

SOLID WASTE MANAGEMENT COMMISSION OF MARSHALL COUNTY

P.O. BOX 217, MARSHALLTOWN, IA. 50158 PHONE: 641-752-0646 FAX: 641-752-4562
www.marshallcountylandfill.org

February 28, 2007

Alex Moon
Energy and Waste Management Bureau
Iowa Department of Natural Resources
502 East Ninth Street
Wallace State Office Building
Des Moines, Iowa 50319-0034

Dear Mr. Moon:

Re: Comments on Proposed Chapter 113

These comments are being made on behalf of the Solid Waste Management Commission of Marshall County as well as me. We appreciate the opportunity to provide comments on proposed changes to Chapter 113. Throughout the text of this comment letter all underlined and italicized words are suggested additions to existing text and all strike through words are recommended to be omitted.

113.2(6) This section should be stricken from the rule or modified to address facilities that were built according to rule at the time of their construction. Subtitle D lined facilities that were built using 150 Meter point of compliance modeling and approved leachate drainage layers at the time of their construction should remain Subtitle D compliant under new rule. Sanitary Landfills, engineered and built during the 1970's and 1980's should not be considered "open dumps" simply due to a change in definition 30 years later.

113.2(9) This section should be modified to allow for Subtitle D Facilities that were approved and built according to rule at the time of their construction.

In this section new language should be added as shown in underlined italics

113.7 MSWLF unit design and construction standards. All New MSWLF units shall be designed and constructed in accordance with this rule. 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.

113.7(5) This section should be modified to allow for Subtitle D Facilities that were approved and built according to rule at the time of their construction.

Discussion: The four sections listed above all relate to facilities approved and constructed according to Iowa Rule and/or Subtitle D Rules in effect at the time of their construction. They should not be "redefined" by 113.2(6) or become "noncompliant" due to subsequent rule change.

SOLID WASTE MANAGEMENT COMMISSION OF MARSHALL COUNTY

P.O. BOX 217, MARSHALLTOWN, IA. 50158 PHONE: 641-752-0646 FAX: 641-752-4562
www.marshallcountylandfill.org

113.7(5)a (2) 2 The relative point of Compliance in this section should be within “150 Meters” of the planned liner or waste boundary not “50 feet” as stated in the proposed new rule. This change would keep Iowa rule consistent with current Subtitle D requirements and more in line with some of our neighboring states. To place the point of compliance within 50 feet of the waste boundary as proposed will have significant impact on any assessment or remediation actions at a given site, or the likelihood that such actions could show an impact on conditions within the prescribed time frame.

Discussion: I reference all discussion in section V on pages V-1 and V-2 of Geosyntec’s report “Draft IAC 567-113 Sanitary Landfills for Municipal Solid Waste: Groundwater Protection Systems for the Disposal of Nonhazardous Wastes” Revision 1 February 2007 which is attached as Appendix A and made part of this comment letter.

Proposed Deletion to 113.7(5)b(3): The leachate collection system shall have a method for accurately measuring the leachate head on the liner at the systems lowest points within the MSWLF unit (e.g., sumps). ~~Furthermore, an additional measuring device shall be installed to measure leachate directly on the liner but not in the sump or within the collection trench. Leachate head measurements from cleanout lines or manholes are not acceptable for the second measurement. All such measurement devices shall be in place before waste is placed in the MSWLF unit.~~

Discussion: I reference all discussion in section IV on pages IV-2 and IV-3 of Geosyntec’s report “Draft IAC 567-113 Sanitary Landfills for Municipal Solid Waste: Groundwater Protection Systems for the Disposal of Nonhazardous Wastes” Revision 1 February 2007 which is attached as Appendix A and made part of this comment letter. Furthermore I feel that the leachate system itself is the best and most accurate method of measuring leachate head within the unit.

113.7(5)b(7) 1 through 5

This entire section should be stricken and rewritten to a performance standard for hydraulic conductivity. As written it is nearly un-buildable. The geomembrane placed between the shallow layers of drainage media presents a real challenge to maintain the integrity of the system during initial fill activities. There are many different designs that could meet the design standard set out by federal requirement.

Discussion: I reference all discussion in section IV on pages IV-6 & IV-7 of Geosyntec’s report “Draft IAC 567-113 Sanitary Landfills for Municipal Solid Waste: Groundwater Protection Systems for the Disposal of Nonhazardous Wastes” Revision 1 February 2007 which is attached as Appendix A and made part of this comment letter.

Proposed addition to 113.7(7)a(2)1. The abutment shall have a 20 percent minimum slope, unless it can be demonstrated that the leachate collection system will be maintained with a shallower slope, and comply with subrules 113.7(4), 113.7(5) and 113.7(6)

Discussion: The underlined and italicized language shown above should be added to provide a mechanism for the liner system to be engineered to function on a waste slope shallower than 20 percent. The minimum slope should be based on

SOLID WASTE MANAGEMENT COMMISSION OF MARSHALL COUNTY

P.O. BOX 217, MARSHALLTOWN, IA. 50158 PHONE: 641-752-0646 FAX: 641-752-4562
www.marshallcountylandfill.org

engineering and site specific criteria rather a prescribed value in order to make best use of available airspace.

Furthermore I reference all discussion in section IV on pages IV-9 & IV-10 of Geosyntec's report "Draft IAC 567-113 Sanitary Landfills for Municipal Solid Waste: Groundwater Protection Systems for the Disposal of Nonhazardous Wastes" Revision 1 February 2007 which is attached as Appendix A and made part of this comment letter

113.8(3) f Litter control. The operator shall take steps to minimize the production of litter and the release of litter off site of the facility. ~~All~~ Litter off site of the facility shall be collected ~~daily~~ as soon as possible unless prevented by unsafe working conditions. A ~~dated~~ record log of ~~unsafe conditions that prevented~~ litter collection activities shall be maintained by the facility.

Discussion: It is not possible to collect all off site litter daily. A 30 or 40 MPH sustained wind event may create a situation where it will take several days to complete the task in good weather conditions with adequate help available. All sites have different exposures and need to be addressed on a site specific basis. There is no value to the Public, Facility, or the Department in developing a performance standard that can not be attained or a rule that can not be enforced.

Proposed change to 113.10(2)a(3): Downgradient monitoring wells shall be placed ~~along the site perimeter, within 50 feet of the planned liner or waste boundary~~ at the point of compliance unless site conditions dictate otherwise, downgradient of the facility with respect to the hydrologic unit being monitored.

Discussion: I reference all discussion in section V on pages V-3 of Geosyntec's report "Draft IAC 567-113 Sanitary Landfills for Municipal Solid Waste: Groundwater Protection Systems for the Disposal of Nonhazardous Wastes" Revision 1 February 2007 which is attached as Appendix A and made part of this comment letter.

Proposed change to: 113.10(2)e(2): Designed and constructed with a maximum of ~~300~~ 600 feet between downgradient monitoring wells unless it is demonstrated by site-specific analysis or modeling that a wider well spacing is justified.

Discussion: I reference all discussion in section V on pages V-3 & V-4 of Geosyntec's report "Draft IAC 567-113 Sanitary Landfills for Municipal Solid Waste: Groundwater Protection Systems for the Disposal of Nonhazardous Wastes" Revision 1 February 2007 which is attached as Appendix A and made part of this comment letter.

It is also noted that Iowa's current spacing of 600 feet is adequate for Iowa to have an EPA approved state status and coupled with a 150 meter point of compliance as suggested earlier in this comment provides an appropriate level of protection.

113.10(5)a This section on detection monitoring should be rewritten to allow for an alternative list of constituents for Appendix 1.

Discussion: I reference all discussion in section V on pages V-4 & V-5 & V-6 & V-7 of Geosyntec's report "Draft IAC 567-113 Sanitary Landfills for Municipal Solid

SOLID WASTE MANAGEMENT COMMISSION OF MARSHALL COUNTY

P.O. BOX 217, MARSHALLTOWN, IA. 50158 PHONE: 641-752-0646 FAX: 641-752-4562
www.marshallcountylandfill.org

Waste: Groundwater Protection Systems for the Disposal of Nonhazardous Wastes”
Revision 1 February 2007 which is attached as Appendix A and made part of this
comment letter.

Proposed change to 113.12(7) The owner or operator of all MSWLF units must
complete closure activities of each MSWLF unit in accordance with the closure plan
within ~~180~~ 365 days following the beginning of closure as specified in subrule 113.12(6).

Discussion: Closure activities should be completed during good weather and
with good soil conditions to ensure the best possible final product or cap. 180 days may
not provide a full construction season to accomplish that. An additional six months is a
very small time frame compared to the active and postclosure life of the unit, and
allowing adequate time for the best possible construction conditions may greatly improve
the final performance of the completed unit.

In addition to the preceding specific comments we endorse, support, and offer as
comment Section VII SUMMARY AND CONCLUSIONS of Geosyntec’s report “Draft
IAC 567-113 Sanitary Landfills for Municipal Solid Waste: Groundwater Protection
Systems for the Disposal of Nonhazardous Wastes” Revision 1 February 2007 which is
attached as Appendix A and made part of this comment letter.

Respectfully submitted,

Joe Robertson
Manager

**SOLID WASTE MANAGEMENT COMMISSION
OF MARSHALL COUNTY**

P.O. BOX 217, MARSHALLTOWN, IA. 50158 PHONE: 641-752-0646 FAX: 641-752-4562
www.marshallcountylandfill.org

Re: Comments on Proposed Chapter 113
Letter to Alex Moon Dated February 28, 2007

Appendix A

Technical Review and Comment Report
Draft IAC 567-113 “Sanitary Landfills for Municipal Solid Waste:
Groundwater Protection Systems for the Disposal of Nonhazardous Wastes”
Prepared by Geosyntec Consultants
Revision 1- February 2007
Attached