

**567—101.12(455B,455D) Solid waste comprehensive plan categories.** Public or private entities operating or planning to operate a sanitary disposal project in Iowa, in conjunction with all local governments using the sanitary disposal project, shall file with the director one of two categories of comprehensive plans detailing the method by which the public or private entity, in conjunction with all local governments using the sanitary disposal project, will comply with solid waste comprehensive planning requirements. The first category is a comprehensive plan in which municipal solid waste is disposed of in a sanitary landfill within the planning area. The second category is a comprehensive plan in which all municipal solid waste is consolidated at and transported from a permitted transfer station for disposal at a sanitary landfill in another comprehensive planning area.

**101.12(1)** A planning area that closes all of the municipal solid waste sanitary landfills located in the planning area and chooses to use a municipal solid waste sanitary landfill in another planning area that complies with all requirements under Subtitle D of the federal Resource Conservation and Recovery Act, with all solid waste generated within the planning area being consolidated at and transported from a permitted transfer station, may elect to retain autonomy as a planning area and shall not be required to join the planning area where the landfill being used for final disposal of solid waste is located.

**101.12(2)** If a planning area makes the election to retain autonomy under subrule 101.12(1), the planning area receiving the solid waste from the planning area making the election shall not be required to include the planning area making the election in a comprehensive plan provided no services are shared between the two planning areas other than the acceptance of solid waste for sanitary landfill disposal. The planning area receiving the solid waste shall only be responsible for the permitting, planning, and waste reduction and diversion programs in the planning area receiving the solid waste.

**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. An election may be made under this subrule only if the two comprehensive planning areas enter into an agreement, pursuant to Iowa Code chapter 28E, that includes, at a minimum, all 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.