455B) Effect of revocation. If a permit held by any public or private agency for a sanitary disposal project is revoked by the director, no new permit shall be issued to that agency for that disposal project for a period of one year from the date of revocation. This shall not prohibit the issuance of a permit for the disposal project to another public or private agency.

This rule is intended to implement Iowa Code section 455B.305.

567—102.11(455B) Inspection prior to start-up. The department shall be notified when the initial construction of a sanitary disposal project has been completed, in order that an inspection may be made to determine that the project is constructed as designed. No solid waste shall be accepted by a sanitary disposal project until that project has been inspected and approved by the department.

567—102.12(455B) Primary plan requirements for all sanitary disposal projects. Every application for any permit issued by the department shall include the following. In addition, every application shall include the particular information required by the chapter describing the type of project to be constructed.

102.12(1) The name, address and telephone number of:

- a. Owner of site where project will be located.
- b. Permit applicant.
- c. Official responsible for operation of project.
- d. Design engineer.
- e. Agency to be served by the project, if any.
- f. Responsible official of agency served, if any.

102.12(2) A legal description of the site.

102.12(3) A map or aerial photograph locating the boundaries of the site and identifying:

- a. North or other principal compass points.
- b. Zoning and land use within one-half mile.
- c. Haul routes to and from the site with load limits or other restrictions.
- d. Homes and buildings within one-half mile.
- e. Section lines or other legal boundaries.
- f. Any nearby runway used or planned to be used by turbojet or piston-type aircraft at FAA certificated airports.

102.12(4) Type, source, and expected volume or weight of waste to be handled per day, week or year.

102.12(5) An organizational chart.

102.12(6) A detailed description of the disposal process to be used.

102.12(7) A table listing the equipment to be used, its design capacities and expected loads.

102.12(8) A contingency plan detailing specific procedures to be followed in case of equipment breakdown, maintenance downtime, or fire in equipment or vehicles, including methods to be used to remove or dispose of accumulated waste.

102.12(9) Proof of the applicant's ownership of the site or legal entitlement to use the site for the disposal of solid waste for the term of the permit for which application is made.

102.12(10) Closure/postclosure plan. A closure/postclosure plan shall be submitted which:

- a. Details how and when the facility will be closed in accordance with applicable requirements.

b. Describes the proposed groundwater monitoring plan, leachate control system, and site inspection and maintenance activities necessary to comply with 567—Chapter 110.

c. States the name, address and telephone number of the person or office to serve as a contact with regard to the facility during the postclosure period.

d. The closure/postclosure plan shall be submitted at the time of the first permit renewal after enactment of this rule, but not less than 180 days prior to closure.

102.12(11) Such other information as may be required by the director.

This rule is intended to implement Iowa Code section 455B.305.

567—102.13(455B) Operating requirements for all sanitary disposal projects. Every application for any permit issued by the department shall detail the means by which the following operating requirements shall be complied with. All sanitary disposal projects shall be operated in conformance with these requirements.

102.13(1) Open burning shall be prohibited except when permitted by 567—Chapter 23. Any burning to be conducted at the site shall be at a location and separate and distinct from the operating area.

102.13(2) Litter shall be confined to the property on which the sanitary disposal project is located. At the conclusion of each day of operation, any litter strewn beyond the confines of the operating area shall be collected and stored in covered leakproof containers or properly disposed.

102.13(3) Scavenging shall be prohibited. Any salvaging to be conducted must be described in the permit application and all salvaged materials must be stored and removed from the sanitary disposal project site in conformance with the permit conditions.

102.13(4) Effective means shall be taken to control flies, other insects, rodents and other vermin.

102.13(5) Equipment designated in the plans and specifications or equivalent equipment shall be used to operate the site at all times.

102.13(6) The major internal roads shall be of all weather construction and maintained in good condition. Dust shall be controlled on internal roads.

102.13(7) Sites open to the public shall have a permanent sign posted at the site entrance specifying:

a. Name of the operation.

b. The site permit number.

c. The hours and days the site is open to the public.

d. The categories of waste which will be accepted for disposal or, as an alternative, identifies the categories of waste which are prohibited.

e. Telephone number of official responsible for the operation.

102.13(8) Free liquids or waste containing free liquids. No free liquids or waste containing free liquids shall be disposed in a sanitary landfill.

102.13(9) General closure requirements.

a. The owner or operator shall notify the department in writing at least 180 days prior to closure of the facility or suspension of operations.

b. Notice of closure shall be posted at least 180 days prior to closure at the facility indicating the date of closure and alternative solid waste management facilities. Notice of closure shall also be published at least 180 days prior to closure in a newspaper of local circulation. This notice shall include the date of closure and alternative solid waste management facilities.

c. Implementation of the closure/postclosure plan shall be completed within 90 days of the closure of the facility. The owner and an engineer registered in Iowa shall certify that the closure/postclosure plan has been implemented in compliance with the rules, the closure/postclosure plan and the permit.

d. Upon completion of closure activities, as-built plans shall be submitted showing changes from the original design plans, test results indicating compliance with final cover as applicable, waste removal, equipment decontamination, and other forms of documentation as required, to include a copy of the notation filed with the county recorder.

This rule is intended to implement Iowa Code section 455B.304.

567—102.14(455B) Emergency response and remedial action plans.

102.14(1) Purpose. The purpose of this rule is to implement Iowa Code section 455B.306(6) “d” by providing the criteria for developing a detailed emergency response and remedial action plan (ERRAP) for permitted sanitary disposal projects.

102.14(2) Applicability. The requirements of this rule apply to the owners or operators of all sanitary disposal projects that are permitted under 567—102.2(455B). Permitted project types include: municipal and industrial waste landfills; construction and demolition waste landfills; coal combustion residue landfills; waste storage facilities; waste processing facilities; recycling and material recovery facilities; transfer stations; composting facilities; incinerator facilities; regional collection centers; land application facilities; and any facility deemed necessary to have a project permit under sanitary disposal project definition. Centralized regional collection center ERRAP documents shall specifically address the ERRAP requirements for each of the regional collection center’s satellite facilities. This rule is not applicable to waste tire management facilities.

102.14(3) Submittal requirements.

a. The owner or operator of facilities that are subject to this rule and have been permitted prior to October 24, 2001, 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 October 24, 2001, shall incorporate a complete detailed ERRAP that meets the requirements set forth in this rule.

c. An updated ERRAP that meets the requirements of this rule shall be submitted at the time of each permit renewal or permit 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. Facilities that submitted an ERRAP meeting the requirements defined under Iowa Code section 455B.306(6) “d” by May 1, 2001, including regional collection centers that, prior to this date, have met the contingency plan submittal requirement described in 567—Chapter 211, and were approved by the department prior to October 24, 2001, are not required to submit an updated ERRAP that meets the requirements of this rule until the next permit renewal application due date after December 31, 2001.

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

102.14(4) 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. The rationale for exclusion of any issue areas that are determined not to be applicable must be provided in either the body of the plan or as a supplement to facilitate department review. Additional emergency response and remedial action plan 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) Project location.
- (6) 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. Leachate.
 3. Waste gases.
 4. Waste stockpiles and storage facilities.
 5. Waste transport systems.
 6. Litter and airborne particulates.
 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.
 4. Waste subsidence.
- (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.

567—102.15(455B) Disposal of special wastes. Rescinded IAB 4/17/02, effective 5/22/02.

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