

Frequently Asked Questions Regarding the ARRC's 70 Day Delay

1. QUESTION – Which rules are currently in effect?

ANSWER – The version of 567 IAC 113 that became effective on January 15, 2003 will be in effect until December 9, 2007, at which time the revised rules become effective unless the ARRC removes the delay before then or adds another delay on that date. 40 CFR 258 has been in effect in Iowa since 1994.

2. QUESTION – Will the Department prohibit waste from being disposed in non-Subtitle D compliant cells after October 1, 2007?

ANSWER – The permit holder must review their permit to determine which areas are approved for landfilling after October 1, 2007. Existing 567 IAC 113 does not contain the October 1st deadline. However, new 567 IAC 113 (approved by the Environmental Protection Commission in June 2007) does contain this prohibition. Should the revised version of the rules become effective, landfills that chose to accept waste after that date would be subjected to all of the requirements of the revised rule, including the loss of flexibilities associated with closure and post closure activities that are provided in the new rules for landfills closing before October 1st.

3. QUESTION – Will the Department prohibit recirculation of leachate in alternative cells?

ANSWER – State leachate recirculation rules are located in 567 IAC 113.26(11) (w/ a January 15, 2003 effective date). The federal leachate recirculation rules located in 40 CFR 258.28. Landfill operators should review existing state and federal rules and comply with the specific terms of those rules. Questions regarding the requirements of 40 CFR 258.28 are directed to Chet McLaughlin of EPA Region VII (telephone (913)551-7666).

4. QUESTION – What are the current alternative liner design rules?

ANSWER – State alternative liner rules are located in existing 567 IAC 113.26(1)"e" (w/ a January 15, 2003 effective date). The federal alternative liner rules are located in 40 CFR 258.40 and 258.51(a)(2). Questions regarding which rules are applicable are directed to Chet McLaughlin of EPA Region VII (telephone (913)551-7666).

5. QUESTION – Are water monitoring and annual water quality reporting going to be required for all facilities this Fall?

ANSWER – Yes. Existing 567 IAC 113.26(4)"e"&"f" and 113.26(8)"d" (w/ a January 15, 2003 effective date) require the semiannual collection of water samples and the annual reporting by November 30 of each year. DNR review of this data will be in conformance with the appropriate portions of this rule. For those landfills whose

permits require September sampling, the Department will allow these samples to be collected during October.

6. QUESTION – Are semiannual engineering inspections, submittal of Leachate Control System Performance Evaluation reports, and Annual Gas Monitoring Reports required this Fall?

ANSWER – Yes. Existing 567 IAC 113.26(2)“j” (w/ a January 15, 2003 effective date) requires this inspection on an annual basis or as otherwise required in your permit. Facility permits specify the submittal of the LCSPE reports. Existing 567 IAC 113.26(15)“b” (w/ a January 15, 2003 effective date) requires submittal of the annual gas monitoring report.

7. QUESTION – Is in-situ permeability testing of monitoring wells (e.g. slug tests) required this Fall?

ANSWER – Yes. In-situ permeability testing will be required, including all the other requirements of the monitoring well maintenance performance reevaluation plan, as specified in existing IAC 113.21(2) (w/ a January 15, 2003 effective date).

8. QUESTION – Are landfills closing this year allowed 1 year to construct final cover?

ANSWER – No. Existing rule 113.27(9)“c” (w/ a January 15, 2003 effective date) requires the completion of the installation of final cover within 90 days of facility closure. Extension of this deadline is dependent upon the new rules becoming effective within 90 days of closure.

9. QUESTION – Is the Department requiring the submittal of permit renewal applications 90 days prior to the permit expiration date?

ANSWER – Yes, permit renewal applications should still be submitted as required by existing 567 IAC 113.3(1)“a” (w/ a January 15, 2003 effective date).

10. QUESTION – Is the Department renewing previously-submitted permit applications?

ANSWER – The Department will renew permits on a case by case basis during this period. Each landfill operator should work with the Department to determine whether renewal at this time is in the interest of the landfill and the State. Unless contacted by a landfill operator, the Department will presume it is appropriate to temporarily suspend the issuance of permit renewals pending a resolution of the rules delay.

11. QUESTION –If my permit expires October 1, 2007 can I continue to place waste at my landfill?

ANSWER – Permit holders are required to follow all of the provisions and requirements of their permit. Permit expiration dates remain. A permit renewal is

necessary to continue operating past the expiration date of the permit. In order to operate under an expired permit a permit renewal application must be submitted to the Department 90 days before the expiration of the permit in accordance with existing 567 IAC 113.3(1) "a", unless the Department extends the existing permit expiration date.

12. QUESTION – Are previously-granted permit application extensions still valid?

ANSWER – Yes. The extensions are still valid, but no future extensions will be granted solely for the purpose of awaiting resolution of the rules delay. Extensions will still be considered by the Department as justified for other reasons.

13. QUESTION – Will the Department be issuing closure permits for those facilities that requested a closure permit for an October 1 closure date?

ANSWER – Yes. Unless otherwise requested by the facility, the Department will issue closure permits as originally requested.

14. QUESTION – Is the Department requiring the submittal of the implementation plan, including a revised HMSP, by January 31, 2008?

ANSWER – Existing 567 IAC 113 (w/ a January 15, 2003 effective date) does not contain such a requirement, therefore, no implementation plans will be required until the revised rules become effective.

15. QUESTION – If the revised rules that were delayed by ARRC eventually take affect, do all of the dates contained in the rule remain effective, even if some of those dates predate the rule effective date?

ANSWER – Yes. New 567 IAC 113 was approved by the Environmental Protection Commission in June 2007 and the dates and other language contained in the rules can only be changed by going through the rule revision process.

16. QUESTION – If the rules delay is resolved, will five independent background samples still be required from each monitoring well before October 1, 2008?

ANSWER – Yes.

17. QUESTION – My permit only authorizes filling in the unlined areas of my site until October 1, 2007. An October 1, 2007 deadline is not included in 567 IAC 113 (w/ a January 15, 2003 effective date), can I continue to fill in my unlined areas?

ANSWER – No. Permit holders are required to follow all provisions and requirements of the permit. Permits may be amended in accordance with existing 567 IAC 113.8.