



IOWA DEPARTMENT OF NATURAL RESOURCES



Appliance Demanufacturer

PERMIT APPLICATION FORM 50D

New Permit

Permit Renewal # \_\_\_\_\_ -ADP- \_\_\_\_\_ - \_\_\_\_\_

Permit Amendment

Application for an appliance demanufacturer must be accompanied by the plans, specifications and additional information required by the applicable solid waste rules under Iowa Administrative Code 567 Chapter 118.

Send completed applications with attached information to:

Iowa Department of Natural Resources  
Land Quality Bureau  
Solid Waste Section  
502 East Ninth Street  
Des Moines, IA 50319-0034

For questions concerning this application please contact the Department at (515) 217-0872.

SECTION 1. FACILITY CONTACT INFORMATION

Facility Name: M + K Scrapping  
Address: 601 S. President Ave. Mason City, Iowa 50401  
Phone: 641-423-5039 Fax: N/A Email: daleysplumbing@gmail.com

Name of Responsible Official: Michael A. Daley  
Address: 1339 S. Louisiana Ave, Mason City, Iowa, 50401  
Phone: 641-420-3779 Fax: \_\_\_\_\_ Email: daleysplumbing@gmail.com

Name of Facility Operator: Kristin G. Daley  
Phone: 641-512-0747 Fax: N/A Email: kristingdaley@gmail.com

Site Legal Description: see Deed County Cerro Gordo  
\_\_\_\_\_% of \_\_\_\_\_ % of \_\_\_\_\_ % Sec \_\_\_\_\_ Twp \_\_\_\_\_ N Range \_\_\_\_\_  E  W

Facility Owner: Mike + Kristin Daley  
Address: 1339 S. Louisiana Ave. Mason City, Iowa. 50401  
Phone: 641-512-0747 Fax: \_\_\_\_\_ Email: kristingdaley@gmail.com  
641-420-3779

Name of Design Engineer (P.E.), if any: N/A License #: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ Email: \_\_\_\_\_

**SECTION 2. SITE INFORMATION**

Days and hours of operation of the facility: Mon - Fri. 8:00 AM to 4:30 PM

Open to the public?  Yes  No

Service area of the facility and final disposal destination of components:

Service Area: Daley's Plumbing + Heating, Inc.

601 S. President Ave. Mason City, IOWA 50401

Disposal Facility: Alter Metal Recycling

12050 W. State Street Mason City, IOWA 50401

Type, source and number or weight of appliances to be handled per day, week and year at the facility:

Do not know, it will vary depending on how many we have.

\_\_\_\_\_ per day  
 \_\_\_\_\_ per week  
 \_\_\_\_\_ per year

Description of the appliance handling and demanufacturing process to be used:

Evora Consulting - Des Moines Iowa

**SECTION 3. PERMIT APPLICATION CHECKLIST**

Checking the appropriate boxes below certifies that the documents submitted in conjunction with this application form are complete and in compliance with the applicable chapters of the Iowa Administrative Code. While some of the documents below may have been submitted previously, updated copies of each is required to be provided with each permit renewal application. One (1) copy of each document shall be submitted. If an application is found by the department to be incomplete, it may be denied and returned to the applicant.

Required Documents			Attached
Section A.	<b>Executive Summary (permit renewals only)</b> <ul style="list-style-type: none"> <li>Summary of modifications, if any, to the facility that occurred during the current permit cycle.</li> <li>Summary of each special provision of the current permit to determine if it is to remain the same, be revised or be removed.</li> <li>Summary of each permit amendment, if any, that occurred during the current permit cycle to determine if it shall be included with the renewed permit, be revised or be removed.</li> <li>Provide documentation and certification as required for new permit amendment requests and new variance requests from Iowa Administrative Code, if any.</li> </ul>		<input type="checkbox"/>
Section B.	Site Map or Aerial Photograph	IAC 567 118.6(6)	<input checked="" type="checkbox"/>
Section C.	Proof of Ownership/Local Zoning Requirements/100 yr. flood elevation	IAC 567 118.6(15) IAC 567 118.7(3)	<input checked="" type="checkbox"/>
Section D.	Organizational Chart	IAC 567 102.12(5)	<input checked="" type="checkbox"/>
Section E.	Operator Certification	IAC 567 118.6(13)	<input checked="" type="checkbox"/>
Section F.	EPA Refrigerant Recovery Device Certification	IAC 567 118.6(8)	<input checked="" type="checkbox"/>
Section G.	EPA Notification of PCB Activity	IAC 567 118.6(12)	<input checked="" type="checkbox"/>
Section H.	Unique Marking System	IAC 567 118.6(14)	<input checked="" type="checkbox"/>
Section I.	Site Operation Plan	IAC 567 118.6(9)	<input checked="" type="checkbox"/>
Section J.	Contingency Plan	IAC 567 118.6(10)	<input checked="" type="checkbox"/>
Section K.	Site Closure Plan	IAC 567 102.12(10)	<input checked="" type="checkbox"/>
Section L.	Proof of Financial Assurance and Closure Cost Estimate	IAC 567 118.16	<input checked="" type="checkbox"/>

**SECTION 4. APPLICANT CERTIFICATION**

**Certification**

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete.

I further certify that the construction and operation of the above described facility will be in accordance with the plans, specifications, reports and related communications accepted by the Iowa Department of Natural Resources and on file in its office; and in accordance with conditions imposed in the permit issued by the Iowa Department of Natural Resources.

Signature: Michael Daley Date: 9/6/2022  
Printed Name: Michael A. Daley Title: owner



I hereby certify that this engineering document was prepared by me or under my direct personal supervision and that I am a duly licensed Professional Engineer under the laws of the State of Iowa.

*Matthew D. Corry*

Date: 7/18/2022

Matthew D. Corry, P.E.

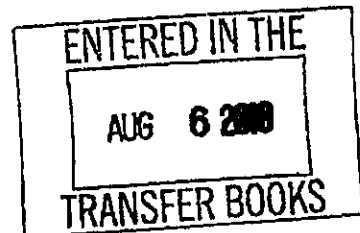
License No. **P25067**

My license renewal date is **December 31, 2023**

Pages or sheets covered by this seal:

Closure Cost Estimate -- Daley's Plumbing and Heating, Inc.

124.00



Doc. #: 2013-5518  
Type: DWDJ  
Date: 08/05/2013  
R: \$10.00 - Tf: \$5.00 - M: \$1.00 - Tc: \$1 - N: \$0  
Rev. Stamp: \$124.00  
Rev. Stamp # 21  
Colleen Pearce, Cerro Gordo County Recorder

Pages: 2  
Time: 11:35 AM  
Pymt: Check & Charge  
City DOV # 350

Prepared by and return to: Jacquelyn K. Arthur, Heiny, McManigal, Duffy, Stambaugh & Anderson, P.L.C., 11 Fourth Street N.E., P.O. Box 1567, Mason City, IA 50402-1567, 641/423-5154  
Send Tax Statements to: Michael A. Daley, Jr. and Kristin G. Daley, 1339 South Louisiana Avenue, Mason City, Iowa 50401  
With copies to:

Return to: Kevin Sullivan, First Citizens National Bank, 2601 4<sup>th</sup> Street S.W., P.O. Box 1708, Mason City, Iowa 50402-1708

1700 (1200) CGA

**WARRANTY DEED**

For the consideration of One (\$1.00) Dollar(s) and other valuable consideration,

**Powerhouse LLC, an Iowa limited liability company,**

does hereby convey to

**Michael A. Daley Jr. and Kristin G. Daley, husband and wife, as joint tenants with full rights of survivorship and not as tenants in common,**

the following described real estate in Cerro Gordo County, Iowa:

**LOTS TWO (2), THREE (3) AND SIX (6) IN BLOCK TWENTY-SEVEN (27) IN I.R. KIRK'S REPLAT OF BLOCK TWENTY-SEVEN (27) AND OTHER BLOCKS IN SOUTH MASON CITY, IOWA  
(Locally described as 601 South President Avenue, Mason City, Iowa 50401; 07-09-434-018-00)**

**Grantor states (1) Grantor is a Limited Liability Company managed by its Manager, (2) this conveyance is in the ordinary course of business of Grantor, (3) the Manager signing this Deed has full authority on behalf of the Limited Liability Company, and (4) the Members and Managers have provided appropriate consents as required by law and the Limited Liability Company's governing documents. This Deed shall be construed as an Affidavit in compliance with Iowa Code Section 558.8.**

Grantor does Hereby Covenant with grantees, and successors in interest, that grantor hold the real estate by title in fee simple; that it has good and lawful authority to sell and convey the real estate; that the real estate is Free and Clear of all Liens and Encumbrances except as may be above stated; and grantors Covenant to Warrant and Defend the real estate against the lawful claims of all persons except as may be above stated. The undersigned hereby relinquish all rights of dower, homestead and distributive share in and to the real estate.

Words and phrases herein, including acknowledgment hereof, shall be construed as in the singular or plural number, and as masculine, feminine or neuter gender, according to the context.

Powerhouse LLC

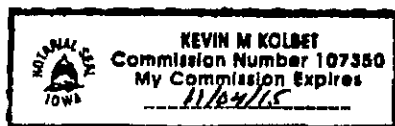
By:  Dated: 08/01/13  
Ryan T. Kittleson, Manager

STATE OF IOWA, MITCHELL COUNTY, ss:

On this 21~~st~~ day of July, 2013, before me, the undersigned, a Notary Public in and for said State, personally appeared **Ryan T. Kittleson**, to me personally known, who being by me duly sworn, did say that he is a Manager of said limited liability company; that said instrument was signed on behalf of said limited liability company by authority of its Managers and Members; and that the said **Ryan T. Kittleson**, as such officer acknowledged the execution of said instrument to be the voluntary act and deed of said limited liability company, by it and by him voluntarily executed.

  
Notary Public in and for said State

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**Site Closure Plan:**

**9/1/2022**

In the event that Daley's Plumbing, Inc. in Mason City, Iowa should close, we would do as follows. All the un-manufactured appliances would be taken to Behr Scrap yard in Mason City, Iowa.

The already removed capacitors, PCB ballasts, PCB capacitors, mercury switches would be taken to Behr Scrap yard for disposal here in Mason City, Iowa. After those materials are collected the remainder will be cleaned up and disposed of appropriately at the current landfill in Mason City called The Landfill of North Iowa. Refrigerants will be taken to Gustave A Larson for disposal, also located in Mason City, Iowa.

Once all the de-manufactured appliances and Materials have been removed from our facility, a clean up will be done to properly clean the area and de-contaminate the area such that no spilled materials are left to affect the environment. Daley's will submit an annual report up to the date of closure and give the Department of Natural Resources at least 90 days before closure stated in 118.14.

# Closure Cost Estimate

Daley's Plumbing and Heating - 601 South President Avenue, Mason City, IA 50401

	Units	Cost per unit	Cost
<b>a. Labor, transportation, and disposal of appliances and hazardous materials</b>			
<i>(See notes on next page for explanation)</i>			
a-1. Arranging transportation and disposal services	1	\$ 95	\$ 95
a-2. Appliances			
I. Labor and transportation	1	\$ 600	\$ 600
II. Disposal	50	\$ 8	\$ 400
a-3. Collection of PCB's, mercury, and fluorescent bulbs			
I. Labor, transportation, and disposal			
i. PCB capacitors	50	\$ 4.75	\$ 238
ii. PCB ballasts	50	\$ 1.25	\$ 63
iii. Mercury items	5	\$ 10	\$ 50
iv. Fluorescent bulbs	25	\$ 0.59	\$ 15
a-4. Collection of refrigerant			
I. Labor, transportation, and disposal	3	\$ 45	\$ 135

**Total for Section a:**

**\$ 1,595**

**b. Cleaning and decontaminating**

*(See notes on next page for explanation)*

b-1. Arranging cleaning services	1	\$ 95	lump sum	\$ 95
b-2. Cleaning and decontaminating				
I. Equipment	2	\$ 25	hour	\$ 50
II. Storage facilities	3	\$ 25	hour	\$ 75
III. Holding areas	3	\$ 25	hour	\$ 75
IV. Drainage collection systems	0	\$ 0	NA	\$ 0
b-3. Disposal of one week volume of washwater	0	\$ 0	NA	\$ 0
b-4. Material and supplies (chemical drying agent etc.)	1	\$ 25	lump sum	\$ 25

**Total for Section b:**

**\$ 320**

**c. Costs for maintaining financial assurance pursuant to any other provisions of 567 - Chapters 100 to 123, if any, in accordance with subrule 118.16 (4)**  
*(See notes on next page for explanation)*

0      \$      0      NA      \$      0


**Total for Section c:**

**\$ 0**

**TOTAL CLOSURE COST**

**\$ 1,915**



 <p>LICENSED PROFESSIONAL ENGINEER MATTHEW DAVIS CORRY P25067 • IOWA •</p>	<p>I hereby certify that this engineering document was prepared by me or under my direct personal supervision and that I am a duly licensed Professional Engineer under the laws of the State of Iowa.</p> <p><i>Matthew D. Corry</i></p> <p>Matthew D. Corry, P.E. _____ Date: <u>7/18/2022</u></p> <p>License No. P25067</p> <p>My license renewal date is <b>December 31, 2023</b></p> <p>Pages or sheets covered by this seal:</p> <p>Closure Cost Estimate – Daley's Plumbing and Heating, Inc.</p>
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## Site Operational Plan:

9/1/2022

**Hot Water Heaters:** Each hot water heater that arrives on site is brought inside. The water heater is checked for a thermocouple. If thermocouple is located, we check for mercury with a magnet. If mercury is located in the thermocouple, it is removed and placed in proper storage. Once de-manufacturing is complete, the appliance is marked with the de-manufacturers mark, and taken to Alter Metal Scrapping for proper disposal.

**Dishwashers:** Each dishwasher that arrives on site is brought inside for inspection. The dishwasher is then check for a capacitor and mercury switches. If there are either a capacitor/ or mercury switches located in the dishwasher, they are removed, and placed in proper storage. Once the de-manufacturing is complete, the appliance is marked with the de-manufacturers mark, and taken to Alter Metal Scrapping for proper disposal.

**Furnaces:** Every furnace that arrives on site is brought inside. The back cover is removed and the gas control valve is removed, and heat probe is located. The heat probe is tested for mercury with a magnet. If mercury is present the probe is tested and placed in proper storage. The blower motor is located and the capacitor is removed. The capacitor if unreadable then it is placed into proper storage for disposal. Once the de-manufacturing is complete the appliance is marked with the de-manufacturers mark and then taken to the landfill for the correct disposal.

**Air Conditioners:** Every air conditioner that arrives on site is brought inside and de-manufactured. The top cover is removed. The refrigerant is removed per manufacturers spec of recovery unit. The compressor is then removed. If a capacitor is present, it is removed and placed in proper storage. Once the de-manufacturing is complete, the appliance is marked with the de-manufacturers mark and then taken to the landfill for proper disposal.

**Dehumidifiers:** Each dehumidifier that arrives on site is placed inside. The top cover is removed, and the refrigerant is removed per manufacturer recovery specs. Capacitors are located and removed. Once the de-manufacturing is complete the appliance is marked with the de-manufacturers mark, and then taken to the landfill for proper disposal.

## Contingency Plan

If a refrigerant recovery unit were to break down, develop some sort of leak or stop working it would be sent to Gustave A Larson for proper disposal.

## Contingency Plan

### 118.6(10)

If a refrigerant recovery unit were to break down, develop some sort of leak or stop working it would be sent to Behr scrap yard in Mason City, Iowa. In the event of a fire, we would try and remove the PCB container, mercury container, and tanks holding the recovered refrigerant. If we were unable to remove those items in a manner not to risk our own safety, we would wait to get the OK to re-enter the building. Once that is done, we would remove all the listed items. Daley's would get the PCB containers, mercury containers to Behr Scrap yard, and it would be picked up from Behr by another appliance de-manufacturer in the area before being brought back for recycling. All liquids would be taken to Gustave A Larson for disposal in Mason City, Iowa. Gustave A Larson is the company that disposed of liquids for us. We can either take it to that location, or they would come pick up for us.



**Waste  
Commission**  
of Scott County

**Environmental, Health & Safety  
Management System (EHSMS)**

**Electronic Demanufacturing  
Facility Monitoring,  
Measurement and Calibration  
Procedure**



**PROTECT**  
OUR EARTH, HEALTH, SAFETY.

Document Number: 01008	Issue Date: 01/30/2013	Revision Number: 3	Prepared By: Liske, Kurt	Approved By: <i>Stacy Morris</i>
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**1. POLICY**

Continual improvement of our environmental, health and safety performance through proactive Environmental, Health and Safety Management System (EHSMS) and self-assessments and/or third party assessments.

**2. PURPOSE**

This document outlines the monitoring, measurement and calibration needs associated with standard operating procedures for activities that have an environmental, health or safety impact.

**3. SCOPE**

This procedure applies to employees of the Electronic Demanufacturing Facility (Facility) when engaged in Facility-related work activities.

**4. RESPONSIBILITY**

4.1 Special Waste Manager is responsible for:

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- 4.1.1 Identifying monitoring, measurement and calibration procedures to ensure the Facility is not posing a risk to the environment or employee health and safety.
- 4.1.2 Reviewing and signing off on monitoring, measurement and calibration records in Intelex.
- 4.1.3 Assisting Facility Supervisor and employees with implementing the requirements outlined in this procedure.
- 4.2 Facility Supervisor is responsible for:
  - 4.2.1 Implementing the recommended monitoring, measurement and calibration procedures and ensuring these are being followed.
  - 4.2.2 Verifying that original monitoring, measurement and calibration records are available and maintained.

## 5. PROCEDURES

- 5.1 Monitoring, measurement and calibration equipment is important for protecting human health & safety and the environment.
- 5.2 The Facility must ensure all monitoring equipment is properly stored, maintained, and calibrated per the manufacturers' recommendations.
- 5.3 The Facility's calibration equipment must be certified/verified to be within the manufacturers' calibration requirement at least annually.
- 5.4 All monitoring equipment must be identified and tracked.
- 5.5 When possible, environmental, health and safety monitoring equipment rented from an outside vendor shall be delivered calibrated along with the calibration records. It is the responsibility of the facility supervisor to verify that all delivered equipment is properly calibrated before use.
- 5.6 Monitoring and calibration done by a contracted vendor shall include the protocols, calibration and or monitoring results in the respective reports.
- 5.7 Monitoring, measurement and calibration requirements must be maintained in Intelex (in the Legal and Other requirements module). The requirements shall include name of the task or equipment, frequency, due date, person responsible, company completing the work if applicable and complete date.

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- 5.7.1 Once work is complete, reports must be forwarded to the Special Waste Manager for review.
  - 5.7.2 The Special Waste Manager reviews the report for compliance.
  - 5.7.3 If the results are in compliance, this, along with the date of the next monitoring or calibration is entered in Intelex.
  - 5.7.4 If the results are not in compliance, this, along with notes of what is being done to address the issue and the next inspection date are entered in Intelex. Once in compliance, the next review date shall be entered in Intelex.
- 5.8 All original monitoring, measurement and calibration records are maintained at the Facility and are subject to review during an EHSMS or R2 audit.

## **6. INTELEX**

Intelex is the electronic, web-based system the Commission uses to support and streamline its Environmental, Health and Safety Management System. Intelex is the official depository of controlled documents and records that are required by this procedure or documentation related to this procedure.

## **7. RELATED DOCUMENTATION**

- EDF Air Monitoring Records, document number 01036
- EDF Noise Monitoring Records, document number 01037
- Completed EDF Tool Inspections, document number 01039
- Completed Fork Truck Operator's Checklists, document number 01041
- EDF Sprinkler Monitoring Records, document number 01045
- EDF Backflow Device Inspection Reports, document number 01046
- EDF Scale Service Agreement and Calibration Reports, document number 00153

## **8. CHANGE HISTORY**

- 01/31/2012—Initial Document Registration.
- 02/03/2012—Added additional monitoring, measurement and calibration procedures and related documentation.

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01/29/2013 – Clarified documentation of the monitoring, measurement and calibration results in Intelex.

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CHAPTER 118  
DISCARDED APPLIANCE DEMANUFACTURING

**567—118.1(455B,455D) Purpose.** The purpose of this chapter is to implement Iowa Code chapter 455B, division IV, part 1, and section 455D.6(6) to ensure the proper removal and disposal of electrical parts containing polychlorinated biphenyls (PCBs), components containing mercury, and refrigerants (e.g., CFCs and HCFCs) from discarded appliances.

**567—118.2(455B,455D) Applicability and compliance.**

**118.2(1)** All discarded appliances must be demanufactured before being disposed of or recycled. This chapter does not apply to the service, repair, reuse or rebuilding of appliances or components for their original purpose. These rules do not apply to the removal of capacitors, refrigerants or components containing mercury during the maintenance or service of equipment containing such items.

**118.2(2)** A person must obtain an appliance demanufacturing permit (ADP) from the department of natural resources (DNR) before conducting any demanufacturing activities.

**118.2(3)** Any person engaged in demanufacturing must be in compliance with all federal and state laws relating to the management and disposition of all hazardous wastes, hazardous materials, universal wastes, PCBs and refrigerants.

**567—118.3(455B,455D) Definitions.**

*“Appliances”* means household and commercial devices such as refrigerators, freezers, kitchen ranges, air-conditioning units, dehumidifiers, gas water heaters, furnaces, clothes washers, clothes dryers, dishwashers, microwave ovens and commercial coolers with components containing mercury, refrigerants, or PCB-containing capacitors.

*“Ballast”* means an electrical device containing capacitors for the purpose of triggering high-level electrical components. A ballast provides electrical balance within the high-level electrical component circuitry.

*“Capacitor”* means a device for accumulating and holding a charge of electricity that consists of conducting surfaces separated by a dielectric fluid.

*“CFC”* or *“CFCs”* means chlorofluorocarbons, including any of several compounds used as refrigerants.

*“CFR”* means Code of Federal Regulations.

*“Demanufacturing”* means the removal of components, including but not limited to PCB-containing capacitors, ballasts, mercury-containing components, fluorescent tubes, and refrigerants, from discarded appliances.

*“Discarded”* means no longer to be used for the original intended purpose.

*“DOT-approved container”* means those containers approved by the U.S. Department of Transportation, the agency responsible for shipping regulations for hazardous materials in the United States.

*“Facility”* means any landfill, transfer station, material recovery facility, salvage business, appliance service or repair shop, appliance demanufacturer, shredder operation or other party which may accept appliances for demanufacturing. A demanufacturing facility may occupy a portion of a material recovery facility, salvage business, landfill, transfer station or other site.

*“Fixed facility”* means a permitted appliance demanufacturer operating at a permanent location.

*“Fluff”* means the residual waste from the shredding operation after metals recovery.

*“Hazardous condition”* means any situation involving an actual, imminent or probable spillage, leakage, or release of a hazardous substance onto the land, into a water of the state or into the atmosphere which, because of the quantity, strength and toxicity of the hazardous substance, its mobility in the environment and its persistence, creates an immediate or potential danger to the public health or safety or to the environment.

*“HCFC”* or *“HCFCs”* means hydrochlorofluorocarbons, including any of several compounds used as refrigerants.



*"Mercury-containing components"* means devices containing mercury. Examples include, but are not limited to, thermostats, thermocouples, mercury switches and fluorescent tubes.

*"Mobile operation"* means a permitted appliance demanufacturer that has equipment capable of operating in an area away from a fixed, permitted location.

*"PCB"* or *"PCBs"* means polychlorinated biphenyl, which is a chemical substance that is limited to the biphenyl molecule that has been chlorinated to varying degrees, or any combination of substances that contain polychlorinated biphenyl.

*"Point of demanufacturing"* means the actual location of demanufacturing for fixed facilities and mobile operations.

*"Reclaim"* means to reprocess refrigerant to an EPA ARI-700-88 standard.

*"Recovery"* means to remove all refrigerants to EPA standards.

*"Small capacitor"* means a capacitor which contains less than 1.36 kg (3 lbs) of dielectric fluid. The following assumptions may be used if the actual weight of the dielectric fluid is unknown. A capacitor whose total volume is less than 1,639 cubic centimeters (100 cubic inches) may be considered to contain less than 1.36 kg (3 lbs) of dielectric fluid, and a capacitor whose volume is more than 3,278 cubic centimeters (200 cubic inches) must be considered to contain more than 1.36 kg (3 lbs) of dielectric fluid. A capacitor whose volume is between 1,639 and 3,278 cubic centimeters may be considered to contain less than 1.36 kg (3 lbs) of dielectric fluid if the total weight of the capacitor is less than 4.08 kg (9 lbs).

**567—118.4(455B,455D) Storage and handling of appliances prior to demanufacturing.**

**118.4(1)** Any person collecting and storing discarded appliances must store the appliances so as to prevent electrical capacitors, refrigerant lines and compressors, and mercury-containing components from being damaged and allowing a release into the environment.

**118.4(2)** No method of handling discarded appliances may be used which in any way damages, cuts or breaks refrigerant lines or crushes compressors, capacitors, or mercury-containing components, or may cause a release of refrigerant, PCBs or mercury into the environment.

**118.4(3)** No more than 1,000 discarded appliances may be stored at a location prior to demanufacturing.

**118.4(4)** Discarded appliances may not be stored for more than 270 days before being demanufactured.

**567—118.5(455B,455D) Appliance demanufacturing permits.**

**118.5(1)** *Permit required.* A person must obtain an appliance demanufacturing permit (ADP) from the department before conducting any demanufacturing activities.

**118.5(2)** *Types of permits.*

*a.* A person may request a permit that excludes appliances that contain a particular type of material (e.g., refrigerants, sodium chromate, PCBs, or mercury switches). Persons may not demanufacture or place their unique mark on an appliance that once contained a material that is excluded from their permit. An appliance demanufacturing facility must clearly post the types of appliances the facility does not accept.

*b.* Permits may be issued for both fixed facilities and mobile operations.

**118.5(3)** *Transfer of title and permit.* If title to an appliance demanufacturing facility is transferred to another party, the department shall transfer the permit within 60 days if the department determines that the following requirements have been met:

*a.* The title transferee has applied in writing to the department within 30 days of the transfer of title to request a transfer of the permit.

*b.* The permitted facility and title transferee are in compliance with Iowa Code chapters 455B and 455D, this chapter, and the conditions of the permit.

**118.5(4)** *Permit conditions.* A permit may be issued with conditions, specified in writing by the department, that are necessary to ensure the appliance demanufacturing facility can be operated in a safe and effective manner and in compliance with Iowa Code chapters 455B and 455D and this chapter.

**118.5(5) *Inspection of site and operation.*** The department shall inspect facilities prior to issuing an appliance demanufacturing permit. The permit will not be issued until the facility is in compliance with these rules. Appliance demanufacturing facilities may be inspected by the department throughout the permit period and prior to permit renewal.

**118.5(6) *Duration of permits.*** Appliance demanufacturing permits shall be issued and may be renewed for a five-year term.

**118.5(7) *Request for permit renewal.*** Applications for permit renewal must address any changes to the information previously submitted pursuant to subrule 118.5(1). If there has been no change in an item, the applicant shall so indicate on the application form. The renewal application, Form 542-8005, must be submitted to the solid waste section of the DNR central office in Des Moines a minimum of 60 days before permit expiration.

**118.5(8) *Request for permit modification.*** An application for permit amendment must be submitted and the amendment must be issued by the department before significant changes may be made by the permit holder to the process or facility. The applicant shall provide a revised plan of operations, a contingency plan, and any other documentation required in rule 118.6(455B,455D) that will change.

**118.5(9) *Factors in permit issuance decisions.*** The department may request that additional information be submitted for review to make a permit issuance decision. The department may review and inspect the facility, its agents and operators, and compliance history. The department may review whether a good-faith effort to maintain compliance and protect human health and the environment is being made and whether a compliance schedule is being followed. The department may issue a permit on a trial basis.

**567—118.6(455B,455D) Appliance demanufacturing permit application requirements.** The permit application for appliance demanufacturing must contain the following information to be submitted on Form 542-8005.

1. Facility name.
2. Office address.
3. Location of demanufacturing facility if different from office address.
4. Contact person or official responsible for the operation of the facility.
5. Type, source and expected number or weight of appliances to be handled per year.
6. Schematic site plans of a fixed facility, including the schematic floor plans of any buildings showing where activities will take place and where waste is stored.
7. For mobile operations: schematic plans, or a description and photographs, of the mobile van or trailer.
8. A copy of the EPA Refrigerant Recovery or Recycling Device Acquisition Certification Form 2060-0256.
9. Operation plan: a detailed summary of the activities that will be performed on each type of appliance considered for demanufacturing. This summary must include step-by-step activities of the demanufacturing process.
10. A contingency plan detailing specific procedures to be used in case of equipment breakdown or fire, including methods to be used to remove or dispose of accumulated waste.
11. A copy of the Authorization to Discharge (Stormwater) Permit number, where applicable.
12. A copy of EPA Notification of PCB Activity Form 7710-53 and a return response from EPA. Facilities storing PCB-containing articles longer than 30 days must register with EPA. This form may be obtained by contacting the Fibers and Organics Branch, Office of Pollution Prevention and Toxics, United States Environmental Protection Agency, Ariel Rios Building (7404), 1200 Pennsylvania Avenue NW, Washington, DC 20460.
13. Documentation showing compliance with rule 118.8(455B,455D).
14. A copy of the unique marking system to be applied to each discarded appliance after demanufacturing.
15. Documentation that a permanent facility meets local zoning requirements.

**567—118.7(455B,455D) Fixed facilities and mobile operations.** The following removal and disposal requirements must be met by both fixed facilities and mobile operations.

**118.7(1)** Demanufacturing of appliances must take place on an impervious floor (including but not limited to concrete, ceramic tile, or metal, but not wood). Any spills must be contained and picked up with proper equipment and procedures and be disposed of properly.

**118.7(2)** The point of demanufacturing must be located at least 50 feet from a well and any water of the state.

**118.7(3)** The facility must be located above the 100-year floodwater elevation.

**118.7(4)** A permanent facility must meet local zoning requirements.

**118.7(5)** An applicant must establish a unique marking system, to be submitted with the permit application for department approval, signifying that all refrigerants, PCB-containing articles, and mercury-containing components have been removed. The unique marking system must be a minimum of nine inches by nine inches and must be applied to the appliances after demanufacturing.

**567—118.8(455B,455D) Training.** Beginning January 1, 2003, at least one owner or employee of an appliance demanufacturing facility must have a training certificate from a department-approved training course. A person who has completed the department-approved training course must be on site at all times when discarded appliances are being demanufactured. The training will, at a minimum, cover the following topics.

1. State and federal regulations for the removal, storage, transportation, and disposal of refrigerant, PCB-containing articles, mercury-containing components, and asbestos from appliances.
2. Record-keeping requirements.
3. Safety precautions for handling appliances and hazardous materials.
4. Spill prevention and cleanup procedures appropriate for appliance demanufacturing.
5. The proper methods of loading and unloading discarded appliances.
6. General demanufacturing procedures.

**567—118.9(455B,455D) Refrigerant removal requirements.**

**118.9(1)** All owners of refrigerant recovery and recycling equipment must provide certification to EPA that they have acquired and are using EPA-approved equipment.

**118.9(2)** Refrigerant in appliances must be recovered to EPA standards using equipment meeting EPA requirements (40 CFR 82.162). Refrigerant may be removed prior to delivery to the appliance demanufacturer if it is removed by an appliance service or repair facility employee certified for the removal of refrigerant.

**118.9(3)** The removal of refrigerant from refrigeration appliances must take place in an area where the temperature of the surrounding air and of the appliance being demanufactured is 45 degrees Fahrenheit or greater.

**118.9(4)** Facilities that are not EPA-certified refrigerant reclaimers must ship recovered refrigerant to an EPA-certified reclamation facility or properly dispose of the refrigerant at an EPA-permitted facility. Reclamation may take place on site only if the appliance demanufacturing facility is certified as a reclaimer by the EPA. Any refrigerant that cannot be reclaimed or recycled must be properly disposed of by incineration or other acceptable means.

**118.9(5) Compressor oil.**

*a.* Compressor oil from refrigeration unit compressors may be removed during the demanufacturing process, and any oil removed must be stored in accordance with rule 567—119.5(455D,455B).

*b.* Compressor oil is not hazardous and may be burned in used oil-fired space heaters, provided the heaters have a capacity of 0.5 BTUs (British thermal units) per hour or more.

*c.* Compressor oil may be sold to a marketer of used oil.

**118.9(6) Ammonia gas-operated refrigerators and air conditioners.**

*a.* Ammonia gas must be vented into water.

*b.* Sodium chromate must be removed from refrigeration equipment containing sodium chromate.

c. Sodium chromate liquid is a hazardous waste and must be disposed of at an EPA-permitted facility.

d. Removal of sodium chromate liquid must take place on an impervious surface. In case of a spill, the spilled liquid and the material used as absorbent must be handled as a hazardous waste and disposed of as a hazardous waste.

e. Sodium chromate must be stored in a DOT-approved container that shows no sign of damage. The container must be labeled with a proper EPA-approved chromium label stating "chromium" or "hazardous waste" as required by 40 CFR 262.32 and 49 CFR 172.304 in both English and the predominant language of any non-English-reading workers.

f. Prior to shipment, sodium chromate must be packaged to prevent leakage, and all containers must be sealed.

g. A person generating sodium chromate waste must maintain records to determine if the person is a conditionally exempt small-quantity generator, small-quantity generator, or large-quantity generator of hazardous waste.

h. Asbestos insulation found within the appliance or on refrigerant lines must be removed. Asbestos must be handled in a manner that complies with Occupational Safety and Health Administration (OSHA) regulations.

i. Asbestos must be moistened and double bagged, in accordance with 567—Chapter 109, prior to disposal at a landfill approved for asbestos disposal for the person's solid waste comprehensive planning area. A person who needs to dispose of asbestos must contact the landfill and make arrangements for the disposal and any additional packaging and handling procedures.

**567—118.10(455B,455D) Mercury-containing component removal and disposal requirements.**

**118.10(1)** All components containing mercury shall be removed from appliances. Precautions shall be taken to prevent breakage of the mercury-containing components and the release of mercury.

**118.10(2)** All mercury-containing component storage containers must be labeled with the proper EPA-approved mercury label stating "Universal Waste—Mercury Containing Equipment," "Waste Mercury-Containing Equipment" or "Used Mercury-Containing Equipment" in both English and the predominant language of any non-English-reading workers.

**118.10(3)** The date when the first mercury-containing component was placed in the container shall be affixed to the container.

**118.10(4)** Mercury-containing components may be stored for no longer than one year.

**118.10(5)** Accumulation of mercury-containing components shall not exceed 5,000 kg (11,025 lbs) at any time.

**118.10(6)** All mercury containers must be sealed prior to shipment.

**118.10(7)** All components containing mercury must be disposed of at an EPA-approved mercury recycling/recovery facility.

**118.10(8)** Fluorescent tubes, lamps, bulbs, and similar items must be placed in a container and packaged to prevent breakage for shipment to an EPA-approved recycler or must be processed in a manner that complies with state and federal regulations.

**118.10(9)** All mercury-containing components must be managed in accordance with 40 CFR 273 and all state and federal regulations.

**567—118.11(455B,455D) Capacitor removal requirements.**

**118.11(1)** All capacitors must be removed from discarded appliances unless the appliance manufacturer certifies in writing that no PCBs were used in the manufacture of the appliance.

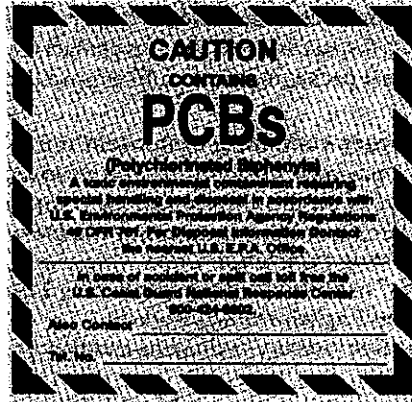
**118.11(2)** Capacitors that meet one or more of the following criteria may be disposed of or recycled as solid waste. The capacitor:

- a. Is proven to be free of PCBs by an approved laboratory.
- b. Is imprinted by the manufacturer with the words "No PCBs" on the body of the capacitor.
- c. Is certified in writing by the manufacturer of the capacitor not to contain PCBs.
- d. Does not contain dielectric fluid.

**118.11(3)** All capacitors not meeting the criteria in subrule 118.11(2) must be disposed of in accordance with subrule 118.11(5).

**118.11(4)** Containers for storage and disposal of PCB-containing items. PCB-containing items must be stored and transported according to the Toxic Substances Control Act (TSCA) (40 CFR 761) and disposed of at a TSCA-permitted disposal facility. Facilities used for the storage of PCB-containing items designated for disposal must meet the following storage requirements:

- a. Facilities shall register with the US EPA and receive an EPA identification number.
- b. PCB-containing items must be stored in a manner that provides adequate protection from the elements and adequate secondary containment. This storage must take place on an impervious material above the 100-year floodwater elevation.
- c. The point of demanufacturing must be located above the 100-year floodwater elevation.
- d. All capacitors containing or suspected of containing PCBs must be placed in a DOT-approved container that shows no signs of damage. The bottom of the container must be filled to a depth of two inches with absorbent material such as sand, oil-dry, or kitty litter.
- e. All DOT-approved containers must be affixed with the large PCB mark (M<sub>L</sub>) as described in 40 CFR 761.45 and shown below.



f. The date when the first PCB-containing item was placed in the container shall be placed on the container.

g. Nonleaking small PCB capacitors may be stored for up to 30 days from the date of removal in an area that does not comply with the requirements in 118.11(4) "a" to "f" provided a notation is placed on the PCB capacitor indicating the date the item was removed from the appliance.

h. PCB-containing items may be stored for no more than 270 days. The storage area must be labeled with the PCB M<sub>L</sub> mark. The storage area must be inspected every 30 days, and the inspection must be documented.

i. If a demanufacturer stores more than 45 kg (99.4 lbs) at any one time, the demanufacturer must maintain annual written records and the annual document log as required by 40 CFR 761.180.

**118.11(5) Transportation and disposal.**

a. Appliance demanufacturers may dispose of PCB capacitors by one of two means. If the facility is a conditionally exempt small quantity generator (CESQG), the demanufacturer may send the properly marked and dated container of capacitors to a regional collection center (RCC) permitted under 567—Chapter 123 for disposal. If the facility is not a CESQG, the capacitors must be manifested and shipped for disposal in accordance with 40 CFR 761.65.

b. Disposal through an RCC. Shipments from a CESQG to an RCC shall be considered equivalent to disposal as municipal solid waste for the purposes of 40 CFR 761.60(b)(2)(iii); capacitors may not be disposed of in a landfill. An RCC may accept PCB capacitors without having to provide a certificate of disposal. The RCC shall provide the appliance demanufacturer with a receipt specifying the name of the RCC, the appliance demanufacturer from which the capacitors were received, the weight or number of capacitors, and the date the capacitors were received. Copies of this document must be retained for three

years at both locations. The date that capacitors are received shall be considered the date the capacitors are determined to be PCB-containing waste for the purposes of 40 CFR 761.65(a)(1). Capacitors may be consolidated in DOT-approved shipping containers for transport for disposal.

*c.* Disposal through EPA-approved facility for the disposal of PCB waste. The labeled and dated DOT-approved container must be transported by a transporter with a valid EPA ID number, using an EPA Uniform Hazardous Waste Manifest Form. All containers must be sealed prior to shipment. The demanufacturer has one year from the date the first PCB-containing item is placed in the container to properly dispose of the contents by incineration, recycling, or another approved method pursuant to 40 CFR 761.60(b) or 761.60(c). Disposal must be documented and the record kept by the demanufacturer for three years from the date the PCB-containing waste was accepted by the initial transporter.

*d.* PCB-containing items shall be properly disposed of within one year of removal from the appliance. The generator shall obtain a certificate of disposal within 30 days of the date that disposal of the PCB-containing items was completed at a PCB disposal facility. If a certificate of disposal is not obtained within 30 days, the EPA regional administrator must be notified pursuant to 40 CFR 761.218(d).

#### **567—118.12(455B,455D) Spills.**

**118.12(1)** Any spills from leaking or cracked capacitors must be handled by placing the capacitor and any contaminated rags, clothing, and soil into a container for shipment to an EPA-approved waste disposal facility. Spills of liquid PCBs which occur outside a DOT-approved container must be cleaned and the cleanup verified by sampling as described at 40 CFR 761.130. Detailed records of such cleanups and sampling must be maintained as described at 40 CFR 761.180.

**118.12(2)** Mercury spill kits (with a mercury absorbent in the kits) must be on hand and used in the event of a mercury spill. Any waste from the cleanup of a mercury spill must be disposed of as a hazardous waste.

**118.12(3)** In the event a spill results in a hazardous condition, the facility must notify the department of natural resources at (515)281-8694 and the local police department or sheriff's office of the affected county of the occurrence of a hazardous condition as soon as possible, but no later than six hours after the onset or discovery of a spill pursuant to 567—Chapter 131.

#### **567—118.13(455B,455D) Record keeping and reporting.**

**118.13(1)** Annual reports with the information required in subrule 118.13(2) are:

- a.* To be sent to the solid waste section of the DNR central office in Des Moines;
- b.* Due January 31 each year for the activities of the previous calendar year;
- c.* To be submitted on forms provided by the department, which may be submitted electronically when the electronic format is completed; and
- d.* To be retained by the permit holder for at least three years.

**118.13(2)** Annual reports shall contain the following information for the previous calendar year.

*a.* Number of appliances demanufactured in each of the following categories:

- (1) Refrigerators and freezers.
- (2) Commercial coolers.
- (3) Air-conditioning units.
- (4) Dehumidifiers.
- (5) Gas water heaters.
- (6) Furnaces.
- (7) Clothes washers and clothes dryers.
- (8) Dishwashers.
- (9) Microwave ovens.
- (10) Other items containing mercury, refrigerant or PCB-containing articles.

*b.* Number of mercury switches removed from appliances.

*c.* Number of mercury thermocouples removed from appliances.

*d.* Date the first item was placed in the mercury storage drum that is in use on December 31.

- e. Number of fluorescent tubes removed from appliances.
- f. Number of sodium chromate-containing appliances shipped to another demanufacturer.
- g. Amount of refrigerant removed.
- h. Number of PCB capacitors removed.
- i. Number of PCB ballasts removed.
- j. Date the first PCB-containing item was placed in the storage drum that is in use on December 31.

**118.13(3)** A permitted appliance demanufacturing facility shall retain the following records on site for a minimum of three years.

- a. All hazardous waste manifests and bills of lading for shipments of refrigerant, mercury switches, PCB-containing materials and any hazardous waste.
- b. Receipts for any sodium chromate-containing units that were sent to another facility for processing.
- c. Documentation of destruction or receipt from a regional collection center for all PCB materials shipped.
- d. Documentation of inspections of the PCB storage area as required by paragraph 118.11(4) "h."
- e. Annual written records and annual document log if required by paragraph 118.11(4) "i."
- f. Copy of the annual report as required in subrule 118.13(1).

**567—118.14(455B,455D) Appliance demanufacturing facility closure requirements.** An appliance demanufacturing facility shall submit to the department central office and department field office with jurisdiction over the appliance demanufacturing facility written notice of intent to permanently close the facility at least 90 days before closure. Closure shall not be official until the department field office has provided written certification of the completion of the following activities:

1. Removal of all appliances that have not been demanufactured.
2. Proper disposal of all refrigerant, PCBs, mercury and all hazardous materials.
3. Submission of an annual report covering January through the last disposal of hazardous materials, PCBs and refrigerant.

**567—118.15(455B,455D) Shredding of appliances.**

**118.15(1)** Facilities shredding demanufactured appliances shall sample the fluff from the shredding of demanufactured appliances at least quarterly and analyze the fluff according to Test Methods for Evaluation of Solid Waste, Physical-Chemical Methods SW 846, US EPA, Third Edition 1986, for the presence of PCBs, and according to the toxicity characteristic leaching procedure (TCLP) for heavy metals. The waste shall be sampled once a day for seven consecutive working days to make a composite sample. If the concentrations of heavy metals do not exceed concentrations listed in 40 CFR 261.24, the fluff may be landfilled in Iowa. Results must be retained on site for a minimum of three years and be submitted to the department within 30 days of the end of each quarter.

**118.15(2)** Fluff from the shredding of demanufactured appliances may be sampled and tested by the department at any time.

**118.15(3)** A person or facility engaged in demanufacturing in the state may not shred, crush, or bale any appliances that have not been demanufactured. A person or facility located in Iowa that does not engage in demanufacturing but accepts appliances from demanufacturers for recycling or disposal may shred, crush, or bale only appliances that have been demanufactured in accordance with federal regulations and the laws of the state from which the appliances are received.

**567—118.16(455B,455D) Appliance demanufacturing facility financial assurance requirements.** Unless a facility is exempt from this rule pursuant to subrule 118.16(1), permitted appliance demanufacturing facilities must obtain and submit a financial assurance instrument to the department for storage of appliances in accordance with this rule. The financial assurance instrument shall provide monetary funds to properly dispose of any appliances, refrigerant, PCBs, mercury and any other hazardous materials associated with appliance demanufacturing that may remain at a facility

due to the owner's or operator's failure to properly close the site within 30 days of permit suspension, termination, revocation, or expiration.

**118.16(1) Exemptions.** An appliance demanufacturing facility owned and operated in conjunction with a sanitary landfill already required to have financial assurance shall not be required to obtain additional financial assurance in compliance with this chapter.

**118.16(2) No permit without financial assurance.** The department shall not issue or renew a permit to an owner or operator of an appliance demanufacturing facility until a financial assurance instrument has been submitted to and approved by the department.

**118.16(3) Proof of compliance.** Proof of the establishment of the financial assurance instrument and compliance with this rule, including a current closure cost estimate, shall be submitted to the department by July 1, 2008, or at the time of application for a permit for a new appliance demanufacturing facility. The owner or operator must provide continuous coverage for closure and submit proof of compliance, including an updated closure cost estimate, with each permit renewal thereafter until released from this requirement by the department.

**118.16(4) Use of one financial assurance instrument for multiple permitted activities.** Appliance demanufacturing facilities required to maintain financial assurance pursuant to any other provisions of 567—Chapters 100 to 123 may satisfy the requirements of this rule by the use of one financial assurance instrument if the permit holder ensures that the instrument provides financial assurance for an amount at least equal to the current cost estimates for closure of all sanitary disposal project activities covered.

**118.16(5) The estimate submitted to the department must be certified by a professional engineer and account for at least the following factors determined by the department to be minimal necessary costs for closure pursuant to rule 118.14(455B,455D):**

*a.* Third-party labor and transportation costs and disposal fees to properly manage any appliances, refrigerant, PCBs, mercury and any other hazardous materials associated with appliance demanufacturing equal to the maximum storage capacity of the facility. If materials are temporarily stored on site in transportation vehicles, waste receptacles or drums, then this estimate shall include disposal costs for the maximum number of transportation vehicles, waste receptacles and drums that can be on site at any one time.

*b.* The cost of hiring a third party to properly clean and decontaminate all equipment, storage facilities, holding areas and drainage collection systems. This estimate shall include the cost of properly disposing of a one-week volume of washwater from the facility. If the facility utilizes washwater storage tanks, then this estimate shall assume that the storage tanks are full and add that volume to the one-week volume.

*c.* The costs for maintaining financial assurance pursuant to any other provisions of 567—Chapters 100 to 123, if any, in accordance with subrule 118.16(4).

**118.16(6) Acceptable financial assurance instruments.** The financial assurance instrument shall be established in an amount equal to the cost estimate prepared in accordance with subrule 118.16(5) and shall not be canceled, revoked, disbursed, released, or allowed to terminate without the approval of the department. Financial assurance may be provided by cash in the form of a secured trust fund or local government dedicated fund, surety bond, letter of credit, or corporate or local government guarantee as follows:

*a. Secured trust fund.* The owner or operator of an appliance demanufacturing facility or an entity serving as a guarantor may demonstrate financial assurance for closure by establishing a secured trust fund that conforms to the requirements of this paragraph.

(1) The trustee must be an entity which has the authority to act as a trustee and whose trust operations are regulated and examined by a federal or state agency. The fund shall be restricted for the sole purpose of funding closure activities at the facility, and a copy of the trust agreement must be submitted to the department and placed in the facility's official files.

(2) A secured trust fund shall name the department of natural resources as the entity authorized to draw funds from the trust, subject to proper notification to the trust officer of failure by the permittee to properly close the site within 30 days of permit suspension, termination, revocation, or expiration.



(3) Moneys in the fund shall not be assigned for the benefit of creditors with the exception of the state.

(4) Moneys in the fund shall not be used to pay any final judgment against a permit holder arising out of the ownership or operation of the site during its active life or after closure.

(5) The owner or operator or another person authorized to conduct closure activities may request reimbursement from the trustee for closure expenditures as they are incurred. Requests for reimbursement shall be granted by the trustee only if sufficient funds are remaining in the trust fund to cover the remaining costs of closure and if documentation of the justification for reimbursement has been submitted to the department for prior approval.

(6) If the balance of the trust fund exceeds the current cost estimate for closure at any time, the owner or operator may request withdrawal of the excess funds from the trustee so long as the withdrawal does not cause the balance to be reduced below the amount of the current cost estimate.

*b. Local government dedicated fund.* The owner or operator of a publicly owned appliance demanufacturing facility or a local government serving as a guarantor may demonstrate financial assurance for closure by establishing a dedicated fund that conforms to the requirements of this paragraph.

(1) The fund shall be dedicated by state constitutional provision or local government statute, charter, ordinance, resolution or order as a restricted fund to pay for closure costs arising from the operation of the facility.

(2) A copy of the document establishing the dedicated fund must be submitted to the department and placed in the facility's official files.

(3) If the balance of the dedicated fund exceeds the current cost estimate for closure at any time, the owner or operator may withdraw excess funds so long as the withdrawal does not cause the balance to be reduced below the amount of the current cost estimate.

*c. Surety bond.* A surety bond must be written by a company authorized by the commissioner of insurance to do business in the state, and the surety bond shall comply with the following:

(1) The bond shall be in a form approved by the commissioner of insurance and shall be payable to the department of natural resources.

(2) The bond shall be specific to a particular facility for the purpose of properly disposing of any appliances, refrigerant, PCBs, mercury and any other hazardous materials associated with appliance demanufacturing that may remain on site due to the owner's or operator's failure to properly close the site within 30 days of permit suspension, termination, revocation, or expiration.

(3) The owner or operator shall provide the department with a statement from the surety with each permit application renewal, noting that the bond is paid and current for the permit period for which the owner or operator has applied for renewal.

*d. Letter of credit.* The issuing institution must be an entity which has the authority to issue letters of credit and whose letter-of-credit operations are regulated and examined by a federal or state agency.

(1) The owner or operator must submit to the department a copy of the letter of credit and place a copy in the facility's official files.

(2) A letter from the owner or operator referring to the letter of credit by number, issuing institution, and date, and providing the name and address of the facility and the amount of funds assured, must be included with the letter of credit submitted to the department and placed in the facility's files.

(3) The letter of credit must be irrevocable and must be issued for a period of at least one year. The letter of credit must provide that the expiration date will be automatically extended for a period of at least one year unless the issuing institution has canceled the letter of credit by sending notice of cancellation by certified mail to the owner or operator and to the department 90 days in advance of cancellation. When such notice is provided, the owner or operator shall, within 60 days, provide to the department adequate proof of alternative financial assurance, notice of withdrawal of cancellation, or proof of a deposit of a sum equal to the amount of the letter of credit into a secured trust fund that meets the requirements of paragraph 118.16(6) "a." If the owner or operator has not complied with this subrule within the 60-day time period, the issuer of the letter of credit shall deposit a sum equal to the amount of the letter of credit into the secured trust fund established by the owner or operator. The provision of funds by the issuer of

the letter of credit shall be considered an issuance of a loan to the owner or operator, and the terms of that loan shall be governed by the letter of credit or subsequent agreement between those parties. The state shall not be considered a party to this credit transaction.

*e. Corporate guarantee.* An owner or operator may meet the requirements of this rule by obtaining a written guarantee. The guarantor must be the direct or higher-tier parent corporation of the owner or operator, an owner or operator whose parent corporation is also the parent corporation of the owner or operator, or an owner or operator with a "substantial business relationship" with the owner or operator.

(1) The terms of the written guarantee must provide that within 30 days of the owner's or operator's failure to perform closure of a facility covered by the guarantee, the guarantor will:

1. Perform closure or pay a third party to perform closure as required (performance guarantee);
2. Establish a fully funded secured trust fund as specified in paragraph 118.16(6) "a" in the name of the owner or operator (payment guarantee); or
3. Establish an alternative financial assurance instrument in the name of the owner or operator as required by this rule.

(2) The guarantor must satisfy one of the following three conditions:

1. A current rating for its senior unsecured debt of AAA, AA, A, or BBB as issued by Standard & Poor's or Aaa, Aa, A, or Baa as issued by Moody's; or
2. A ratio of less than 1.5 comparing total liabilities to net worth; or
3. A ratio of greater than 0.10 comparing the sum of net income plus depreciation, depletion and amortization, minus \$10 million, to total liabilities.

(3) The tangible net worth of the guarantor must be greater than the sum of the current closure cost estimate and any other environmental obligations, including other financial assurance guarantees.

(4) The guarantor must have assets amounting to at least the sum of the current closure cost estimate and any other environmental obligations, including other financial assurance guarantees.

(5) Record-keeping and reporting requirements. The guarantor must submit the following records to the department and place a copy in the facility's official files:

1. A copy of the written guarantee between the owner or operator and the guarantor.
2. A letter signed by a certified public accountant and based upon a certified audit that:
  - Lists all the current cost estimates covered by a guarantee including, but not limited to, cost estimates required by subrule 118.16(5); cost estimates required for municipal solid waste management facilities pursuant to 40 CFR Part 258; cost estimates required for UIC facilities under 40 CFR Part 144, if applicable; cost estimates required for petroleum underground storage tank facilities under 40 CFR Part 280, if applicable; cost estimates required for PCB storage facilities under 40 CFR Part 761, if applicable; and cost estimates required for hazardous waste treatment, storage, and disposal facilities under 40 CFR Parts 264 and 265, if applicable; and
  - Provides evidence demonstrating that the guarantor meets the conditions of subparagraphs 118.16(6) "e"(2), (3) and (4).

3. A copy of the independent certified public accountant's unqualified opinion of the guarantor's financial statements for the latest completed fiscal year. In order for the guarantor to be eligible to use the guarantee, the guarantor's financial statements must receive an unqualified opinion from the independent certified public accountant. An adverse opinion or disclaimer of opinion shall be cause for disallowance of this instrument. A qualified opinion related to the demonstration of financial assurance may, at the discretion of the department, be cause for disallowance. If the department does not allow use of the corporate guarantee, the owner or operator must provide alternative financial assurance that meets the requirements of this rule.

*f. Local government guarantee.* An owner or operator may demonstrate financial assurance for closure by obtaining a written guarantee provided by a local government or jointly provided by the members of an agency established pursuant to Iowa Code chapter 28E.

(1) The terms of the written guarantee must provide that within 30 days of the owner's or operator's failure to perform closure of a facility covered by the guarantee, the guarantor will:

1. Perform closure or pay a third party to perform closure as required (performance guarantee);

2. Establish a fully funded secured trust fund as specified in paragraph 118.16(6)“a” in the name of the owner or operator (payment guarantee); or

3. Establish an alternative financial assurance instrument in the name of the owner or operator as required by this rule.

(2) The guarantor must satisfy one of the following requirements:

1. If the guarantor has outstanding, rated, general obligation bonds that are not secured by insurance, a letter of credit, or other collateral or guarantee, the guarantor must have a current rating of Aaa, Aa, A, or Baa, as issued by Moody’s, or AAA, AA, A, or BBB, as issued by Standard & Poor’s, on all such general obligation bonds; or

2. The guarantor must satisfy each of the following financial ratios based on the guarantor’s most recent audited annual financial statement: a ratio of cash plus marketable securities to total expenditures greater than or equal to 0.05, and a ratio of annual debt service to total expenditures less than or equal to 0.20.

(3) The guarantor must prepare its financial statements in conformity with generally accepted accounting principles or other comprehensive basis of accounting and have its financial statements audited by an independent certified public accountant or the office of the auditor of the state of Iowa. The financial statement shall be in the form prescribed by the office of the auditor of the state of Iowa.

(4) A guarantor is not eligible to assure its obligations if:

1. The guarantor is currently in default on any outstanding general obligation bonds; or

2. The guarantor has any outstanding general obligation bonds rated lower than Baa as issued by Moody’s or BBB as issued by Standard & Poor’s; or

3. The guarantor operated at a deficit equal to 5 percent or more of total annual revenue in each of the past two fiscal years; or

4. The guarantor receives an adverse opinion or disclaimer of opinion from the independent certified public accountant or office of the auditor of the state of Iowa auditing its financial statement. A qualified opinion that is related to the demonstration of financial assurance may, at the discretion of the department, be cause for disallowance of this mechanism; or

5. The closure costs to be assured are greater than 43 percent of the guarantor’s total annual revenue.

(5) The local government guarantor must include disclosure of the closure costs assured through the guarantee in its next annual audit report prior to the initial receipt of appliances at the facility or prior to cancellation of an alternative financial assurance instrument, whichever is later. For the first year the guarantee is used to assure costs at a particular facility, the reference may instead be placed in the guarantor’s official files until issuance of the next available annual audit report if timing does not permit the reference to be incorporated into the most recently issued annual audit report or budget. For closure costs, conformance with Governmental Accounting Standards Board Statement 18 ensures compliance with this public notice component.

(6) The local government owner or operator must submit to the department the following items:

1. A copy of the written guarantee between the owner or operator and the local government serving as guarantor for the closure costs at the facility.

2. A copy of the guarantor’s most recent annual financial audit report indicating compliance with the financial ratios required by numbered paragraph 118.16(6)“f”(2)“2,” if applicable, and the requirements of subparagraphs 118.16(6)“f”(3) and (4).

3. A letter signed by the local government’s chief financial officer that lists all the current cost estimates covered by the guarantor, as described in subrule 118.16(5); and that provides evidence and certifies that the local government meets the conditions of subparagraphs 118.16(6)“f”(2), (3), (4) and (5).

**118.16(7) Financial assurance cancellation and permit suspension.**

a. A financial assurance instrument may be terminated by the owner or operator only if the owner or operator substitutes alternate financial assurance prior to cancellation, as specified in this rule, or if the owner or operator is no longer required to demonstrate financial responsibility in accordance with this rule.

*b.* A financial assurance instrument shall be continuous in nature until canceled by the financial assurance provider or until the department gives written notification to the owner, operator, and financial assurance provider that the covered site has been properly closed. The financial assurance provider shall give at least 90 days' notice in writing to the owner or operator and the department in the event of any intent to cancel the instrument.

*c.* Within 60 days of receipt of a written notice of cancellation of financial assurance by the financial assurance provider, the owner or operator must provide the department an alternative financial assurance instrument. If a means of continued financial assurance is not provided within that 60 days, the department shall suspend the permit.

*d.* The owner or operator shall perform proper closure within 30 days of the permit suspension. For the purpose of this rule, "proper closure" means completion of all items pursuant to rule 118.14(455B,455D) and subrule 118.16(5).

*e.* If the owner or operator does not properly close the site within the 30-day period allowed, the department shall file a claim with the financial assurance instrument provider to collect the amount of funds necessary to properly close the site.

*f.* An owner or operator who elects to terminate a permitted activity, whose renewal application has been denied, or whose permit has been suspended or revoked for cause must submit within 30 days of the termination of the permit a schedule for completing proper closure of the terminated activity. Closure completion cannot exceed 60 days from the date of termination of the permit.

*g.* The director may also request payment from any financial assurance provider for the purpose of completing closure when the following circumstances exist:

(1) The owner or operator is more than 15 days late in providing a schedule for closure or for meeting any date in the schedule for closure.

(2) The owner or operator declares an economic inability to comply with this rule, either by sending written notification to the director or through an action such as, but not limited to, filing for bankruptcy.

These rules are intended to implement Iowa Code sections 455B.304 and 455D.6(6).

[Filed 6/22/90, Notice 2/7/90—published 7/11/90, effective 8/15/90]

[Filed 11/21/01, Notice 5/16/01—published 12/12/01, effective 1/16/02]<sup>1</sup>

[Filed emergency 2/1/02—published 2/20/02, effective 2/1/02]

[Filed emergency 3/27/02—published 4/17/02, effective 3/27/02]

[Filed 7/29/04, Notice 5/12/04—published 8/18/04, effective 9/22/04]

[Filed 12/12/06, Notice 9/27/06—published 1/3/07, effective 2/7/07]

[Filed 9/6/07, Notice 1/3/07—published 9/26/07, effective 10/31/07]

<sup>1</sup> At its meeting held January 8, 2002, the Administrative Rules Review Committee voted to delay the effective date of Chapter 118 70 days.

## Notification of PCB Activity

## Return To:

Document Control Officer (5305P)  
Office of Solid Waste  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave., N.W.  
Washington, DC 20460-0001

## For Official Use Only

## 1. Name of Facility

Daley's plumbing, Inc.

## Name of Owner Facility

Mike Daley

## 2. EPA Identification Number (if already assigned under RCRA)

## 3. Facility Mailing Address (Street or PO Box, City, State, &amp; Zip Code)

Daley's Plumbing, Inc.  
PO BOX 1601  
Mason City, Ia.  
50402-1601

## 4. Location of Facility (No. Street, City, State, &amp; Zip Code)

Daley's Plumbing, Inc.  
601 S. President Ave.  
Mason City, IOWA  
50401

## 5. Installation Contact (Name and Title)

Mike Daley, Owner

## Telephone Number (Area Code and Number)

641-423-5039

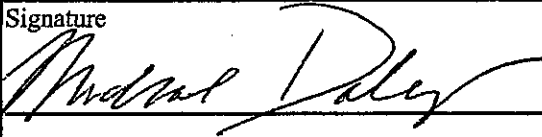
## 6. Type of PCB Activity (Mark 'X' in appropriate box. See Instructions.)

- A. Generator w/onsite storage facility     B. Storer (Commercial)  
 C. Transporter     D. R&D/Treatability  
 E. Approved Disposer     F. Scrap Metal Recovery Oven/Smelter,  
High Efficiency Boilers

## 7. Certification

Under civil and criminal penalties of law for the making or submission of false or fraudulent statements or representations (18 U.S.C. 1001 and 15 U.S.C. 2615), I certify that the information contained in or accompanying this document is true, accurate, and complete. As to the identified section(s) of this document for which I cannot personally verify truth and accuracy, I certify as a company official having supervisory responsibility for the persons who, acting under my direct instructions, made the verification that this information is true, accurate, and complete.

## Signature



## Name and Official Title (Type of Print)

Michael Daley Owner

## Date Signed

4/3/23

## Paperwork Reduction Act Notice

The annual public burden for this collection of information is estimated to average 0.57 hours per response. This estimate includes time for reading instructions, searching existing data sources, gathering and maintaining the needed data, and completing and reviewing collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden to: Director, Collection Strategies Division, U.S. Environmental Protection Agency (mail code 2822), 1200 Pennsylvania Ave., N.W., Washington, D.C. 20460-0001. Include the OMB number identified above in any correspondence. Do not send the completed form to this address. The actual information or form should be submitted in accordance with the instructions accompanying the form, or as specified in the corresponding regulations.

**Item-by-Item Instructions  
for Completing EPA Form 7710-53**

Return completed form to:

Document Control Officer (5305P)  
Office of Solid Waste  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave., N.W.  
Washington, DC 20460-0001

No information on the form may be claimed confidential.

Type or print in black ink all items, except Item VII, "Certification." If you must use additional sheets, indicate clearly the number of the item on the form to which the information on the separate sheet applies.

**Item 1 -- Name of facility:** Enter the name of the facility and the name of the owner of the facility.

**Item 2 -- EPA identification number (if already assigned under RCRA):** Enter the identification number the facility was assigned under the RCRA hazardous waste notification regulations. If no identification number has been assigned, leave this space blank. A notifier may use their RCRA Identification number prior to receipt of written verification from EPA once they have confirmed that EPA is in receipt of their PCB notification form. Confirmation of receipt of the form may be accomplished by submitting it through the U.S. mail -- return receipt requested, telephoning to confirm receipt of mail or facsimile, commercial overnight carrier's delivery verification processes, or any other manner in which the submitter can demonstrate in that the form was received by EPA Headquarters.

**Items 3 and 4 -- Facility mailing address and location:** Complete Items III and IV. Please note that the address you give in Item IV, "Location of Facility," must be a physical address, not a post office box or route number. If the mailing address and physical location are the same, you may enter "Same" in Item IV. If the facility is a mobile incinerator, you may enter "mobile" in Item IV, and provide the mailing address for the installation contact in Item III.

**Item 5 -- Installation contact:** Enter the name, title, and business telephone number of the person who should be contacted regarding information submitted on this form.

**Item 6 -- Type of PCB activity:** Mark the appropriate box(es) to show which PCB activities are taking place at this facility.

*A. Generator with onsite storage facility:* You are a generator with an onsite storage facility under this notification requirement if you are a user, owner, or processor of PCBs or PCB items and you maintain your own storage facilities subject to 40 CFR 761.65(b) or (c)(7) for PCBs. If you are a generator with an onsite storage facility, mark an "X" in this box.

*B. Commercial Storer:* You are a commercial storer if you own or operate a storage facility which is subject to the storage facility standards of 40 CFR 761.65(b) or (c)(7), and which engages in off-site storage activities involving the PCB wastes generated by others. Most commercial storers of PCB waste perform waste storage services in exchange for a fee or other compensation, but the receipt of compensation is not necessary for your storage facility to qualify as a commercial storer of PCB wastes generated by others. See definition of commercial storer in 40 CFR 761.3. If you are a commercial storer, mark an "X" in this box.

*C. Transporter:* If you move PCBs by air, rail, highway, or water, then mark an "X" in this box.

*D. R&D/Treatability:* If you are engaged in conducting R&D into PCB disposal technologies and cannot accept waste on a commercial scale, mark an "X" in this box. You should also check this box if you conduct treatability studies even though you may have marked the "Approved Disposer" box.

*E. Approved Disposer:* If you currently hold a valid EPA permit to dispose of PCBs in concentrations exceeding 50 ppm in a landfill, through alternative technology or incineration, mark an "X" in this box.

*F. Scrap Metal Recovery Oven/Smelter, High Efficiency Boilers:* If you operate a device to dispose of PCBs, or if you dispose of PCBs in compliance with Section 761.71 (i.e., high efficiency boilers) or Section 761.72 (i.e., scrap metal recovery oven/smelter), mark an "X" in this box.

**Item 7 -- Certification:** This certification must be signed by the owner, operator, or an authorized representative of the facility. An "authorized representative" is a person responsible for the overall operation of the facility (i.e., a plant manager or superintendent, or a person of equal responsibility). All notifications must include this certification to be complete.

# LETTER FROM OWNER/OPERATOR REFERRING TO EXECUTED LETTER OF CREDIT

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August 24, 2022

Iowa Department of Natural Resources  
Planning, Permitting & Engineering Services  
Wallace State Office Building  
502 East 9<sup>th</sup> Street  
Des Moines, IA 50319

Dear Sir or Madam:

This letter shall serve as notice, pursuant to IAC 567 Chapter 118.16(6)“d”, that [Facility Owner or Operator] is providing financial assurance by Letter of Credit No. 1188 established on August 24, 2022 for [Facility Name] in an amount of one thousand nine hundred and fifty dollars (\$1,950.00) lawful money of the United States. These funds are restricted for closure care of Michael A. Daley, Jr., Kristin G. Daley, and M & K Properties, LLC located at 601 S. President Ave. Mason City, IA 50401.

The name and address of the lending institution is as follows:

First Citizens Bank

Institution

2601 4<sup>th</sup> St SW

Address

Mason City, IA 50401

City, State

641-423-1600

Phone

A copy of the executed Letter of Credit has been enclosed with this correspondence and a copy has been retained in our office.

If you have any questions regarding this letter or the executed Letter of Credit, please contact Kevin Sullivan at 641-243-1600

Sincerely,

Enclosure

# APPLIANCE DEMANUFACTURING IRREVOCABLE LETTER OF CREDIT

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Letter of Credit No.: 1188

Date: August 24, 2022

This Irrevocable Letter of Credit is being provided to Borrower, Daley's Plumbing, Inc. by Lender, First Citizens Bank, for the exclusive purpose of meeting financial assurance requirements required by the Iowa Department of Natural Resources, "IDNR", as set forth in IAC 567 Chapter 118.16 for closure care of Michael A. Daley, Jr., Kristin G. Daley, and M & K Properties, LLC located at 601 S. President Ave. Mason City, IA 50401.

Pursuant to IAC 567 Chapter 118.16(6) "d", [Bank Name] hereby certifies to IDNR that, as the issuing institution, has the authority to issue Letters of Credit and that their operations are regulated and examined by a Federal or State Agency. The Letter of Credit in this matter is issued for a sum of up to an aggregate amount not to exceed one thousand nine hundred fifty dollars (\$1,950.00) lawful money of the United States.

This irrevocable Letter of Credit is effective as of August 24, 2022, and shall expire August 24, 2023. However, the said expiration date shall be automatically extended for a period of at least one year from the original expiration date or thereafter from any extended expiration date, unless at least 90 days prior to such date, First Citizens notifies Michael A. Daley, Jr., and Kristin G. Daley and IDNR in writing, by certified mail, that First Citizens Bank elects not to renew the Letter of Credit for such additional period.

Within 60 days of receipt of such notification, as evidence by the signed return receipt, Michael A. Daley Jr. and Kristin G. Daley shall provide IDNR adequate proof of alternative financial assurance in accordance with IAC 567 Chapter 118.16. If Michael A. Daley, Jr., and Kristin G. Daley does not extend the expiration date or establish alternative financial assurance within 60 days after receipt of an expiration or submit a cancellation notice by [Bank Name], the issuer of the Letter of Credit shall deposit a sum equal to the full available to be drawn under the Letter of Credit into a secured trust fund established by the Borrower. The provision of funds by the issuer of the Letter of Credit shall be considered an issuance of a loan to the Borrower, and the terms of that loan shall be governed by this Letter of Credit or subsequent agreement with First Citizens Bank. The Lender and Borrower acknowledge that each will be bound by the further requirements of IAC 567 Chapter 118.16(6) "d" in the event that proof of alternate financial assurance is not provided.

In the event that either Lender or Borrower is purchased by another entity, the subsequent entity shall assume all responsibilities under this Letter of Credit. Neither party shall take any action which may prevent it from fulfilling its responsibilities under this Letter of Credit, including, but not limited to, altering its business practices to render incapable of making payments or provide guarantees as provided for herein.

We undertake to promptly honor your sight draft(s) drawn on us, indicating our Credit No. 1188 for all or part of this Credit if presented to our office on or before the expiry date or any automatically extended expiry date. The IDNR may draw on this Letter of Credit in full or in part.

Except as expressly stated herein, this undertaking is not subject to any agreement, condition or qualification. The obligation of First Citizens Bank under this Letter of Credit is the individual obligation of First Citizens Bank and is in no way contingent upon reimbursement with respect thereto.

In witness thereof, the Lender and Borrower have executed this Letter of Credit under their respective hands and seals, this 24th day of August 2022.



The persons whose signatures appear below hereby certify that they are authorized to execute this Letter of Credit on behalf of the Borrower and Lender.

Daley's Plumbing Inc  
Borrower [Corporate Seal]

Signature: [Signature]

Name: Mike Daley Title: Owner

Signature: Kristin A Daley

Name: Kristin G Daley Title: owner

FIRST CITIZENS BANK  
Lender [Corporate Seal]

Signature: [Signature]

Name: Jerome P. Bormann Title: Sr. Vice Pres.

Signature: \_\_\_\_\_

Name: \_\_\_\_\_ Title: \_\_\_\_\_



# Appliance Demanufacturing Zoning Verification Form

To Whom It May Concern:

I am in the process of applying for an appliance Demanufacturing permit through the Iowa Department of Natural Resources. Department permit requirements include conformation from the zoning department that my facility meets zoning requirements for appliance Demanufacturing and verification that the property is located above the 100 year flood plain.

Iowa Code Chapter 118 states that all appliances must be demanufactured before being recycled or disposed of. Appliance demanufacturing consists of ensuring proper removal and disposal of electrical components containing PCB's, refrigerant, and mercury switches.

My appliance Demanufacturing facility is located at:

Name Daley's Plumbing, Inc.  
Street Address 601 S. President Ave.  
City Mason City, Iowa Zip Code 50401

I request that you please fill out the information below and return to:

Iowa Department of Natural Resources  
Land Quality Bureau  
Attn Sue Johnson  
502 E 9<sup>th</sup> St  
Des Moines IA 50319  
Fax: 515-725-8202

## Zoning Department

I have reviewed zoning requirements for the property listed above and (check all that apply):

- I verify that the property is located above the 100 year flood plain and is properly zoned for appliance demanufacturing.
- The property is not zoned correctly and is located in the 100 year flood zone. Please see comments below.
- The property is not zoned for appliance Demanufacturing activity, please see comments below.

Comments:

*Demanufacturing of appliances viewed as a part of the normal course of business*

Zoning Official Signature Jill Sandberg  
Phone Number 564-421-3626 Date April 3, 2023

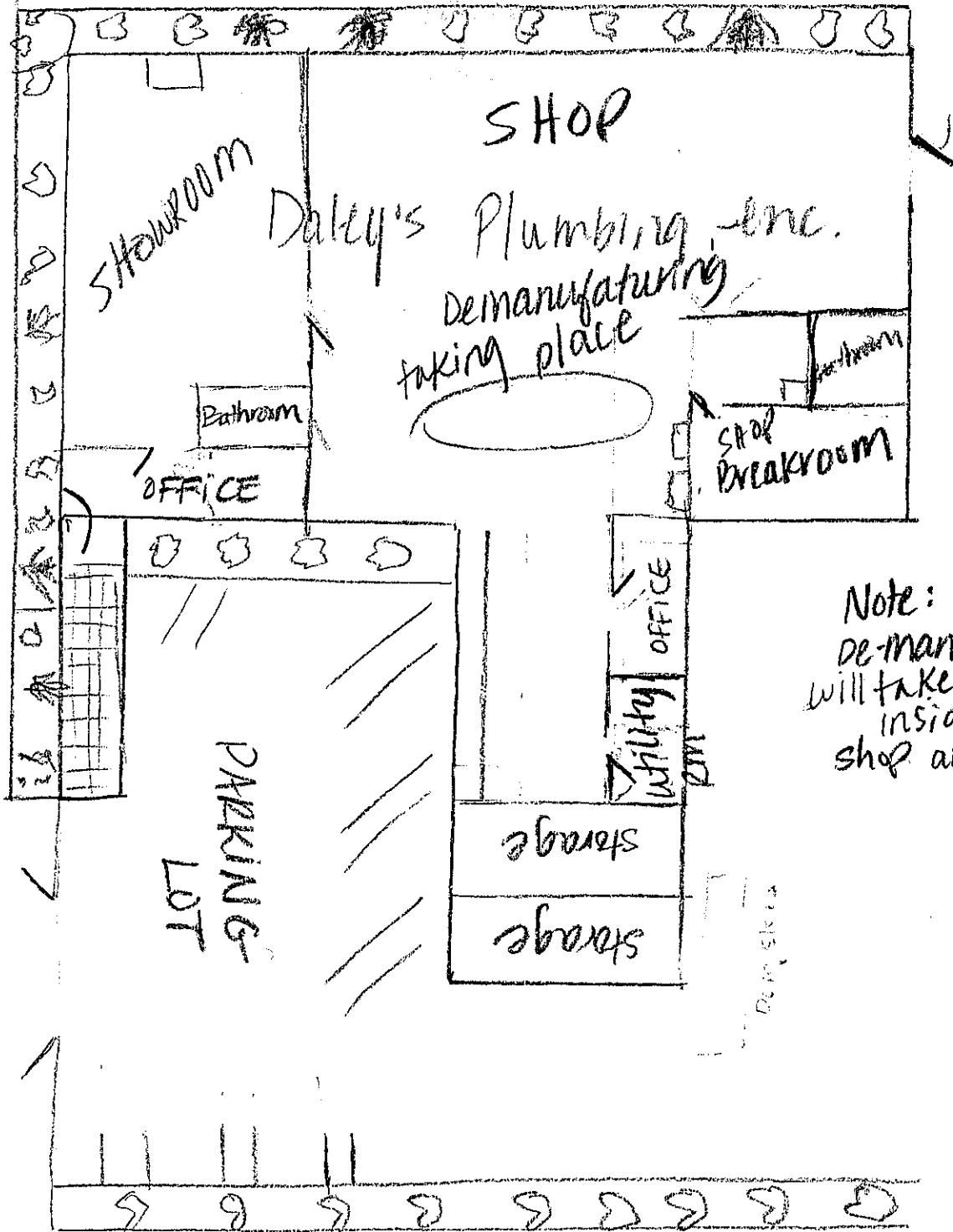
3:34 [Settings] [Facebook] [Facebook] [Share] [Email] [Print] [Close] [New] [New] [New] [Close] [Close] [Location] [Share]



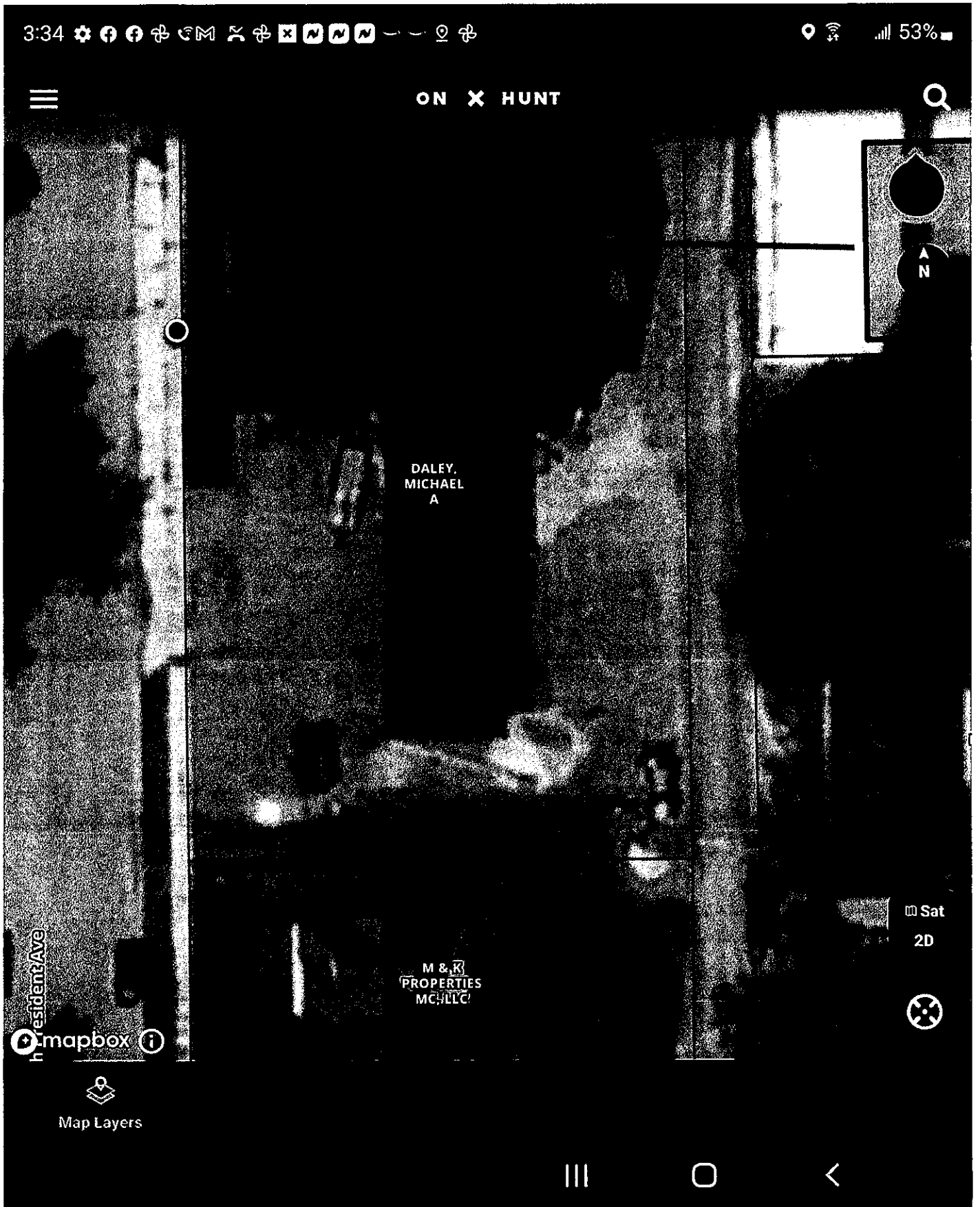
ON X HUNT

DALEY,  
MICHAEL  
A

Daley's Plumbing, Inc.  
601 S. President Ave.  
Mason City, IA. 50401



Note:  
De-manufacturing  
will take place  
inside the  
shop area.



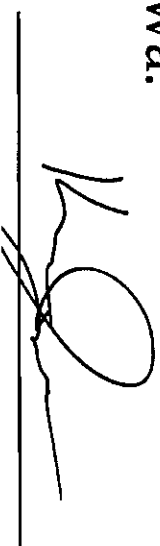
# Certificate of Completion

presented to

**Michael Daley**

For successful completion of the

IDNR approved Appliance Demanufacturing Training Course  
conducted by Evora Consulting on June 14, 2022  
in West Des Moines, Iowa.



*Kevin Jensen*  
*Environmental Compliance Specialist*



1801 Industrial Circle | West Des Moines, Iowa 50265 | 515.256.8814 | [www.evora-group.com](http://www.evora-group.com)

M + K

Date: 9-27-22

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