

CHAPTER 101
SOLID WASTE COMPREHENSIVE PLANNING REQUIREMENTS

[Prior to 7/1/83, DEQ Ch 26]
[Prior to 12/3/86, Water, Air and Waste Management [900]]

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/1/28

567—101.1(455B,455D) Purpose. The purpose of these rules is to provide general definitions and direction for comprehensive integrated solid waste management planning for every city and county of this state and to provide an orderly and efficient process for the assessment and collection of fees for the disposal of solid waste at a sanitary landfill.

[ARC 8037B, IAB 8/12/09, effective 9/16/09]

567—101.2(455B,455D) Definitions. For the purposes of this chapter, the definitions found in 567—100.2(455B,455D) shall apply.

[ARC 8037B, IAB 8/12/09, effective 9/16/09; ARC 2756C, IAB 10/12/16, effective 11/16/16]

567—101.3(455B,455D) Waste management hierarchy. Rescinded ARC 2756C, IAB 10/12/16, effective 11/16/16.

567—101.4(455B,455D) Duties of cities and counties. Every city and county of this state shall, for the solid waste generated within the jurisdiction of its political subdivision, provide for the establishment and operation of an integrated solid waste management system consistent with the waste management hierarchy under Iowa Code section 455B.301A and designed to meet the state's waste reduction and recycling goals. Integrated systems and municipal solid waste sanitary disposal projects may be established separately or through cooperative efforts, including Iowa Code chapter 28E agreements as provided by law.

101.4(1) To meet these responsibilities, cities and counties may execute, with public and private agencies, contracts, leases, or other necessary instruments, purchase land and do all things necessary not prohibited by law for the implementation of waste management programs, collection of solid waste, establishment and operation of municipal solid waste sanitary disposal projects, and general administration of the same.

101.4(2) If a planning agency refuses any particular solid waste type for management or disposal, the planning agency must identify another municipal solid waste sanitary disposal project for that waste within the planning area. If no other municipal solid waste sanitary disposal project exists within the planning area, the planning agency must, in cooperation with the waste generator, establish or arrange for access to another municipal solid waste sanitary disposal project. Municipal solid waste sanitary disposal projects are required to maintain written approval from both the department and the planning agency in the planning area of origin in order to accept any Iowa-generated waste from outside the planning area.

101.4(3) All cities and counties or Iowa Code chapter 28E agencies established for the purpose of managing solid waste or implementing integrated solid waste management systems, or both, on behalf of cities and counties shall demonstrate compliance with the provisions of this chapter by their participation in a comprehensive plan approved by the department.

[ARC 8037B, IAB 8/12/09, effective 9/16/09; ARC 2756C, IAB 10/12/16, effective 11/16/16]

567—101.5(455B,455D) Contracts with permitted agencies.

101.5(1) Every city, county, and other public agency which complies with the requirements of Iowa Code chapter 455B for the disposal of solid waste by means of a contract with an agency holding a municipal solid waste sanitary disposal project permit or by means of a contract with a hauler that has a contract with an agency holding a municipal solid waste sanitary disposal project permit shall submit to the department notification of that executed contract. All such agencies shall have on file at the department at all times a list of valid contracts. Notification of any renewal of the contract or any new or amended contract shall be submitted.

101.5(2) All public agencies which contract with a hauler to comply with the requirements of part 1 of division IV of Iowa Code chapter 455B shall include, as terms of that contract, a requirement that all solid waste collected by the hauler for that agency shall be disposed of or deposited at a municipal solid waste sanitary disposal project designated within said agency's comprehensive plan in accordance with the rules of the department.

[ARC 8037B, IAB 8/12/09, effective 9/16/09]

567—101.6(455B,455D) State volume reduction and recycling goals. The goal of the state is to reduce the amount of materials in the waste stream, existing as of July 1, 1988, by an intermediate goal of 25 percent, and by a final goal of at least 50 percent, through the practice of waste volume reduction at the source and through recycling. The updated goal progress calculations provided by the department for each planning area shall be used by the department in reporting to the general assembly on the state's progress toward meeting the 25 and 50 percent goals. The specific methodology for determining goal progress is outlined in rule 567—101.7(455B,455D).

[ARC 2756C, IAB 10/12/16, effective 11/16/16]

567—101.7(455B,455D) Base year adjustment method. Planning agencies may request that the department complete a goal progress recalculation once per fiscal year to resolve any discrepancies and to further evaluate progress toward the state's waste volume reduction and recycling goals. At the time of approval of a comprehensive plan or comprehensive plan update, the department will use the most current complete fiscal year data set available to complete goal progress calculations, which will be used to meet the requirements outlined in rule 567—101.14(455B,455D).

101.7(1) The base year adjustment method (see Formula 1) controls for population, employment, and taxable sales to more accurately determine progress toward the state's waste volume reduction and recycling goals. Factors included within the base year adjustment method include:

- a. Base year residential waste disposal tonnage - (A).
- b. Base year commercial waste disposal tonnage - (B).
- c. Base year population data (U.S. Bureau of the Census) - (C).
- d. Base year employment data - total nonfarm (Iowa Department of Workforce Development) - (D).
- e. Base year taxable sales data (Iowa Department of Revenue) - (E).
- f. Base year consumer price index - (F).
- g. Most current complete fiscal year data set available for waste disposal tonnage - (G).
- h. Most current complete fiscal year data set available for population (U.S. Bureau of the Census) - (H).
- i. Most current complete fiscal year data set available for employment - total nonfarm (Iowa Department of Workforce Development) - (I).
- j. Most current complete fiscal year data set available for taxable sales (Iowa Department of Revenue) - (J).
- k. Most current complete fiscal year data set available for consumer price index - (K).

Formula I

$$100\% - \left[\frac{A \left[\frac{H}{C} + \left[\frac{\frac{I}{D} + \frac{J \frac{F}{K}}{E}}{2} \right] \right]}{2} + B \left[\frac{I}{D} + \left[\frac{J \frac{F}{K}}{E} \right] \right] \right] \times 100\%$$

101.7(2) Planning agencies must document the amount of waste disposed of in both the base year and the most current fiscal year where a complete data set is available. If no changes have occurred within the planning area that would affect the base year, then only data for the most current fiscal year for which a complete data set is available need to be presented in the comprehensive plan update, since information on each planning area's base year tonnage is presented in prior comprehensive plan submittals. Tonnage data sources that each planning agency must identify include, but are not limited to:

- a. Landfill(s) within the planning area and its respective service area(s).
- b. Transfer station(s) or hauler(s) transporting waste into or out of the planning area for final disposal.
- c. Incineration with or without energy recovery of waste within the planning area.
- d. Allowable base year adjustment method exemptions, including exceptional events, waste originating from out of state, and solid waste generated outside the planning area.

101.7(3) Waste generated as part of an exceptional event or contaminated soils removed as part of a brownfield or contaminated site cleanup should not negatively affect a planning area's goal progress calculation.

a. Exceptional events include, but are not limited to, such unforeseen disasters as storms, fires, floods, tornadoes, or train wrecks. Exceptional events do not include economic development, derelict housing removal, or other planned activities/demolitions. Written requests to exempt exceptional event debris from goal progress calculations shall be made to the department on the required Quarterly Solid Waste Fee Schedule and Retained Fees Report, DNR Form 542-3276.

Requests for goal progress calculation exemptions must be made within six months after initial disposal of the debris. The determination to exempt exceptional-event debris from goal progress calculations shall be made solely by the department and shall not be made independently by individual municipal solid waste sanitary disposal projects or planning agencies. Upon review of the request, the department will notify the municipal solid waste sanitary disposal project and planning agency of the determination in writing or request further documentation.

- (1) Exemption requests shall, at a minimum, include:
 1. Date(s) of duration of the exceptional event.
 2. Type of event (i.e., flood, tornado, combination thereof).
 3. Description of affected area(s), including approximate number of buildings and addresses, if available.
 4. Type(s) of waste to be exempted.
 5. Actual tonnage of debris disposed of during the quarter.
 6. Preliminary estimate of the total tonnage to be exempted (i.e., tons already disposed of and potential tons to be disposed of in future quarters).

(2) Additional documentation to verify the exceptional event and the debris it generated may be requested by the department. Failure to submit requested documentation may result in denial of the goal progress calculation exemption request. Documentation may include:

1. Protocol used by the municipal solid waste sanitary disposal project staff for determining which waste(s) coming into the facility was attributed to the exceptional event.
2. Summary of existing policies to divert storm debris from disposal, as well as the amount of waste(s) diverted.
3. Copies of scale tickets and summary report of scale tickets.
4. Federal Emergency Management Agency (FEMA) reports, if any.
5. Newspaper articles or pictures of affected areas.
6. Supporting documentation indicating estimated remaining tonnage expected as a result of the exceptional event (i.e., supporting documentation from local insurance companies or municipal building inspectors).
7. Contact information for the person(s) responsible for compiling the exceptional event report(s).

b. Contaminated soils removed as part of a brownfield or contaminated site cleanup should not negatively affect a planning area's goal progress calculation. If the contaminated soil is to be disposed of in a municipal solid waste sanitary disposal project, the municipal solid waste sanitary disposal project or planning agency must request the goal progress exemption in writing, in accordance with the procedures outlined in this rule. Written requests to exempt contaminated soil from goal progress calculations shall be made to the department on the Quarterly Solid Waste Fee Schedule and Retained Fees Report, DNR Form 542-3276. Requests for goal progress exemptions must be made within six months after initial disposal of the contaminated soil.

The determination to exempt contaminated soil from goal progress calculations shall be made solely by the department and shall not be made independently by individual municipal solid waste sanitary disposal projects or planning agencies. The department shall notify the municipal solid waste sanitary disposal project or planning agency in writing of the determination or shall request further clarification to make an exemption decision. Failure to submit additional information requested by the department regarding the request to exempt contaminated soil may result in a denial of the goal progress calculation exemption request. Contaminated soil occurrences not eligible for goal progress exemption include, but are not limited to, illegal municipal solid waste disposal sites and contaminated soils formed for the sole purpose of requesting goal progress exemption. Exemption requests shall include, at a minimum, the following:

- (1) Contact information of the primary and any other government agency overseeing or involved with site cleanup.
- (2) Address of the brownfield or contaminated site.
- (3) Date(s) when the site was believed to have been contaminated, if known.
- (4) Type of operation and owners of the operation that led to the contamination, if known.
- (5) Constituents of concern present in the soil.
- (6) Types of miscellaneous waste mixed with the soil, if any.
- (7) Appropriate testing for identified contaminants of the contaminated soil.
- (8) Actual tonnage of contaminated soil disposed of during the quarter.
- (9) Preliminary estimate of the total tonnage to be exempted (i.e., tons of contaminated soil already disposed of and potential tons to be disposed of in future quarters).
- (10) Narrative justification to explain why disposal in a municipal solid waste sanitary disposal project is the best site cleanup methodology.

[ARC 8037B, IAB 8/12/09, effective 9/16/09; ARC 2756C, IAB 10/12/16, effective 11/16/16]

567—101.8(455B,455D) Submittal of initial comprehensive plans and comprehensive plan updates.

Initial comprehensive plans and comprehensive plan updates filed with the department must include a signed electronic submission certificate. Comprehensive plan updates shall be submitted in accordance with the schedule and instructions provided by the department 12 months prior to the due date of the first comprehensive plan update for each planning cycle.

[ARC 8037B, IAB 8/12/09, effective 9/16/09; ARC 2756C, IAB 10/12/16, effective 11/16/16]

567—101.9(455B,455D) Review of initial comprehensive plans and comprehensive plan updates.

Initial comprehensive plans and comprehensive plan updates submitted in accordance with rule 567—101.13(455B,455D) shall be reviewed by the department for compliance with this chapter. The director may reject, suggest modification of, or approve a comprehensive plan based upon the criteria outlined in rule 567—101.13(455B,455D).

567—101.10(455B,455D) Municipal solid waste and recycling survey. Rescinded ARC 2756C, IAB 10/12/16, effective 11/16/16.

567—101.11(455B,455D) Online database. Rescinded ARC 2756C, IAB 10/12/16, effective 11/16/16.

567—101.12(455B,455D) Solid waste comprehensive plan types. A city, county, or private agency operating or planning to operate a municipal solid waste sanitary disposal project shall file with the director one of two types of comprehensive plans detailing the method by which the city, county, or private agency will comply with solid waste comprehensive planning requirements. The first type is a comprehensive plan in which solid waste is disposed of in a sanitary landfill within the planning area. The second type is a comprehensive plan in which all solid waste is consolidated at, and transported from, a permitted transfer station for disposal at a sanitary landfill in another comprehensive planning area or state.

101.12(1) A planning area that closes all of the municipal solid waste sanitary landfills located in the planning area and chooses instead to use a municipal solid waste sanitary landfill in another planning area may choose to retain its autonomy as long as the sanitary landfill in the other planning area complies with all the requirements of this chapter, and all solid waste generated within the planning area closing its

landfills is consolidated at, and transported from, a permitted transfer station. For purposes of this subrule, a planning area closing its own landfills that chooses to retain its autonomy shall not be required to join the planning area that contains the landfill it is using for final disposal of its solid waste.

101.12(2) If a planning area chooses to retain autonomy pursuant to this rule, the planning area receiving solid waste from the planning area sending it shall not be required to include the sending planning area in its comprehensive plan provided that no services other than the acceptance of solid waste for disposal are shared between the two planning areas. A planning area receiving solid waste shall only be responsible for the permitting, planning, and waste reduction and diversion programs within that planning area.

101.12(3) If the department determines that solid waste cannot reasonably be consolidated and transported from a particular transfer station (e.g., asbestos or bulky construction and demolition waste), the department may establish permit conditions to address the transport and disposal of the solid waste. A planning area sending solid waste for disposal in another planning area may retain autonomy pursuant to subrule 101.12(1) only if both comprehensive planning areas enter into an agreement pursuant to Iowa Code chapter 28E that includes both of the following:

a. A detailed methodology of the manner in which solid waste will be tracked and reported between the two planning areas.

b. A detailed methodology of the manner in which the receiving sanitary landfill will collect, remit, and report tonnage fees, pursuant to Iowa Code section 455B.310, paid by the planning area that is transporting the solid waste. The methodology shall include both the remittances of tonnage fees to the state and the retained tonnage fees.

[ARC 8037B, IAB 8/12/09, effective 9/16/09]

567—101.13(455B,455D) Types of comprehensive plan submittals to be filed. There are three types of comprehensive plan submittals: initial, updates, and amendments. The purpose of these types of comprehensive plans is the development of a specific plan and schedule for implementing technically and economically feasible solid waste management methods that will prevent or minimize any adverse environmental impact and meet the state's waste volume reduction and recycling goals pursuant to rule 567—101.6(455B,455D).

Cities and counties planning to use a municipal solid waste sanitary disposal project in Iowa must participate in a comprehensive plan with all other cities and counties using that municipal solid waste sanitary disposal project. Cities and counties planning to use an out-of-state disposal facility(ies) must file a comprehensive plan that identifies the out-of-state facility(ies) used. Cities or counties using an out-of-state disposal facility(ies) are still required to meet all comprehensive plan submittal requirements.

If it is demonstrated to the department that any of the provisions outlined in paragraphs "1" through "3" below will not impact the planning area significantly, then the department may consider accepting a comprehensive plan amendment. If during the planning cycle a change occurs to an existing planning area, the submission of an initial comprehensive plan may be required. An initial comprehensive plan is needed if:

1. A new planning area is established.
2. A change increases or decreases the population or the disposal tonnage of the planning area by more than 30 percent.
3. The solid waste disposal method has changed or a new method has been initiated, including siting of a new municipal solid waste landfill or municipal solid waste incinerator.

101.13(1) Content of an initial comprehensive plan. In fulfillment of the requirements of Iowa Code section 455B.301A and Iowa Code chapter 455D, an initial comprehensive plan shall include the following information:

a. A description of the planning area and the public and private agencies involved in the integrated solid waste management system, including a description of each agency's role in managing solid waste generated in the area.

b. A resolution or resolutions from all local governments or 28E agencies established for the purpose of managing solid waste or implementing integrated solid waste management systems, or both, on behalf of local governments, and letters of cooperation from privately owned municipal solid waste sanitary disposal

projects participating in the comprehensive plan. The resolution(s) shall include a statement that the comprehensive plan participants have reviewed the initial comprehensive plan and will adopt the implementation schedule contained within the initial comprehensive plan. Letters of cooperation from private agencies shall include a statement that the private agencies have reviewed the comprehensive plan and support the waste volume reduction and recycling efforts outlined therein. The letter of cooperation shall briefly summarize the implementation schedule. If a local government included in the planning area refuses to provide a resolution, then that local government must prepare its own comprehensive plan and is no longer considered to be in the original planning area. In such cases, the original comprehensive plan may still be approved if it includes a brief addendum stating the effect of the change on the waste stream, but the municipal solid waste sanitary disposal project(s) in the planning area may no longer accept waste from the local government that has withdrawn from the comprehensive plan. Privately owned municipal solid waste sanitary disposal projects failing to provide letters of cooperation will be unable to receive a permit or permit renewal. If a city, county, or other public agency complies with comprehensive planning requirements by means of a contract(s) with an agency holding a municipal solid waste sanitary disposal project permit or with a hauler(s) that has a contract(s) with an agency holding a municipal solid waste sanitary disposal project permit, a list of those contracts shall be submitted as provided in rule 567—101.5(455B,455D).

- c.* A detailed description of public participation, including:
 - (1) Details of ongoing strategies to provide the public with opportunities to provide input.
 - (2) A list of all public hearings or meetings that were held in conjunction with the development of the initial comprehensive plan and the methods used to publicize public meetings on the initial comprehensive plan.
 - (3) An account of opportunities for the public to comment on the initial comprehensive plan and minutes from any meetings regarding initial comprehensive plan development.
 - (4) Proof that a minimum of two public meetings were held during the development of the initial comprehensive plan. The first meeting shall inform the public of the initial comprehensive plan development process, while the second meeting shall provide the public with an opportunity for review and comment on the initial comprehensive plan.
- d.* A description of past local and regional planning activities.
- e.* A report of the base year waste stream in total tons per year. Progress toward meeting the state's waste volume reduction and recycling goals pursuant to rule 567—101.6(455B,455D) shall be demonstrated through methods described in this chapter.
- f.* A description of population, employment, and industrial production as of the planning area's base year waste stream.
- g.* A description of the current waste composition and waste generation rates and a projection of waste composition and waste generation rates during the next planning cycle. This description should include the effects of anticipated planning area modifications on waste generation and composition in the future. These factors may include economic changes, population changes, loss or addition of communities to the planning area, and any other modification expected to affect the amount of waste generated.
- h.* A description of the current integrated solid waste management system that contains a specific methodology for meeting the state's waste volume reduction and recycling goals pursuant to rule 567—101.6(455B,455D). This description shall include:
 - (1) Details of strategies and educational efforts designed to:
 1. Increase public awareness about proper recycling and disposal options for motor oil and lead-acid batteries.
 2. Encourage residents of the planning area to dispose of household appliances properly.
 3. Encourage tire stewardship and proper tire recycling and disposal.
 4. Encourage backyard composting and proper management of yard waste.
 5. Encourage residents of the planning area to properly manage household hazardous waste.
 - (2) A list of collectors/recyclers used by the permitted municipal solid waste sanitary disposal project(s) for the proper management of tires or household appliances.

(3) A detailed narrative of all other existing waste management programs in the planning area that addresses all components of the state's waste management hierarchy. This narrative must include specific methodologies for the separation of glass, paper, plastic and metal. For each specific waste management program, the following shall be included:

1. Program description.
2. Responsibility for program oversight.
3. Funding source(s).
4. Public education strategies employed.
5. Targeted audiences (business and industry, urban residents, rural residents, local governments, and public institutions).
6. The anticipated impact on the waste stream and diversion during the next planning cycle.

(4) A discussion of the strengths and weaknesses of existing programs, efforts and strategies in the current integrated solid waste management system.

(5) An evaluation of the planning area's progress toward meeting the state's waste volume reduction and recycling goals. This evaluation shall address the goal progress calculation that was most recently provided in writing by the department. The department, upon written notification of intent to submit an initial comprehensive plan, will, within 30 days after receipt of notification, perform a goal progress calculation using the most current complete fiscal year data set available.

i. An assessment of alternative waste management systems, programs and strategies that addresses each of the following tiers of the state's waste management hierarchy:

(1) Source reduction options including, but not limited to, backyard composting and management of household hazardous waste.

(2) Recycling and reuse options.

(3) Combustion options with or without energy recovery. Any programs using incineration, with or without energy recovery, must include methodologies for prior removal of recyclable and reusable material, material that will result in uncontrolled toxic or hazardous air emissions when burned, and hazardous or toxic materials which are not rendered nonhazardous or nontoxic by incineration.

(4) Use of other existing or planned sanitary landfills or transfer stations.

j. If construction of a new or purchase of an existing municipal solid waste sanitary disposal project is considered or proposed, an initial comprehensive plan shall include:

(1) A summary of established and anticipated regulatory requirements regarding future siting, operation, closure and postclosure of each facility.

(2) A financial plan detailing the actual cost of the municipal solid waste sanitary disposal project, including the funding sources of the project, and a description that spans two planning cycles of the methods of financing. The financial plan shall address:

1. Initial capital expenditures, including land acquisition, if applicable.

2. Local approval costs, including legal, engineering, and administrative fees.

3. Long-term costs, operations, closure and postclosure.

4. A mechanism to fund closure and postclosure costs.

5. Projected annual revenues.

(3) A description of expected environmental impacts from the construction of a new or purchase of an existing municipal solid waste sanitary disposal project.

¹(4) Rescinded IAB 7/4/07, effective 10/1/07.

k. A specific plan and schedule for implementing the initial comprehensive plan during the next planning cycle. Items that shall be addressed include:

(1) Proposed activities and locations.

(2) Responsible organization(s).

(3) Implementation milestones.

(4) Public education strategies.

(5) Anticipated impact on the waste stream and diversion.

101.13(2) *Comprehensive plan updates for municipal solid waste sanitary disposal projects.* The department shall notify a planning agency of the due dates of the comprehensive plan update submittal a

minimum of 12 months prior to the beginning of the planning cycle. In fulfillment of the requirements of Iowa Code section 455B.301A and Iowa Code chapter 455D, a comprehensive plan update shall include the following information:

a. A narrative that describes any permanent change in the planning area that has resulted in change in the waste stream, if applicable. An amendment to the comprehensive plan update is required prior to the facility's receiving waste on an ongoing basis from outside the delineated planning area.

b. A resolution or resolutions from all local governments or 28E agencies established for the purpose of managing solid waste or implementing integrated solid waste management systems, or both, on behalf of local governments, and letters of cooperation from privately owned municipal solid waste sanitary disposal projects participating in the comprehensive plan update. The resolution(s) shall include a statement that the comprehensive plan participants have reviewed the comprehensive plan update and will adopt the implementation schedule contained in the comprehensive plan update. Letters of cooperation from private agencies shall include a statement that they have reviewed the comprehensive plan update and support the waste reduction and recycling efforts outlined therein. The letter of cooperation shall briefly summarize the implementation schedule. If a local government included in the planning area refuses to provide a resolution, then that local government must prepare its own comprehensive plan and is no longer considered to be in the original planning area. In such cases, the original comprehensive plan update may still be approved if it includes a brief addendum stating the effect of the change on the waste stream, but the municipal solid waste sanitary disposal project(s) in the planning area may no longer accept waste from the local government that has withdrawn from the comprehensive plan. Privately owned municipal solid waste sanitary disposal projects failing to provide letters of cooperation will be unable to receive a permit or permit renewal. If a city, county, or other public agency complies with comprehensive planning requirements by means of a contract(s) with an agency holding a municipal solid waste sanitary disposal project permit or with a hauler(s) that has a contract(s) with an agency holding a municipal solid waste sanitary disposal project permit, a list of those contracts shall be submitted as provided in rule 567—101.5(455B,455D).

c. A description of public participation, including:

(1) A summary of ongoing strategies to provide the public with opportunities to provide input.

(2) A list of all public hearings or meetings that were held in conjunction with the development of the comprehensive plan update and the methods used to publicize public meetings.

(3) Proof that a minimum of two public meetings were held during the development of the comprehensive plan update. The first meeting shall inform the public of the comprehensive plan update development process, while the second meeting shall provide the public with an opportunity for review and comment on the comprehensive plan update.

(4) An account of opportunities for the public to comment on the comprehensive plan update and minutes from any meetings regarding comprehensive plan update development.

d. A report of the base year waste stream in total tons per year. This base year data and landfill tonnage information for the most current completed fiscal year data set available will be used to demonstrate progress toward meeting the state's waste volume reduction and recycling goals pursuant to rule 567—101.6(455B,455D) through methods described in this chapter.

e. A description of changes in population, employment, and industrial production since the last approved comprehensive plan or comprehensive plan update.

f. A description of current waste composition and waste generation rates, including:

(1) Changes since the last approved comprehensive plan or comprehensive plan update.

(2) The effects of anticipated planning area modifications on waste generation and composition in the future. These factors may include economic changes, population changes, loss or addition of communities to the planning area and any other modification expected to affect the amount of waste generated.

g. A discussion of changes to the integrated solid waste management system since the last approved comprehensive plan or comprehensive plan update, including:

(1) New and evolving strategies, efforts, and programs implemented within the planning area to:

1. Increase public awareness about proper recycling and disposal options for motor oil and lead-acid batteries.

2. Encourage residents of the planning area to dispose of household appliances properly.
 3. Encourage tire stewardship and proper tire recycling and disposal.
 4. Encourage backyard composting and proper management of yard waste.
 5. Encourage residents of the planning area to properly manage household hazardous waste.
 6. Provide for the separation of glass, paper, plastic and metal.
- (2) A list of collectors/recyclers used by the permitted municipal solid waste sanitary disposal project(s) for the proper management of tires or household appliances.
- (3) A detailed narrative of all waste management programs implemented since the last approved comprehensive plan or comprehensive plan update that addresses all components of the state's waste management hierarchy. For each specific waste management program implemented since the last approved comprehensive plan or comprehensive plan update, the following shall be included:
1. Program description.
 2. Responsibility for program oversight.
 3. Public education strategies employed.
 4. Targeted audiences (business and industry, urban residents, rural residents, local governments, and public institutions).
 5. The anticipated impact on the waste stream and diversion during the next planning cycle.
- h.* An evaluation of progress toward meeting the state's waste volume reduction and recycling goals using the goal progress calculation provided by the department 12 months prior to the due date of the comprehensive plan update, if requested by the planning agency. This analysis may use any combination of the following methodologies:
- (1) Trend analysis of goal progress since the initial comprehensive plan.
 - (2) Formal, stakeholder-based collaborative goal-setting process leading to development of long-range integrated solid waste management system goals. The process shall include development of detailed objective-based strategies to achieve the desired goals. If programs have been implemented since the establishment of the goals, the comprehensive plan update shall include analysis of their impact on the long-range goals.
 - (3) An analysis of the effectiveness or benefit of existing programs, individually and in aggregate, including a discussion of opportunities and need for improvement, modification or expansion.
- i.* Analysis of the impact of alternative solid waste management methods not currently employed, but being considered within the planning area.
- j.* A specific plan and schedule for implementing the comprehensive plan during the next planning cycle. Items that shall be addressed include:
- (1) Proposed activities and locations.
 - (2) Responsible organization(s).
 - (3) Implementation milestones.
 - (4) Public education strategies.
 - (5) Anticipated impact on the waste stream and diversion.
- k.* Annual reports submitted by planning agencies designated as environmental management systems, pursuant to Iowa Code section 455J.7, which satisfy the comprehensive plan update submittal requirements of this subrule.

101.13(3) to 101.13(6) Rescinded IAB 8/12/09, effective 9/16/09.

101.13(7) *Comprehensive plan amendments.* If a municipal solid waste sanitary disposal project or city or county requests to be included in a planning area after completion of an initial comprehensive plan or a comprehensive plan update but before the next comprehensive plan update is due, and the planning area participants agree to include the city, county, or municipal solid waste sanitary disposal project, the following procedure is required:

a. A letter must be submitted to the department by the facility operator describing the facility's operation and the amount of waste to be managed, or by the city or county describing that local government's intention to participate in the specified comprehensive plan.

b. In a letter that must be submitted to the department, the planning agency must agree to accept the city, county, or municipal solid waste sanitary disposal project in the planning agency's planning area and

must state how the change will affect the planning area's waste stream, including an explanation of the change in the planning area, the amount of waste involved and details of waste reduction and recycling efforts that will be implemented in any new communities, if applicable.

c. The next comprehensive plan update submitted by the planning agency shall include the amended city, county, or municipal solid waste sanitary disposal project.

d. If a city or county joins a planning area, a resolution must be submitted to the department stating the city's or county's commitment to the comprehensive plan of the planning area, and stating that the city or county will work to implement the comprehensive plan of the planning area.

101.13(8) *Failure to meet the 25 percent waste volume reduction and recycling goal.* Rescinded **ARC 2756C**, IAB 10/12/16, effective 11/16/16.

[**ARC 8037B**, IAB 8/12/09, effective 9/16/09; **ARC 2756C**, IAB 10/12/16, effective 11/16/16]

¹ Effective date of rescission of 101.13(1)"j"(4) delayed 70 days by the Administrative Rules Review Committee at its meeting held September 11, 2007.

567—101.14(455B,455D) Fees for disposal of solid waste at sanitary landfills.

101.14(1) *Authority, purpose and applicability.*

a. *Authority.* Pursuant to Iowa Code section 455B.310, the department has authority to collect fees for the disposal of solid waste at sanitary landfills. All tonnage fees received by the department under this rule shall be deposited in the solid waste account of the groundwater protection fund created under Iowa Code section 455E.11(1).

b. *Purpose.* The purpose of this rule is to provide an orderly and efficient process for the assessment and collection of fees for the disposal of solid waste at a sanitary landfill. This rule clarifies the applicability of the fees and sets forth a fee schedule, means of filing, and record-keeping requirements.

c. *Applicability.* Except as provided in subrule 101.14(2), operators of all sanitary landfills located within Iowa and subject to the permitting requirements of the department shall pay a fee for each ton of solid waste disposed of in the landfill.

101.14(2) *Exclusion.* Fees do not apply to wastes which will not be buried at a sanitary landfill if such material is salvaged or recycled in accordance with the provisions of the landfill permit.

101.14(3) *Fee schedule.*

a. The base tonnage fee is \$4.25 per ton of solid waste.

b. The statewide goal progress average is 36 percent, as determined by the department on July 1, 1999.

c. If at any time the department notifies a planning agency or municipal solid waste sanitary disposal project(s) in writing that the planning area has failed to meet the 25 percent goal, all municipal solid waste sanitary disposal projects within that planning area that are required to remit state tonnage fees shall collect an additional 50 cents per ton, in addition to the base tonnage fee starting with the next scheduled fee payment. All municipal solid waste sanitary disposal projects within the planning area that are required to remit state tonnage fees shall remit to the department \$3.30 per ton for the tonnage fees collected, and the sanitary landfill operator(s) shall retain the remaining \$1.45 per ton. Of the tonnage fee retained by the sanitary landfill operator(s), 95 cents per ton is to be used for comprehensive plan implementation and 50 cents per ton is to be used for environmental protection activities and for comprehensive planning. Environmental protection activities include the development of a closure or postclosure plan, the development of a plan for the control and treatment of leachate including the preparation of facility plans and detailed plans and specifications, the preparation of a financial plan, or other environmental protection activities. Moneys due to the department under this paragraph shall be remitted until such time as evidence of attainment of the 25 percent goal by the planning area is documented and approved in writing by the department.

d. If at any time the department notifies a planning agency and municipal solid waste sanitary disposal project(s) in writing that the planning area has met or exceeded the 25 percent goal, all municipal solid waste sanitary disposal projects within that planning area that are required to remit state tonnage fees shall reduce by 60 cents per ton the total amount of the base tonnage fee collected, starting with the next scheduled fee payment.

(1) If the planning area meets the 25 percent goal but is under the statewide average described in paragraph 101.14(3)“b,” all municipal solid waste sanitary disposal projects within that planning area that are required to remit state tonnage fees shall remit to the department \$2.20 per ton for the tonnage fees collected, and the sanitary landfill operator(s) shall retain the remaining \$1.45 per ton. Of the tonnage fee retained by the sanitary landfill operator(s), 95 cents per ton is to be used for comprehensive plan implementation and 50 cents per ton is to be used for environmental protection activities and for comprehensive planning. Environmental protection activities include the development of a closure or postclosure plan, the development of a plan for the control and treatment of leachate including the preparation of facility plans and detailed plans and specifications, the preparation of a financial plan, or other environmental protection activities. Moneys due to the department under this paragraph shall be remitted until such time as evidence of a change in the planning area’s progress toward meeting the state’s waste volume reduction and recycling goals is documented and approved in writing by the department.

(2) If the planning area meets the 25 percent goal and exceeds the statewide average described in paragraph 101.14(3)“b,” all municipal solid waste sanitary disposal projects within that planning area that are required to remit state tonnage fees shall remit to the department \$2.10 per ton for the tonnage fees collected, and the sanitary landfill operator(s) shall retain the remaining \$1.55 per ton. Of the tonnage fee retained by the sanitary landfill operator(s), \$1.05 per ton is to be used for comprehensive plan implementation and 50 cents per ton is to be used for environmental protection activities and for comprehensive planning. Environmental protection activities include the development of a closure or postclosure plan, the development of a plan for the control and treatment of leachate including the preparation of facility plans and detailed plans and specifications, the preparation of a financial plan, or other environmental protection activities. Moneys due to the department under this paragraph shall be remitted until such time as evidence of a change in the planning area’s progress toward meeting the state’s waste volume reduction and recycling goals is documented and approved in writing by the department.

e. If at any time the department notifies a planning agency or municipal solid waste sanitary disposal project(s) in writing that the planning area has met or exceeded the 50 percent goal, all municipal solid waste sanitary disposal projects within that planning area that are required to remit state tonnage fees shall reduce by \$1.00 per ton the total amount of the base tonnage fee collected, starting with the next scheduled fee payment. All municipal solid waste sanitary disposal projects within the planning area that are required to remit state tonnage fees shall remit to the department \$1.95 per ton for the tonnage fees collected, and the sanitary landfill operator(s) shall retain the remaining \$1.30 per ton. Of the tonnage fee retained by the sanitary landfill operator(s), 80 cents per ton is to be used for comprehensive plan implementation and 50 cents per ton is to be used for environmental protection activities and for comprehensive planning. Environmental protection activities include the development of a closure or postclosure plan, the development of a plan for the control and treatment of leachate including the preparation of facility plans and detailed plans and specifications, the preparation of a financial plan, or other environmental protection activities. Moneys due to the department under this paragraph shall be remitted until such time as evidence of a change in the planning area’s progress toward meeting the state’s waste volume reduction and recycling goals is documented and approved in writing by the department.

Table 1 sets forth the solid waste tonnage fee schedule.

Table 1	
Planning areas with less than 25% diversion level:	
Collect	\$4.75 per ton
Remit	\$3.30 per ton to the department
Retain	\$1.45 per ton (\$0.95 per ton for implementing planning, \$0.50 per ton for environmental protection, comprehensive plan development and implementation)
Planning areas over 25% diversion, under the state average, and under 50%:	
Collect	\$3.65 per ton
Remit	\$2.20 per ton to the department
Retain	\$1.45 per ton (\$0.95 per ton for implementing planning, \$0.50 per ton for environmental protection, comprehensive plan development and implementation)
Planning areas over 25% diversion, over the state average, and under 50%:	

Collect	\$3.65 per ton
Remit	\$2.10 per ton to the department
Retain	\$1.55 per ton (\$1.05 per ton for implementing planning, \$0.50 per ton for environmental protection, comprehensive plan development and implementation)
Planning areas over 50% diversion:	
Collect	\$3.25 per ton
Remit	\$1.95 per ton to the department
Retain	\$1.30 per ton (\$0.80 per ton for implementing planning, \$0.50 per ton for environmental protection, comprehensive plan development and implementation)

f. Retained tonnage fees collected pursuant to this subrule shall be approved by the department and used for implementation of programs and services designed to satisfy the requirements of this chapter.

g. For purposes of calculating tonnage fees, sanitary landfills shall utilize scales and shall base the fee assessment on the net scale weight of solid wastes disposed of at the landfill during the reporting period.

h. If special conditions existing at a sanitary landfill make it impractical to use the landfill's scales to determine waste tonnages, the landfill may propose, for department review and approval, an alternate method for determining the weight of disposed solid waste.

101.14(4) Form, manner, time and place of filing.

a. *Form.* Any person to whom or entity to which this rule applies shall file a completed DNR Form 542-3276, Quarterly Solid Waste Fee Schedule and Retained Fees Report.

b. *Manner, time and place.* Fees are to be paid on a quarterly basis. Sanitary landfills serving more than one planning area, as expressed in rule 101.12(455B,455D), shall submit separate Quarterly Solid Waste Fee Schedule and Retained Fees Reports for each planning area. The fees and report on retained fees will be due January 1, April 1, July 1, and October 1 for the quarters ending September 30, December 31, March 31, and June 30, respectively. The completed form shall be submitted with the appropriate fees to Accounting, Department of Natural Resources, Wallace State Office Building, 502 East 9th Street, Des Moines, Iowa 50319.

101.14(5) Reporting and record keeping.

a. *Operating records.* Those sanitary landfill operators who are subject to the fee assessment requirements of this rule shall maintain adequate records to determine and document the weight of solid waste received at and disposed of in the sanitary landfill during the calendar year. Planning areas entering into an agreement pursuant to Iowa Code Supplement section 455B.306(2) shall submit documentation to the department and a planning area receiving the solid waste under such an agreement shall, in addition, submit evidence to the department demonstrating that required retained fees were returned in a timely manner to other planning area(s) under the agreement.

b. *Retention of records.* All records used in determining the solid waste fee assessment must be kept for a period of at least three years from the end of the calendar year which the records represent.

c. *Availability of records.* All records required under this rule must be furnished upon request and be made available at all reasonable times for inspection to any officer, employee, or representative of the department who is duly designated by the director.

101.14(6) Failure to pay fees. If it is found that a person or entity has failed to pay the fees assessed by this rule, the director shall enforce the collection of the delinquent fees. A person or entity required to pay fees as required by Iowa Code section 455B.310 that fails or refuses to pay the fees by the due date shall be assessed a penalty of 2 percent of the quarterly fee due, to be assessed on January 2, April 2, July 2, and October 2, and on a monthly basis on the first day of each month thereafter, until paid. A person or entity required to retain fees as required by Iowa Code section 455B.310 that fails or refuses to report the use of the retained fees by the due date shall be assessed a penalty of 2 percent of the retained fees due to the department, with said penalty to be assessed on January 2, April 2, July 2, and October 2, and on a monthly basis on the first day of each month thereafter, until paid. All penalties shall be paid in addition to the fees due.

[ARC 8037B, IAB 8/12/09, effective 9/16/09]

These rules are intended to implement Iowa Code sections 455B.301A, 455B.302, 455B.306, 455B.310 and 455D.3.

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¹ Rules 101.4 and 101.7 rescinded, rules 101.5, 101.6 and 101.8 renumbered as 101.4 to 101.6, IAB 9/12/84.

² Effective date of rescission of 101.13(1)“j”(4) delayed 70 days by the Administrative Rules Review Committee at its meeting held September 11, 2007.