

**IOWA DEPARTMENT OF NATURAL RESOURCES
FIELD SERVICES AND COMPLIANCE BUREAU
FIELD OFFICE #2 - MASON CITY IOWA**

DATE: September 9, 2019

TO: The Record

FROM: Grady Kragenbring *gk*

SUBJECT: Complaint Investigation - #27265
Rural Iowa Waste Management Association Landfill, Hardin County

On August 21, 2019 this office received an anonymous complaint stating that there were trees growing on the north end of the inactive landfill, that the secondary gate to the landfill is never locked and that there was a fire on the landfill around July 4, which the fire department reportedly responded to. Since the Rural Iowa Waste Management Association (RIWMA) Landfill was due for an inspection this office decided to address the concerns of the complaint during the upcoming inspection. David Miller and I conducted a site inspection of the RIWMA landfill on August 29th, 2019. During the inspection we addressed the concerns of the complaint.

As the complaint describes, there are trees growing on the north end of the inactive landfill. We brought up this concern to Dan Aastrup, facility operator, to which he was adamant that the trees served as a beneficial leachate mitigation system and that he felt the benefit outweighed the potential for the trees to damage the integrity of the final cover. Paragraph 567 IAC 113.13 (1)"a" states "Maintaining the integrity and effectiveness of any final cover, including making repairs to the cover as necessary to correct the effects of settlement, subsidence, erosion, or other events, and preventing run-on and runoff from eroding or otherwise damaging the final cover" is the responsibility of the owner or operator. This matter was unresolved after discussion with Mr. Aastrup and will further be addressed through the site inspection report and any necessary follow-up requirements.

The complainant's second concern was that the secondary gate to the landfill is never locked. Mr. Aastrup assured us that the gate is locked after business hours each day. When we arrived for the site inspection at 0900 hours the gate was open. Mr. Aastrup stated that he had opened it that morning because he would be hauling a load of leachate out through the secondary gate later that afternoon. He said that it would be locked afterwards at the end of the business day as is their typical practice.

Lastly, the complainant stated that there was a fire on the landfill around July 4th, and that the fire department was present. Mr. Aastrup said that the diatomaceous earth that they receive from Cargill did spontaneously combust and the fire department did show up. The fire was put out by covering the diatomaceous earth. According to Chapter 567 IAC 113, open burning is prohibited on landfill property, however, I was unable to locate anywhere in Chapter 567 IAC 113 where it requires that the landfill notify the DNR of

open burning on the property. David Miller and I discussed with Mr. Aastrup that the producer of the diatomaceous earth (Cargill) needs to ensure that it is not a hazardous waste by having a waste determination conducted before it is transported to the landfill facility. We instructed Mr. Aastrup that if the landfill accepts this waste without a waste determination they are knowingly accepting a potentially hazardous waste and that is a violation of their permit. Mr. Aastrup sent us a follow-up email with the waste determination from Cargill for the loads they have brought to the landfill. Since this was not a deliberate fire and the nature of the diatomaceous earth is to spontaneously combust if the right conditions are present, and RIWMA did have the waste determination for the load in question I find no violation in this occurrence.

The concerns of this complaint are being addressed through the results of the landfill inspection and therefore no further action will be taken from a complaint standpoint.