

CHAPTER 111
ANNUAL REPORTS OF SOLID WASTE ENVIRONMENTAL MANAGEMENT SYSTEMS

567—111.1(455J) Purpose. This chapter establishes methods and criteria for determining whether a planning area's or service area's environmental management system is in compliance with the provisions of Iowa Code section 455J.3.

[ARC 0041C, IAB 3/21/12, effective 4/25/12]

567—111.2(455J) Role of the department. Pursuant to Iowa Code subsection 455J.4(2), the department is responsible for the development and implementation of these rules.

[ARC 0041C, IAB 3/21/12, effective 4/25/12]

567—111.3(455J) Applicability. This chapter applies to those planning and service areas that have been designated as environmental management systems and that seek to continue to be so designated. This is a voluntary program, and planning and service areas may elect to leave the program at any time. Upon leaving the program, the planning or service area shall comply with the comprehensive planning requirements in 567—Chapter 101.

[ARC 0041C, IAB 3/21/12, effective 4/25/12]

567—111.4(455J) Definitions. For the purposes of this chapter, the following definitions apply:

“Annual report” means the required submittal to the department that documents an environmental management system's compliance with the requirements of Iowa Code section 455J.3.

“Aspect” means an element of a planning or service area's activities or operations that can interact with the environment.

“Audit” means a planned, objective and documented assessment, either done internally by the program participant or its designee or externally by an independent third party, to determine the performance of a planning or service area's system in relation to the designation requirements.

“Council” means the solid waste alternatives program advisory council appointed by the director pursuant to Iowa Code section 455J.6.

“Environmental management system” or *“EMS”* means the same as defined in Iowa Code section 455J.2(5).

“Environmental policy” means a statement by the planning or service area that includes:

1. The planning or service area's intentions and principles in relation to its overall environmental performance, which provides a framework for action and for setting environmental objectives and targets; and

2. The planning or service area's commitment to environmental compliance and continuous improvement.

“Fenceline” means the geographic area and the operations, facilities, and programs that the planning or service area has the ability to influence.

“Impact” means any change to the environment, whether adverse or beneficial, from an aspect of a planning or service area's activities or operations.

“Objective” means an overall and quantifiable environmental goal arising from the planning or service area's environmental policy.

“Plan component” means each of the six areas that are required to be addressed in an environmental management system, including: yard waste management, hazardous household waste collection, water quality improvement, greenhouse gas reduction, recycling services, and environmental education.

“Planning area” means the same as defined in rule 567—100.2(455B,455D).

“Service area” means that portion of a planning area that has been identified by the planning area to be a participant in the program. Only the service area is eligible for the program incentives described in Iowa Code section 455J.5.

“Target” means a detailed and quantifiable performance requirement that must be set and met in order to achieve the environmental objective. An objective may have several targets.

[ARC 0041C, IAB 3/21/12, effective 4/25/12; ARC 2756C, IAB 10/12/16, effective 11/16/16]

567—111.5(455J) Submittal of annual reports. Annual reports shall be submitted to the department by September 1 of each year and include all the requirements in 567—111.6(455J). Annual reports shall address activities that occurred during the previous state fiscal year that ended June 30. The reports shall be submitted on a form provided by the department.

[ARC 0041C, IAB 3/21/12, effective 4/25/12]

567—111.6(455J) Contents of annual reports. The following elements shall be included in the annual report.

111.6(1) Executive summary. The executive summary shall include an overview of the environmental improvements and benefits achieved during the past year as related to the system's objectives and targets. This summary would be similar to what is presented for management review.

111.6(2) Environmental policy statement. The annual report shall include a copy of the planning or service area's environmental policy statement and the date it was last reviewed and, if appropriate, revised. A copy of the communication procedure or other documents describing how the environmental policy statement has been conveyed to staff, management, and other individuals having a formal role in the implementation of the EMS shall also be included.

111.6(3) Aspects and impacts. The annual report shall identify and evaluate the actual or potential significant aspects and impacts to the environment, whether adverse or beneficial, from the planning or service area's activities, services and facilities. A description of the significant impacts to the environment that have been determined and the methodology used for this determination shall be included. Any changes that occurred or may occur in the near future that are likely to affect the identified impacts in the coming year shall be described. Such changes may include, but are not limited to, the closure or opening of facilities, other changes to the EMS's fenceline, the initiation of major new programs, and the discontinuation of a major service.

111.6(4) Legal and other requirements. The annual report shall list the legal requirements for the planning or service area's operations and facilities included in its EMS fenceline, including but not limited to, relevant environmental laws, regulations and permits, and worker health and safety regulations. A process for tracking any changes in these requirements shall be described. A brief summary of the planning area's regulatory compliance performance for the previous year, including a listing of recurring or significant violations related to the identified legal requirements and how they were or are being resolved, shall be included.

111.6(5) Plan components. The following elements shall be addressed for each of the six plan components.

a. Objectives and targets. This element describes the objective(s) relevant to the plan component and the targets established for achieving the objective(s).

b. Action plan. This element provides a plan that describes the actions necessary to achieve the objectives and targets. The plan includes the identification of the individuals and organizations responsible for carrying out specific tasks, time lines for completion of each step in the plan, and a schedule for periodically reviewing and updating, as conditions dictate, the objectives and targets.

c. Communication and training. This element describes the processes that have been established for internal and external communication.

(1) External communication includes reaching out to those groups and organizations that have been identified as having an interest, stake, or role in the planning or service area's ongoing EMS program. There shall also be procedures for receiving and responding to relevant communication from external interested parties.

(2) Internal communication is directed to individuals, organizations and entities that have a role or responsibility within the action plan. Internal communication includes a process to ensure that all responsible parties are familiar with the EMS and have the training necessary to capably execute their roles. A description of the training provided to responsible parties shall be included.

d. Monitoring and measurement. This element describes the documented process for monitoring key activities and, at a minimum, measuring performance related to each objective and target.

e. Assessment. This element provides documented procedures for assessing the performance of the component's action plan(s) in terms of achieving the stated objectives and targets and conformance with the overall EMS. The assessment element shall draw conclusions from the performance measurements.

f. Reevaluation and modification. The reevaluation and modification element is an activity that allows a planning or service area to improve and strengthen the EMS on an ongoing basis. This element considers areas where the EMS has met, exceeded, or failed to meet expectations. For each plan component, the report shall identify root causes of those outcomes and develop revised goals and activities appropriate to each.

111.6(6) Internal audit. A copy of the result of the latest internal audit that includes the date(s) it was conducted and the identity of the auditor(s) shall be provided as part of the report. An internal audit shall be conducted each state fiscal year.

111.6(7) External audit. An external audit shall occur each state fiscal year. The date of the latest external audit or the date the audit will take place, along with the identity and pertinent qualifications of the independent, third-party auditor(s) shall be provided. The results of the external audit shall be incorporated into the report. The department has a prequalification process for external auditors.

[ARC 0041C, IAB 3/21/12, effective 4/25/12]

567—111.7(455J) Evaluation criteria. Each annual report shall be reviewed by the council, and a determination as to whether a planning or service area's EMS is in compliance with Iowa Code section 455J.3 shall be made by October 1 of each year. Reports shall be reviewed for the following:

1. Completeness in terms of addressing all of the elements set forth in 567—111.6(455J).
2. Progress toward achieving the objectives and targets set forth in the EMS.
3. Clear demonstration of continuous improvement in terms of progress toward achieving the objectives and targets set forth in the EMS.

Upon achievement of these objectives and targets, a reevaluation and decision will be needed to verify whether a new target should be assigned to an objective or, if the objectives and targets were not achieved, what new initiatives should be incorporated into the EMS. Planning and service areas shall review procedures on a regular basis and revise as appropriate.

[ARC 0041C, IAB 3/21/12, effective 4/25/12]

567—111.8(455J) Evaluation outcomes.

111.8(1) If the council determines that the annual report adequately demonstrates compliance with the requirements of Iowa Code section 455J.3, the planning or service area shall remain designated as an EMS and shall continue to be qualified for the incentives set forth in Iowa Code section 455J.5.

111.8(2) If the council determines that the annual report clearly demonstrates that the planning or service area's EMS is no longer in compliance with Iowa Code section 455J.3, the council may recommend to the environmental protection commission the revocation of the EMS designation. If the commission concurs with the council's recommendation, the planning or service area shall adhere to the comprehensive planning requirements in 567—Chapter 101.

111.8(3) Failure by a planning or service area to submit an annual report by September 1 in any year will result in revocation of the EMS designation, following which the planning or service area shall adhere to the comprehensive planning requirements in 567—Chapter 101.

[ARC 0041C, IAB 3/21/12, effective 4/25/12]

These rules are intended to implement Iowa Code section 455J.4.

[Filed ARC 0041C (Notice ARC 9919B, IAB 12/14/11), IAB 3/21/12, effective 4/25/12]

[Filed ARC 2756C (Notice ARC 2630C, IAB 7/20/16), IAB 10/12/16, effective 11/16/16]