

September 9, 2025

DAMION SADD  
ENVIRONMENTAL AND PUBLIC AFFAIRS MANAGER  
CONTINENTAL CEMENT COMPANY  
301 EAST FRONT STREET  
BUFFALO IA 52728  
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**RE: Continental Cement Industrial Landfill (301 East Front Street, Buffalo, IA 52728)**  
**Permit #82-SDP-16-97**  
**Closure and Post-Closure Accounts for Landfill Financial Assurance**

Dear Mr. Sadd:

The purpose of this letter is to notify Continental Cement Industrial Landfill of current statutory and proposed administrative code requirements related to sanitary landfill financial assurance.

### **Background**

The Iowa Department of Natural Resources (DNR) Solid Waste and Contaminated Sites Section is in the process of reviewing program administrative rules as directed by Executive Order 10 ([EO10](#)). EO10 was signed by Governor Reynolds on January 10, 2023, mandating a comprehensive review of all existing administrative rules by state agencies, aiming to identify and potentially rescind unnecessary regulations. The review includes the reauthorization of rule chapters with a focus on reducing the size (page and word count) of the Iowa Administrative Code (IAC) and removing restrictive and duplicative language.

### **Proposed Consolidation**

The DNR is proposing to consolidate the financial assurance requirements from all Sanitary Disposal Project (SDP) permitting chapters, including the four sanitary landfill chapters ([567 IAC 103](#), [113](#), [114](#), and [115](#)) into a single division of a new IAC chapter. The proposed financial assurance requirements will be published in the Iowa Administrative Bulletin on September 17, 2025. This new division was written to implement Iowa Code subsections [455B.304\(8\)](#) and [455B.306\(9\)](#) and is expected to become effective in June 2026 with the first financial assurance submittal due April 1, 2027.

### **Statutory Requirements**

As part of its [EO10](#) review, DNR identified a statutory requirement in Iowa Code paragraph [455B.306\(9\)"b"](#) specifying that all sanitary landfills must establish and maintain closure and post-closure accounts. However, the current financial assurance requirements for industrial landfills ([rule 567-115.31\(455B\)](#)) and for coal combustion residual (CCR) landfills ([rule 567-103.3\(455B\)](#)) do not require these statutorily-mandated accounts. This deficiency has been corrected within the proposed division, which will require these accounts be established and funded. Please note, that although this is a change to IAC, this is not a new requirement of Iowa Code. Furthermore, except for utility-owned CCR landfills, as described further below, all other sanitary landfills are statutorily required to establish and maintain these closure and post-closure accounts.

It should be noted that a similar situation previously occurred with utility-owned CCR landfills. The utility industry chose to petition the Iowa Legislature and received a statutory exemption from needing these accounts ([Iowa Code subsection 455B.306\(12\)](#)). This exemption did not absolve utility-owned CCR landfills from their financial assurance obligations, rather it provided these utilities the option to use any of the approved financial assurance instruments ([Iowa Code subsection 455B.301\(9\)](#)) in place of closure and post-closure accounts.

**Impact to Continental Cement Industrial Landfill**

Currently, the Continental Cement Company Industrial Landfill is using only a surety bond, pursuant to paragraph [567 IAC 115.31\(6\)"b,"](#) as its financial assurance instrument to cover post-closure costs. However, as part of codifying this statutory requirement within IAC, and absent a legislative change to [Iowa Code section 455B.306](#), Continental Cement Industrial Landfill will be required to comply with this closure and post-closure account requirement.


Because the Continental Cement Company Landfill is currently operating, a yearly deposit or a "pay-in-period" is allowable when funding these accounts. For illustrative purposes only and based on figures from the 2025 Financial Assurance report ([Doc #112830](#)), Continental Cement Industrial Landfill would require a deposit of **\$8,555** for the particular reporting year. Please see the attached information for calculation details. Continental Cement Industrial Landfill may continue to use a surety bond or a combination of any other approved financial assurance instrument to fund the remaining closure and post-closure costs of \$4,357,775 utilizing figures from the 2025 reporting year.

Considering this is a current requirement of Iowa Code and this proposed rulemaking will result in a correction to IAC, the DNR will be willing to consider [Petitions for Waiver](#), pursuant to [561 IAC 10](#), on a case-by-case basis to accommodate the potential need for additional time to come into compliance.

**Next Steps**

The DNR realizes this is a significant change to how Continental Cement Company Landfill's current financial assurance is being managed and will have a fiscal impact. Therefore, the DNR would like to schedule a meeting in the next several weeks to discuss this requirement and answer any questions. Mary Klemesrud, Program Planner, Solid Waste and Contaminated Sites Section, will be contacting your office to schedule the meeting. In the meantime, please feel free to reach out to Mary at [\(515\)802-8835](tel:5158028835) or [mary.klemesrud@dnr.iowa.gov](mailto:mary.klemesrud@dnr.iowa.gov) with any questions.

Sincerely,

 Digitally signed by  
Michael Sullivan  
Date: 2025.09.09  
16:04:18 -05'00'

Mike Sullivan  
Solid Waste and Contaminated Sites Supervisor  
Land Quality Bureau

cc: Brian Rath  
DNR Land Quality Bureau  
6200 Park Ave, Suite 200  
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**Sanitary Landfill Financial Assurance: Continental Cement Industrial Landfill  
Example Closure and Post-closure Account(s) Deposit Calculation  
September 9, 2025**

The current statutory requirement in Iowa Code paragraph [455B.306\(9\)"b"](#) specifies that all sanitary landfills in Iowa must establish and maintain a closure and post-closure account(s). Proposed subrule 567 IAC 101.709(7) requires a yearly deposit into the closure and post-closure account(s). The minimum yearly deposit is variable and is determined using the following formula:

$$[(CE-AB)/RPC] \times TR = \text{Yearly Deposit}$$

Where:

CE = Current cost estimates of closure and post-closure care costs.

AB = Balance of the closure and post-closure care account(s) at the close of the previous fiscal year.

RPC = Remaining permitted capacity, in tons, of the sanitary landfill at the start of the fiscal year.

TR = Number of tons of solid waste disposed of at the sanitary landfill in the prior fiscal year.

Example: Calculation for Continental Cement Industrial Landfill based on 2025 Financial Assurance report ([Doc #112830](#))

|   |   |
|---|---|
| CE = \$4,366,330 (\$654,070.85 closure + \$3,712,259.10 post closure) | \$4,366,330 - 0 = \$4,366,330             |
| AB = \$0  | \$4,366,330/740,510 = \$5.89              |
| RPC = 740,510   | \$5.89 x 1451 = \$8,555                   |
| TR = 1451   | <b>Minimum Deposit Required = \$8,555</b> |

Continental Cement Industrial Landfill may continue to use a surety bond or a combination of any other approved financial assurance instrument to fund the remaining closure and post-closure costs of \$4,357,775 (\$4,366,330 - \$8,555) utilizing figures from the 2025 reporting year.

Please note, the closure and post-closure account(s) must be fully-funded at the time of closure and maintained throughout the post-closure period.