Fields of Opportunities

STATE OF IOWA

TERRY E. BRANSTAD, GOVERNOR
KIM REYNOLDS, LT. GOVERNOR

DEPARTMENT OF NATURAL RESOURCES
ROGER L. LANDE, DIRECTOR

April 6, 2011

Mr. Alan J. Powell c/o Jendro Sanitation
P.O. Box 97
Charles City, IA 50616

Subject: LAND APPLICATION OF SOLID WASTE – YARD WASTE AND OAT HULLS

Dear Mr. Powell:

This letter follows up on our April 1, 2011, discussion regarding the land application of leaves, grass trimmings and oat hulls on a property you own at 108 Development Drive in Charles City, Iowa.

Based upon our discussion, I understand that you have had a variety of discussions and correspondence with Iowa Department of Natural Resources (DNR) personnel regarding this issue, but there has not been a definitive resolution of the issue. I committed to you during our meeting that I would clarify the Rule requirements surrounding your land application activity and communicate DNR's position on this matter.

Iowa Administrative Code 567 Chapter 121 governs land application of wastes. Subrule 567 IAC 121.6(1) states that certain wastes may be land applied without a Permit, *provided* the application rate does not exceed two tons dry weight per acre per year, the soils in the land application area meet certain requirements, certain geographic setbacks are observed *and that the waste streams are analyzed* to characterize nutrient loading. A copy of Chapter 121 is enclosed.

I have reviewed our files but was not able to find any characterization data for the waste streams you have been land applying. I was able to find some past correspondence that suggested that your land application rate may have exceeded the two ton per acre per year limit. I also found correspondence indicating that you had attempted to permit the land application activity under Jendro Sanitation Service's Solid Waste Disposal Project Permit #34-SDP-05-94P-XFR, but DNR rejected that request citing failure to meet requirements under 567 IAC Chapter 105 (Composting Rules).

DNR has determined that your land application activity is subject to 567 IAC Chapter 121, and **you have three options**:

1. You may continue to land apply leaves and grass trimmings as you have been with no permit or additional characterization, *but you can choose to cease land application of oat hulls.* **If you choose this option, you must cease land application of oat hulls by June 30, 2011.**

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641-424-4073 / FAX 641-424-9342

2. If you wish to continue to land apply the oat hull waste stream without a Permit, you must demonstrate compliance with the requirements of Subrule 567 IAC 121.6(1), *and you must keep records demonstrating that your land application rate of oat hulls does not exceed two tons dry weight per acre per year* or a nutrient loading rate that exceeds Subparagraph 567 IAC 121.6(1)"a"*(1)*. Under this option, you may characterize your oat hull waste stream by substituting a standard agronomic test for moisture content, nitrogen, phosphorus and potassium in lieu of the analytes stipulated in Paragraph 567 IAC 121.6(1) "b". **If you choose this option, you must submit your analytical results and certify your land application activity meets the other requirements of Subrule 567 IAC 121.6(1) by June 30, 2011.**

3. If you wish to land apply the oat hull waste stream at a rate *greater* than two tons dry weight per acre per year, you must obtain a Land Application Permit under Rule 567 IAC 121.7. **If you choose this option, you must cease all land application of oat hulls by June 30, 2011, and you may not conduct any additional land application of oat hulls after that date until such time as you receive a Permit for Land Application of Waste.** You may substitute a standard agronomic test for moisture content, nitrogen, phosphorus and potassium to characterize your oat hull waste stream in lieu of the analytes stipulated in Subparagraph 567 IAC 121.7(1)"a"*(12)*. On-site oat hull storage duration limits and land application rates would be established in your Permit.

If you choose to pursue Option 3 and apply for a Land Application Permit, I recommend you first contact DNR's Matt McDonald at 515 281-8150, because there are several aspects of the Chapter 121 permitting process that primarily apply to industrial sludges. Mr. McDonald might be able to waive some of those requirements, considering your waste stream is an agricultural milling byproduct.

Please send me a brief note (email is fine) when you have determined which option you intend to pursue.

If you have any questions regarding this matter, please me at 641 424-4073 or david.miller@dnr.iowa.gov.

Sincerely,

DNR FIELD SERVICES & COMPLIANCE BUREAU



David Miller
Environmental Specialist

scan copy – DNR Solid Waste Section