

Crosswalk for Proposed Chapter 104
Solid Waste Comprehensive Planning and Environmental Management System Requirements

Subject	Existing	Existing Rule	Proposed	Proposed Rule	Code	Code
Purpose	101.1	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.	104.1	Same but add on: This chapter also establishes methods and criteria for the environmental management system program, a voluntary alternative to comprehensive planning for planning areas or service areas.		
Definitions	101.2	For the purposes of this chapter, the definitions found in 567—100.2(455B,455D) shall apply.	104.2	Revise to: For the purposes of this rule, the following definitions, definitions in 567-100 and those found in Iowa Code sections 28E, 455B, 455D and 455J shall apply. <ul style="list-style-type: none"> • “Annual compliance report” or “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. • “Solid waste agency” means an established private and/or public agency for the purpose of managing solid waste and/or implementing integrated solid waste management systems on behalf of cities and counties. 		

Duties of cities & counties	101.4	Duties of cities & 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.		Delete	455B.302.1	Every city and county of this state shall provide for the establishment and operation of a comprehensive solid waste reduction program consistent with the waste management hierarchy under section 455B.301A, and a sanitary disposal project for final disposal of solid waste by its residents. Comprehensive programs and sanitary disposal projects may be established either separately or through cooperative efforts for the joint use of the participating public agencies 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.		Delete	455B.302., 1 st sentence	Cities and counties may execute with public and private agencies contracts, leases, or other necessary instruments, and may 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 sanitary disposal projects, and general administration of the same.
Duties of cities & counties – waste flow control	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	104.3(2)	Same – move below the next subrule.	455B.306(7) e, 2 nd sentence	Except as provided in subsection 2, a comprehensive plan shall not include a planning area or service area, any part of which is included in another comprehensive plan.

		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.				
Duties of cities & counties	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.	104.3 & 104.3(1)	Move up and revise to: (1)Duties of cities & counties. Notwithstanding any requirements in Iowa Code, including 455B.302, all cities, counties and solid waste agencies shall demonstrate compliance with the provisions of this chapter by either participating in a comprehensive plan approved by the department or being within the planning or service area of an environmental management system.		
Contracts with permitted agencies	101.5	Contracts with permitted agencies.		Delete		
Contracts with permitted disposal projects	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.		Delete		
Contract with haulers	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		Delete		



		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.				
State recycling goals	101.6	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	104.4	Same but add: A planning area designated as an environmental management system pursuant to section 455J.7 is exempt from the waste stream reduction goals of this section. Also add: (455J)	455D.3.1a & 455D3.3	1. Waste reduction goals. a. 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 twenty-five percent, and by a final goal of at least fifty percent, through the practice of waste volume reduction at the source and through recycling. For the purposes of this section, "waste stream" means the disposal of solid waste as "solid waste" is defined in section 455B.301. Environmental management systems. A planning area designated as an environmental management system pursuant to section 455J.7 is exempt from the waste stream reduction goals of this section."

Base year adjustment	101.7	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(104.5	Same		
Goal Progress calculation	101.7.1	<p>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:</p> <ul style="list-style-type: none"> 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). 	104.5(1)	Same		

		<p>i. Most current complete fiscal year data set available for employment - total nonfarm (Iowa Department of Workforce Development) - (I).</p> <p>j. Most current complete fiscal year data set available for taxable sales (Iowa Department of Revenue) - (J).</p> <p>k. Most current complete fiscal year data set available for consumer price index - (K).</p>				
Goal Progress formula	Formula I	$100\% \cdot \left[A \frac{H}{C} + \left[\frac{I - H}{I} \right] \right] + B \left[\frac{J}{D} + \left[\frac{K - J}{E} \right] \right] \times 100\%$		Same		
Tonnage data	101.7.2	<p>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:</p> <ol style="list-style-type: none"> Landfill(s) within the planning area and its respective service area(s). Transfer station(s) or hauler(s) transporting waste into or out of the planning area for final disposal. Incineration with or without energy recovery of waste within the planning area. Allowable base year adjustment method exemptions, including exceptional events, waste originating 	104.5(2)	Same		

		from out of state, and solid waste generated outside the planning area.				
Exceptional event exemption	101.7.3a	<p>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.</p> <p>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.</p> <p>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.</p> <p>(1) Exemption requests shall, at a minimum, include:</p> <ol style="list-style-type: none"> 1. Date(s) of duration of the exceptional event. 	104.5(3) and 104.5(3) a	<p>Revise to:</p> <p>Waste generated as part of an exceptional event or contaminated site cleanup should not negatively affect a planning area’s goal progress calculation. Requests for goal progress calculation exemptions must be made to the department within six months after initial disposal. The determination to exempt tonnages from goal progress calculations shall be made solely by the department.</p> <p>a. Exceptional events include, but are not limited to, disasters proclaimed by the governor. Requests to exempt exceptional event debris from goal progress calculations shall be made on a form provided by the department.</p>		

		<p>2. Type of event (i.e., flood, tornado, combination thereof).</p> <p>3. Description of affected area(s), including approximate number of buildings and addresses, if available.</p> <p>4. Type(s) of waste to be exempted.</p> <p>5. Actual tonnage of debris disposed of during the quarter.</p> <p>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).</p> <p>(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:</p> <p>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.</p> <p>2. Summary of existing policies to divert storm debris from disposal, as well as the amount of waste(s) diverted.</p> <p>3. Copies of scale tickets and summary report of scale tickets.</p> <p>4. Federal Emergency Management Agency (FEMA) reports, if any.</p> <p>5. Newspaper articles or pictures of affected areas.</p> <p>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).</p>				
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		7. Contact information for the person(s) responsible for compiling the exceptional event report(s).				
C-soil exemption	101.7.3b	<p>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.</p> <p>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</p>	104.5(3) b	Revise to: b. Requests from the municipal solid waste sanitary disposal project or planning agency to exempt contaminated site cleanup waste from goal progress calculations shall be made on a form provided by the department.		

		<p>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:</p> <p>(1) Contact information of the primary and any other government agency overseeing or involved with site cleanup.</p> <p>(2) Address of the brownfield or contaminated site.</p> <p>(3) Date(s) when the site was believed to have been contaminated, if known.</p> <p>(4) Type of operation and owners of the operation that led to the contamination, if known.</p> <p>(5) Constituents of concern present in the soil.</p> <p>(6) Types of miscellaneous waste mixed with the soil, if any.</p> <p>(7) Appropriate testing for identified contaminants of the contaminated soil.</p> <p>(8) Actual tonnage of contaminated soil disposed of during the quarter.</p> <p>(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).</p> <p>(10) Narrative justification to explain why disposal in a municipal solid waste sanitary disposal project is the best site cleanup methodology.</p>				
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Submittal of Plans & Updates	101.8	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.		Delete		
DNR review, forms	101.9	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).		Delete	455B.306.1e	The director shall review each comprehensive plan submitted and may reject, suggest modification, or approve the proposed plan. The director shall aid in the development of comprehensive plans for compliance with this part. The director shall make available to cities, counties, and private agencies the forms appropriate for the submission of comprehensive plans, and the director may hold hearings for the purpose of implementing this part.
Plan types	101.12	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		Delete	455B.306.1	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 this part 1. 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 transfer station for disposal at a

		disposal at a sanitary landfill in another comprehensive planning area or state.				sanitary landfill in another comprehensive planning area or state.
Autonomy	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.		Delete	455B.306.2	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 subsection, 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.
Autonomy for waste only	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.		Delete	455B.306.2a	If a planning area chooses to retain autonomy pursuant to this subsection, 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.
Autonomy details	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		Delete	455B.306.2b	If the department determines that solid waste cannot reasonably be consolidated and transported from a particular transfer station, the

		<p>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:</p> <p>a. A detailed methodology of the manner in which solid waste will be tracked and reported between the two planning areas.</p> <p>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.</p>			<p>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 under this subsection only if both comprehensive planning areas enter into an agreement pursuant to chapter 28E that includes all of the following:</p> <p>(1) A detailed methodology of the manner in which solid waste will be tracked and reported between the two planning areas.</p> <p>(2) A detailed methodology of the manner in which the receiving sanitary landfill will collect, remit, and report tonnage fees, pursuant to 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.</p>	
Types of Comp Plans	101.13	<p>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</p>	104.6	<p>Revise to:</p> <p>Forms of comprehensive plan submittals to be filed. Notwithstanding any of the requirements of 455B.306.6, there are three forms of comprehensive plan submittals: initial, updates, and amendments.</p> <p><i>Note1: “Types of comprehensive plans” has a different meaning in 455B.306.1 so should not be used in this section.</i></p> <p><i>Note2: Wkgrp wanted to add code references such as in left column of slide 10 of Wkgrp Session 2 that lists 455B.306 subsections 1g, 5 6, 8.</i></p>	<p>455B.306.1e 2nd sentence & 455B.306.3</p>	<p>1.e. The director shall make available to cities, counties, and private agencies the forms appropriate for the submission of comprehensive plans . . .</p> <p>3. The plan required by subsection 1 for sanitary disposal projects shall be filed with the department at the time of initial application for the construction and operation of a sanitary disposal project and at a minimum shall be updated and refiled with the department at the time of each subsequent application for</p>

		<p>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.</p> <p>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:</p> <ol style="list-style-type: none"> 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. 				<p>renewal or reissuance of a previously issued permit. The department may, consistent with rules of the commission, require filing or updating of a plan at other times.</p>
Initial Plan’s contents	101.13.1	<p>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:</p>	104.6(1)	<p>Revise to: Initial comprehensive plan. An initial comprehensive shall be submitted as determined by the department, including but not limited to when a new planning area is established, or a new solid waste landfill or municipal solid waste incinerator is sited. Initial comprehensive</p>	455B.306.3	<p>The plan required by subsection 1 for sanitary disposal projects shall be filed with the department at the time of initial application for the construction and operation of a sanitary disposal project and at a minimum shall be updated and refiled with the department at the time of each</p>

				plans shall be submitted on a form provided by the department .		subsequent application for renewal or reissuance of a previously issued permit. The department may, consistent with rules of the commission, require filing or updating of a plan at other times.
Initial Plan's contents	101.13.1a	<i>a.</i> 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.		Delete	455B.306.7e, 1st sentence	A description of the planning area and service area to be served by the city, county, or private agency under the comprehensive plan.
Initial Plan's contents	101.13.1b	<i>b.</i> 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		Delete	455B.306.1a-c & g and 455B.306A.3 pertaining to annexation	<p><i>a.</i> All cities and counties shall also file with the director a comprehensive plan detailing the method by which the city or county will comply with the requirements of section 455B.302 to establish and implement a comprehensive solid waste reduction program for its residents.</p> <p><i>b.</i> A public agency managing the waste stream for cities or counties pursuant to chapter 28E shall file one comprehensive plan on behalf of its members. Filing of a comprehensive plan constitutes full compliance by the public agency's members with the filing requirements of this section.</p> <p><i>c.</i> If both a public agency managing the waste stream for a city or county pursuant to chapter 28E, and one or more of the public agency's member cities or counties file a comprehensive plan under this subsection, the director shall, following notice to the agency, make a determination that any plan filed by a member city or county is compatible with the comprehensive plan of the chapter 28E public agency. If the director determines that a city's</p>

		<p>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).</p>			<p>or county’s comprehensive plan is not compatible with the comprehensive plan of a public agency, as defined in chapter 28E, the director shall require the city or county to provide justification of or the approval of the comprehensive plan based upon the following factors: the innovative nature of the comprehensive plan, the urgency of the plan’s implementation, any unique features of the city’s or county’s comprehensive plan, and whether the plan otherwise complies with the provisions of this chapter.</p> <p>g. A comprehensive plan filed by a private agency operating, or planning to operate, a sanitary disposal project required by section 455B.302 shall be developed in cooperation and consultation with the city or county responsible for establishing and operating a sanitary disposal project.</p> <p>(455B.306A.3 - A private entity providing solid waste collection services pursuant to this section shall provide solid waste collection services in the area in accordance with the city’s comprehensive plan.</p>
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Initial Plan's contents	101.13.1c	<p>c. A detailed description of public participation, including:</p> <p>(1)Details of ongoing strategies to provide the public with opportunities to provide input.</p> <p>(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.</p> <p>(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.</p> <p>(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.</p>		Delete		
Initial Plan's contents	101.13.1d-g	<p>d. A description of past local and regional planning activities.</p> <p>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.</p> <p>f. A description of population, employment, and industrial production as of the planning area's base year waste stream.</p>		Delete		

		<p><i>g.</i> 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.</p>			
Initial Plan's contents	101.13.1h	<p><i>h.</i> 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:</p> <p>(1)Details of strategies and educational efforts designed to:</p> <ol style="list-style-type: none"> 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. <p>(2)A list of collectors/recyclers used by the permitted municipal solid</p>	Delete	455B.306.5a and 455B.306.6	<p>5. A comprehensive plan filed pursuant to this section shall incorporate and reflect the waste management hierarchy of the state solid waste management policy and shall at a minimum address the following general topics:</p> <ol style="list-style-type: none"> a. The extent to which solid waste is or can be recycled. <p>6. The comprehensive plan shall provide details of a local recycling program which shall contain a methodology for meeting the state volume reduction goal pursuant to section 455D.3, and a methodology for implementing a program of separation of wastes including but not limited to glass, plastic, paper, and metal.</p>

		<p>waste sanitary disposal project(s) for the proper management of tires or household appliances.</p> <p>(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:</p> <ol style="list-style-type: none"> 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. <p>(4)A discussion of the strengths and weaknesses of existing programs, efforts and strategies in the current integrated solid waste management system.</p> <p>(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</p>				
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		notification, perform a goal progress calculation using the most current complete fiscal year data set available.				
Initial Plan's contents	101.13.1i	<p><i>i.</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:</p> <p>(1)Source reduction options including, but not limited to, backyard composting and management of household hazardous waste.</p> <p>(2)Recycling and reuse options.</p> <p>(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.</p> <p>(4)Use of other existing or planned sanitary landfills or transfer stations.</p>		Delete	455.306B.5b -c	<p>5. A comprehensive plan filed pursuant to this section shall incorporate and reflect the waste management hierarchy of the state solid waste management policy and shall at a minimum address the following general topics:</p> <p>b. The economic and technical feasibility of using other existing sanitary disposal project facilities in lieu of initiating or continuing the sanitary landfill currently used.</p> <p>c. The expected environmental impact of alternative solid waste disposal methods, including the use of sanitary landfills.</p>
Initial Plan's contents	101.13.1j	<p><i>j.</i> 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:</p> <p>(1)A summary of established and anticipated regulatory requirements regarding future siting, operation, closure and postclosure of each facility.</p> <p>(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</p>		Delete	455B.306.5d & 7a-c	<p>5. A comprehensive plan filed pursuant to this section shall incorporate and reflect the waste management hierarchy of the state solid waste management policy and shall at a minimum address the following general topics:</p> <p>d. A specific plan and schedule for implementing technically and economically feasible solid waste disposal methods that will result in minimal environmental impact</p>

		<p>description that spans two planning cycles of the methods of financing. The financial plan shall address:</p> <ol style="list-style-type: none"> 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. <p>(3) A description of expected environmental impacts from the construction of a new or purchase of an existing municipal solid waste sanitary disposal project.</p>			<p>7. In addition to the above requirements, the following specific areas must be addressed in detail in a comprehensive plan filed in conjunction with the issuance, renewal, or reissuance of a permit for a sanitary disposal project:</p> <ol style="list-style-type: none"> a. A closure and postclosure plan detailing the schedule for and the methods by which the operator will meet the conditions for proper closure and postclosure adopted by rule by the commission. The plan shall include, but is not limited to, the proposed frequency and types of actions to be implemented prior to and following closure of an operation, the proposed postclosure actions to be taken to return the area to a condition suitable for other uses, and an estimate of the costs of closure and postclosure and the proposed method of meeting these costs. The postclosure plan shall reflect the thirty-year time period requirement for postclosure responsibility. b. A plan for the control and treatment of leachate, including financial considerations proposed in meeting the costs of control and treatment in order to meet the requirements of section 455B.305, subsection 3. c. A financial plan detailing the actual cost of the sanitary disposal project and including the funding sources of the project. In addition to the submittal of the financial plan filed pursuant to this subsection, the operator of an existing sanitary landfill shall submit
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						an annual financial statement to the department.
Initial Plan's contents	101.13.1k	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.		Delete		
Plan Update's contents	101.13.2	<i>Comprehensive plan updates for municipal solid waste sanitary disposal projects.</i> 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:	104.6(2)	Comprehensive plan updates. A comprehensive plan update shall be submitted according to planning cycle due dates established by the department. Comprehensive plan updates shall be submitted on a form provided by the department.		
Plan Update's contents	101.13.2a	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.		Delete		
Plan Update's contents	101.13.2b	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		Delete		

		<p>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</p>			
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		waste sanitary disposal project permit, a list of those contracts shall be submitted as provided in rule 567— 101.5(455B,455D).				
Plan Update's contents	101.13.2c	<p>A description of public participation, including:</p> <p>(1)A summary of ongoing strategies to provide the public with opportunities to provide input.</p> <p>(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.</p> <p>(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.</p> <p>(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.</p>		Delete		
Plan Update's contents	101.13.2d	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.		Delete		

Plan Update's contents	101.13.2e	A description of changes in population, employment, and industrial production since the last approved comprehensive plan or comprehensive plan update.		Delete		
Plan Update's contents	101.13.2f thru (1)	A description of current waste composition and waste generation rates, including: (1)Changes since the last approved comprehensive plan or comprehensive plan update.		Delete		
Plan Update's contents	101.13.2f(2)	(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.		Delete		
Plan Update's contents	101.13.2g thru (1)6	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.		Delete	455D.6.4	The director shall: 4. Develop a strategy and recommend to the commission the adoption of rules necessary to implement a strategy for white goods and waste oil.

		6. Provide for the separation of glass, paper, plastic and metal.				
Plan Update's contents	101.13.2(2)	(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.		Delete	455D.6.4	The director shall: 4. Develop a strategy and recommend to the commission the adoption of rules necessary to implement a strategy for white goods and waste oil.
Plan Update's contents	101.13.2g(3)	(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.		Delete		
Plan Update's contents	101.13.2h	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		Delete		

		<p>analysis may use any combination of the following methodologies:</p> <p>(1)Trend analysis of goal progress since the initial comprehensive plan.</p> <p>(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.</p> <p>(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.</p>				
Plan Update's contents	101.13.2i	Analysis of the impact of alternative solid waste management methods not currently employed, but being considered within the planning area.		Delete		
Plan Update's contents	101.13.2j	<p>A specific plan and schedule for implementing the comprehensive plan during the next planning cycle. Items that shall be addressed include:</p> <p>(1)Proposed activities and locations.</p> <p>(2)Responsible organization(s).</p> <p>(3)Implementation milestones.</p> <p>(4)Public education strategies.</p> <p>(5)Anticipated impact on the waste stream and diversion.</p>		Delete		

Plan Update exemption for EMS	101.13.2k	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.		Delete – EMS exemption from comp planning is included later on	455J.5	Notwithstanding any other provision of law to the contrary, in addition to the incentives in subsection 1, a solid waste planning or service are designated as an environmental management system is exempt from filing its comprehensive plan.
Plan Amendments	101.13.7 1 st paragraph	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:	104.6(3)	Revise to: 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, the department may determine that a comprehensive plan amendment may be submitted and approved to fulfill requirements until the beginning of the next planning cycle. Comprehensive Plan Amendments shall be submitted to the department on a form provided by the department .		
Plan Amendments	101.13.7a	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.		Delete		

Plan Amendments	101.13.7b	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.				
Plan Amendments	101.13.7c	c. The next comprehensive plan update submitted by the planning agency shall include the amended city, county, or municipal solid waste sanitary disposal project.				
Plan Amendments	101.13.7d	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.				
EMS			104.7	Insert rule: Environmental management systems. Notwithstanding any other requirements, a planning or service area that has been designated as environmental management system and that seeks to continue to be so designated in this voluntary program, is exempt from filing its comprehensive plan. By September 1 of each year, an annual report shall be submitted on a form provided by the department .	455J.5	Notwithstanding any other provision of law to the contrary, in addition to the incentives in subsection 1, a solid waste planning or service area designated as an environmental management system is exempt from filing its comprehensive plan.
EMS Annual Reports			104.7(1)	Insert subrule: Annual report evaluation criteria. (a) Completeness in terms of addressing		

evaluation criteria				<p>all of the elements set forth in the form provided by the department.</p> <p>(b) Clear demonstration of continuous improvement in terms of progress toward achieving the objectives and targets set forth in the EMS.</p>		
EMS Annual Reports evaluation outcomes			104.7(2)	<p>Insert subrule:</p> <p>Annual report evaluation outcomes.</p> <p>(a) If the department 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.</p> <p>(b) If the department 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 department may recommend to the Environmental Protection Commission the revocation of the EMS designation. If the Commission concurs with the department’s recommendation, the planning or service area shall adhere to comprehensive planning requirements.</p> <p>(c) 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.</p>		

Tonnage Fees	101.14 and 101.14.1	567—104.8(455B,455D) Fees for disposal of solid waste at sanitary landfills. <i>(1) Authority, purpose and applicability.</i> <i>a. Authority.</i> 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) . <i>b. Purpose.</i> 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. <i>c. Applicability.</i> 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.	104.8 and 104.8(1)	Same	455B.310.1	Except as provided in subsection 5, the operator of a sanitary landfill shall pay a tonnage fee to the department for each ton or equivalent volume of solid waste received and disposed of at the sanitary landfill during the preceding reporting period. The department shall determine by rule the volume which is equivalent to a ton of waste.
Tonnage Fee exclusion	101.14.2	<i>Exclusion.</i> 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.	104.8(2)	Same		
Base Tonnage Fee	101.14.3a	<i>Fee schedule.</i> The base tonnage fee is \$4.25 per ton of solid waste.	104.8(3) and 104.8(3) a	Same	455B.310.2	The tonnage fee is four dollars and twenty-five cents per ton of solid waste, except as provided in section 455J.5, subsection 1, paragraph “b”.
State GP average	101.14.3b	The statewide goal progress average is 36 percent, as determined by the department on July 1, 1999.	104.8(3) b	Same		

<p>Tonnage Fee Schedule, <25%</p>	<p>101.14.3 c</p>	<p>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.</p>	<p>104.8(3)c , 1st sentence</p>	<p>Revise to: If at any time the department notifies a planning agency or municipal solid waste sanitary disposal project(s) that the planning area has either failed to meet the 25 percent goal or has met or exceeded the 25 percent goal, the 36 percent statewide average or the 50 percent goal, all municipal solid waste sanitary disposal projects within that planning area that are required to remit state tonnage fees shall collect, remit and retain tonnage fees according to Table 1 in this subrule, starting with the next scheduled fee payment.</p>	<p>455D.3.2b</p>	<p>If the department determines that a planning area has failed to meet the twenty-five percent goal, the planning area shall remit fifty cents per ton to the department. The moneys shall be deposited in the groundwater protection fund created in section 455E.11, subsection 2, paragraph "a", and credited to the solid waste account of the fund to be used for funding alternatives to landfills pursuant to section 455E.11, subsection 2, paragraph "a", subparagraph (1). Moneys shall continue to be remitted pursuant to this paragraph until such time as evidence of attainment of the twenty-five percent goal is documented in subsequent plans submitted to the department.</p>
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<p>Tonnage fee schedule, >25% & <36%</p>	<p>101.14.3 d and d1</p>	<p>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.</p> <p>(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</p>	<p>104.8(3)c , 2nd sentence</p>	<p>Delete all except keep the last sentence: 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.</p>	<p>455D.3.2a</p>	<p>If at any time the department determines that a planning area has met or exceeded the twenty-five percent goal, but has not met or exceeded the fifty percent goal, a planning area shall subtract sixty cents from the total amount of the tonnage fee imposed pursuant to section 455B.310. If at any time the department determines that a planning area has met or exceeded the fifty percent goal, a planning area shall subtract fifty cents from the total amount of the tonnage fee imposed pursuant to section 455B.310. The reduction in tonnage fees pursuant to this paragraph shall be taken from that portion of the tonnage fees which would have been allocated for funding alternatives to landfills pursuant to section 455E.11, subsection 2, paragraph “a”, subparagraph (1).</p>
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		toward meeting the state’s waste volume reduction and recycling goals is documented and approved in writing by the department.				
Tonnage fee schedule, >36% & <50%	101.14.3d 2	(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.		Delete	455B.310.3 and 2nd sentence of .4	3. If a sanitary landfill required to pay a tonnage fee under this section has an updated comprehensive plan approved by the department, the sanitary landfill operator shall retain, in addition to the ninety-five cents retained pursuant to subsection 4, twenty-five cents of the tonnage fee per ton of solid waste in the fiscal year beginning July 1, 1998, and every year thereafter. In the fiscal year beginning July 1, 1999, and every year thereafter, any planning area which meets the statewide average, as determined by the department on July 1, 1999, shall retain, in addition to the twenty- five cents retained pursuant to this subsection, ten cents of the tonnage fee per ton of solid waste regardless of whether the planning area subsequently fails to meet the statewide average. Any tonnage fees retained pursuant to this subsection shall be used for waste reduction, recycling, or small business pollution prevention purposes. Any tonnage fee retained pursuant to this subsection shall be taken from that portion of the tonnage fee which would have been allocated to funding alternatives to landfills pursuant to section 455E.11, subsection 2, paragraph “a”, subparagraph (1).

						Last sentence of 4. If the fifty percent waste reduction goal has not been met, one dollar and twenty cents of the tonnage fee shall be retained by a city, county, or public or private agency.
Tonnage fee schedule >50%	101.14.3 e	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		Delete	455B.310.4, first sentence and b-c And 455D.3.2c	If a planning area achieves the fifty percent waste reduction goal provided in section 455D.3, ninety-five cents of the tonnage fee shall be retained by a city, county, or public or private agency. b. If a planning area achieves the fifty percent waste reduction goal provided in section 455D.3, forty-five cents of the retained funds shall be used for implementing waste volume reduction and recycling requirements of comprehensive plans filed under section 455B.306. If the fifty percent waste reduction goal has not been met, seventy cents of the retained funds shall be used for implementing waste volume reduction and recycling requirements of comprehensive plans filed under section 455B.306. The funds shall be distributed to a city, county, or public agency served by the sanitary disposal project. Fees collected by a private agency which provides for the final disposal of solid waste shall be remitted to the city, county, or public agency served by the sanitary disposal project. However, if a private agency is designated to develop and implement the comprehensive plan pursuant to section 455B.306, fees under this paragraph shall be retained by the private agency.

		<p>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.</p>			<p>c. For other environmental protection activities.</p> <p>455D.3.2.c If at any time the department determines that a planning area has met or exceeded the fifty percent goal, the planning area shall subtract fifty cents from the total amount of the tonnage fee imposed pursuant to section 455B.310. This amount shall be in addition to any amount subtracted pursuant to paragraph “a”. The reduction in tonnage fees pursuant to this paragraph shall be taken from that portion of the tonnage fees which would have been allocated to funding alternatives to landfills pursuant to section 455E.11, subsection 2, paragraph “a”, subparagraph (1). A planning area failing to meet the fifty percent goal is not required to remit any additional tonnage fees to the department.</p>
EMS reduced tonnage fee			104.8(3) d	<p>Insert: d. A solid waste planning or service area designated as an environmental management system pursuant to Iowa Code section 455J.7 shall qualify, pursuant to Iowa Code 455J.5 for a reduced tonnage fee of three dollars and sixty-five cents per ton of which two dollars and ten cents shall be remitted to the department.</p>	
	Table 1	Table 1 sets forth the solid waste tonnage fee schedule. TABLE 1	Table 1	Same except for at “Planning areas over 25% diversion, over the state average, and under 50%” add on “and planning or service areas designated as an environmental management system”	

Retainage	101.14.3f	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.	104.8e	Same	455B.310.4 last sentence and 4a	Moneys retained by a city, county, or public or private agency shall be used as follows: a. To meet comprehensive planning requirements of section 455B.306, 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, and the preparation of a financial plan.
Scales	101.14.3g-h	<i>g.</i> 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. <i>h.</i> 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.	104.8f-g	Same	455B.304.15	The commission shall adopt rules which require all sanitary disposal projects in which the tonnage fee pursuant to section 455B.310 is imposed, to install scales and utilize these scales to calculate payment of the tonnage fee.
Tonnage Fee Filing	101.14.4	<i>Form, manner, time and place of filing.</i> <i>a. Form.</i> 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. <i>b. Manner, time and place.</i> 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	101.8(4)	Same except change a. to: a. Form. Any person to whom or entity to which this rule applies shall submit a form provided by the department. Also at end, delete: Wallace State Office Building, 502 East 9th Street, Des Moines, Iowa 50319.	455B.310.7	Fees imposed by this section shall be paid to the department on a quarterly basis with payment due by no more than ninety days following the quarter during which the fees were collected. The payment shall be accompanied by a return which shall identify the amount of fees to be allocated to the landfill alternative financial assistance program, the amount of fees, in terms of cents per ton, retained for meeting waste reduction and recycling goals under section 455D.3, and additional fees

		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.				imposed for failure to meet the twenty-five percent waste reduction and recycling goal under section 455D.3. Sanitary landfills serving more than one planning area shall submit separate reports for each planning area.
Tonnage Fee Reporting	101.14.5	<p><i>Reporting and record keeping.</i></p> <p><i>a. Operating records.</i> 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.</p> <p><i>b. Retention of records.</i> 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.</p> <p><i>c. Availability of records.</i> 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</p>	101.8(5)	Same		

		representative of the department who is duly designated by the director.				
Failure to pay	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.	104.8(6)	Same	455B.310.8	A person required to pay fees by this section who fails or refuses to pay the fees imposed by this section or who fails or refuses to provide the return required by this section shall be assessed a penalty of two percent of the fee due for each month the fee or return is overdue. The penalty shall be paid in addition to the fee due.
Code reference		These rules are intended to implement Iowa Code sections 455B.301A , 455B.302 , 455B.306 , 455B.310 and 455D.3 .		Same except add 455J		