



411 6th Avenue SE, Suite 400
Cedar Rapids, IA 52401
(319) 365-9565
foth.com

September 23, 2025

Mike Smith
Iowa Department of Natural Resources
6200 park Avenue
Suite 200
Des Moines, IA 50321

Re: Petition for Waiver – Petroleum Contaminated Soil
Winneshiek County Area Solid Waste Agency
Permit No. 96-SDP-01-74P

Dear Mike Smith:

On behalf of the Winneshiek County Area Solid Waste Agency (Agency), Foth Infrastructure & Environment, LLC (Foth) has prepared the following Petition for Waiver to dispose of petroleum contaminated soils without pretreatment as specified in 567 Iowa Administrative Code (IAC) 109.11(2)"d" through "i." The Petition for Waiver is included as Attachment 1, and supplemental information is provided in Attachment 2.

Thank you for your attention to this matter. Please contact us if you have any questions or need additional information.

Sincerely,

Foth Infrastructure & Environment, LLC

A handwritten signature in dark ink, appearing to read "Hannah Dubbs".

Hannah Dubbs
Project Environmental Scientist
(319) 297-2055
hannah.dubbs@foth.com

A handwritten signature in dark ink, appearing to read "Gina Wilming".

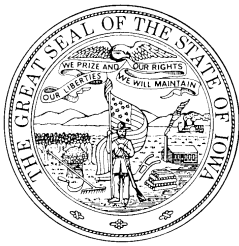
Gina Wilming
Senior Project Manager
(319) 297-2065
gina.wilming@foth.com

cc: T.J. Schissel, Winneshiek County Area Solid Waste Agency

Enclosures

Attachment 1	Petition for Waiver
Attachment 2	Supplemental Information

Attachment 1
Petition for Waiver



IOWA DEPARTMENT OF NATURAL RESOURCES
LAND QUALITY BUREAU
6200 PARK AVE STE 200 | DES MOINES IA 50321
Telephone: (515) 725-8200; Fax: (515) 725-8201



PETITION FOR WAIVER

Pursuant to 561 Iowa Administrative Code (IAC) Chapter 10, Waivers from Administrative Rules, a petitioner must provide comprehensive justification of a proposed request for a waiver to an administrative rule as adopted by the Department of Natural Resources (DNR).

This form will assist you in providing all pertinent information that is necessary for the DNR to grant a waiver. The form must be submitted to the DNR and must contain an adequate amount of factual and concise information. The obligation rests with the petitioner to provide convincing evidence to justify the granting of a waiver. You may provide additional information or attach additional pages if needed. The DNR reserves the right to require additional information to further support request for a waiver.

Petitions will be comprehensively evaluated by the DNR. The DNR reserves the right to place any condition on the waiver. If information is not inclusive, concise, or does not adhere to the justifications and/or proof the petitioner has submitted, the waiver may be denied. Upon review, the DNR will grant or deny the waiver in writing.

Waivers are temporary unless evidence is shown that a temporary waiver would be impracticable. Once the waiver expires the rule will be enforceable. There is no automatic renewal of waivers. The DNR may renew a waiver at its sole discretion. Please note that the DNR is not allowed to waive or alter a statutory duty or requirement.

CONTACT INFORMATION

Petitioner Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

Facility Name: _____

Address: _____

City: _____ State: _____ Zip: _____

PETITIONER JUSTIFICATION

Petitioner must provide clear and convincing evidence to prove the following:

1. Please describe the specific requested waiver.

2. Cite the specific administrative rule from which the waiver is requested.
3. What permit is the waiver requested for?
4. What operation(s) will the waiver include?
5. Pursuant to 561 IAC 10.5(17A,455A) a waiver will not be permanent. Is a temporary waiver impractical? If so, how?
6. Requested time extent of waiver?
7. Please list relevant facts that justify the waiver.
8. How and why is the absence of the waiver posing an undue hardship?
9. How will equal protection of public health, safety, and welfare be maintained if the waiver is granted? Provide any analytical data and/or studies to support your justification.

10. In the past 5 years:

Has the petitioner been issued an NOV? ☐ Yes ☐ No

If yes, please explain:

11. Administrative Order? ☐ Yes ☐ No

If yes, please explain:

12. Involved in contested case proceedings? ☐ Yes ☐ No

If yes, please explain:

13. In a court of law? ☐ Yes ☐ No

If yes, please explain:

14. Are there any public agencies, political subdivisions of the state or federal government, person or entity that may be affected by the granting of the waiver? ☐ Yes ☐ No

If yes, please explain and provide the name(s), address(es), telephone number(s), and other relevant contact information.

15. If the waiver is granted, would it adversely affect any person's rights? ☐ Yes ☐ No

If yes, please explain and provide the name(s), address(es), telephone number(s), and other relevant contact information.

16. Do you know how the DNR has treated similar situations? ☒ Yes ☐ No

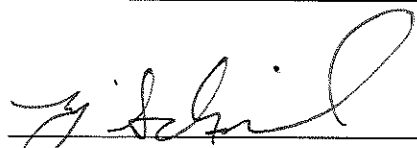
If yes, describe how similar situations were handled:

Des Moines County Regional Sanitary Landfill: Waiver approved on September 16, 2024 (Doc# 110885) and authorized to directly dispose of untreated PCS.

PETITIONER CERTIFICATION

The DNR shall grant or deny a petition for a waiver with 120 days of the receipt of the petition. Failure of the DNR to grant or deny a petition within the required time period shall be deemed a denial of that petition by the DNR. A waiver is void if the material facts are not true or if facts have been withheld. The DNR reserves the right to cancel a waiver at any time if the DNR finds that the facts as stated in the request are not true, material facts have been withheld, the alternative means of compliance provided in the waiver have failed to achieve the objectives of the statute, or the requester has failed to comply with the conditions of the waiver.

By signing this petition, I certify that all information listed on this petition and any attached information is factual and accurate.

Signature: 

Date: 9-23-2025

Name: TJ Schissel

Position: Director

Attachment 2
Supplemental Information

Notice of Violation and
Response to the Notice of Violation



December 15, 2020

Winneshiek County Landfill
Attn: TJ Schissel
2000 140th Ave.
Decorah, Iowa 52101

RE: Notice of Violation IAC 567-113.10(1)
Complaint # 28758

Dear Mr. Schissel:

Enclosed please find the Report Notice of Violation in regards to complaint #28758. Please provide a written response to how the requirements will be addressed by January 15, 2021.

The report should be self-explanatory. If you have any questions regarding this investigation or the actions that have been required, feel free to contact me at (563) 927-2640 ext. 311.

This report does not preclude the DNR from pursuing additional enforcement action regarding these or any other violations.

Sincerely,
ENVIRONMENTAL SERVICES DIVISION

A handwritten signature in black ink that reads "Brett Meyers". The signature is written in a cursive, flowing style.

Brett Meyers
Environmental Specialist
Brett.meyers@dnr.iowa.gov
Field Services and Compliance Bureau, Field Office #1

File: SW/Winneshiek Co. Landfill
EFile: 96 SW Decorah 96SDP0174 Winneshiek Landfill 090920 ltr bcm

IOWA DEPARTMENT OF NATURAL RESOURCES

ENVIRONMENTAL SERVICES DIVISION

Field Office 1

909 West Main Suite 4, Manchester, Iowa 52057

Phone: (563) 927-2640 FAX: (563) 927-2075

REPORT OF INVESTIGATION

INVESTIGATION DATE: 9/09/2020

TO: Winneshiek County Landfill

Attn: TJ Schissel

2000 140th Ave.

Decorah, Iowa 52101

SUBJECT: Complaint# 28758

Notice of Violation IAC 567-113.10(1)

PERSONS CONTACTED: TJ Schissel-Operator

AUTHENTICATION

INSPECTOR:



Brett Meyers, Environmental Specialist

12/15/2020

REVIEWER:



DATE: 12/15/2020

Tom McCarthy, Environmental Specialist Senior

File Name: 96 SW Decorah 96SDP0174 Winneshiek Landfill 090920 nins bcm

OBSERVATIONS:

On 9/9/2020 I investigated a complaint that was forwarded from Winneshiek County Emergency management in regards to turbidity observed on Trout River near Sampson Springs Campground located at: 2244 133rd Ave. Decorah. I arrived at the public access area across from this campground and walked to Trout River. I observed a slight cloudiness on the stream. I did not observe any dead fish and I could see the bottom of the River. I proceeded South (upstream) to the HWY 9 bridge that crosses the Trout River. I observed a lot of turbidity from the bridge. It was very light brown in color and I could not see the bottom of the River. I continued upstream and traced the discharge as coming from the Winneshiek County Landfill located approximately 4 miles upstream from the where the location of complaint was observed. I spoke with the operator and we proceeded to the east side of the landfill to observe the unnamed tributary that drains into Trout River. At this location, near the wastewater lagoons, I observed storm water runoff from the gravel roadway and from the working face flowing into this unnamed tributary. We discussed the storm water pollution prevention plan and sampling locations. Mr. Schissel stated they do experience runoff events that cause an increase in turbidity into the unnamed tributary that flows into Trout River. It is important to note the Trout River is considered a high quality water source downstream of this location. I stated since the storm water runoff includes runoff from the working face, the Storm water pollution prevention control plan needs to be reviewed and better controls should be put in place to redirect this flow into the wastewater collection system. I requested a copy of the SWPPP and any surface water sampling that has been conducted from the areas observed (storm water runoff from working face).

This discharge is considered a violation of Iowa Administrative Code **567—113.10(455B) Environmental monitoring and corrective action requirements for groundwater and surface water**. All MSWLFs shall comply with the following environmental monitoring and corrective action requirements for groundwater and surface water.

113.10(1) General requirements for environmental monitoring and corrective action for groundwater and surface water. The following general requirements apply to all provisions of this rule.

a. Surface water requirements. MSWLF units shall not:

(1) Cause a discharge of pollutants into waters of the United States, including wetlands, that violates any requirements of the Clean Water Act, including, but not limited to, the National Pollutant Discharge Elimination System (NPDES) requirements, pursuant to Section 402 of the Clean Water Act.

(2) Cause the discharge of a nonpoint source of pollution into waters of the United States, including wetlands, that violates any requirement of an area wide or statewide water quality management plan that has been approved under Section 208 or 319 of the Clean Water Act.

REQUIREMENTS:

1) Update the leachate collection controls to capture the leachate from the working face of the landfill.

2) Update the SWPPP to verify the leachate collection system captures all of the leachate from the required areas.

3) Update regular storm water monitoring to insure general water quality criteria are being met.



Winneshiek Landfill
2000 140th Avenue
Decorah, Iowa 52101

UTM Zone 15 NAD83
608634.52, 4786885.60

WGS84
-91.662272, 43.226943



Jolly, Becky <becky.jolly@dnr.iowa.gov>

Fwd: complaint

1 message

Smith, Mike <mike.smith@dnr.iowa.gov>
To: "Jolly, Becky" <becky.jolly@dnr.iowa.gov>

Tue, Jan 5, 2021 at 10:17 AM

Becky:

Please add this attached document to the database - date received was 12/17/20. I have no comment.

Thanks,
Mike

----- Forwarded message -----

From: **Meyers, Brett** <brett.meyers@dnr.iowa.gov>

Date: Mon, Jan 4, 2021 at 2:52 PM

Subject: Re: complaint

To: Smith, Mike <mike.smith@dnr.iowa.gov>

Cc: Joe Sanfilippo <joe.sanfilippo@dnr.iowa.gov>, Christopher Gelner <christopher.gelner@dnr.iowa.gov>, Tom McCarthy <tom.mccarthy@dnr.iowa.gov>, Levetzow, Kurt <kurt.levetzow@dnr.iowa.gov>, Michael Sullivan <michael.sullivan@dnr.iowa.gov>

Mike,

Here is the response from Winneshiek Landfill. I do not specifically work in the Solid Waste Program, and I was responding to a general water quality complaint from the public when I traced it back to the landfill. Most of the turbidity in the water source appeared to be more due to the storm water runoff. I guess the discovery of the runoff from the working face was a bonus? If I need to redo the violation to accurately reference the runoff from the working face please let me know.

Thank you,
Brett

BRETT MEYERS | Environmental Specialist
Iowa Department of Natural Resources Field Office #1
P 563-927-2640 | F 563-927-2075 | C 563-929-1497
909 W. Main Street Suite 4, Manchester, Iowa 52057
www.iowadnr.gov

On Mon, Jan 4, 2021 at 1:22 PM Smith, Mike <mike.smith@dnr.iowa.gov> wrote:
Brett:

Would you forward their response for our records? Apologize if I'm, being repetitive but the intent of controlling runoff from the working face is spelled out in CFR 40 258:

40 CFR 258 Technical Manual (EPA 530-R-93-017):

3.8.3 Technical Considerations

"If stormwater enters the landfill unit and contacts waste (including water within daily cover), the stormwater becomes leachate and must be managed as leachate. The

purpose of a run-on control system is to collect and redirect surface waters to minimize the amount of surface water entering the landfill unit. Run-on control can be accomplished by

constructing berms and swales above the filling area that will collect and redirect the water to stormwater control structures. As stated above, stormwater that does enter the landfill unit should be managed as leachate. Run-off control systems are designed to collect and control this run-off from the active portion of the landfill, including run-off from areas that have received daily cover, which may have contacted waste materials. Run-off control can be accomplished through stormwater conveyance structures that divert this runoff/ leachate to the leachate storage device."

I think the suspended solids is more of a NPDES General Permit No. 1 issue for all stormwater for the facility exclusive of the working face (where runoff is supposed to be nil). From the General Permit No.1 language:

"Uncontrolled sanitary landfill" means a landfill, or open dump, whether in operation or closed, that does not meet the requirements for run-on or runoff control established pursuant to subtitle D of the Solid Waste Disposal Act.

I assume (perhaps wrongly) that the reason for this definition in the general permit is to imply that this condition is not tolerated.

Attached is an article that might help the operator in controlling leachate trying to escape the working face. Also attached are enforcement policies that Kansas considers. I'd love to visit one of their operations to see how they control runoff.

Thanks.
Mike

On Mon, Jan 4, 2021 at 11:43 AM Meyers, Brett <brett.meyers@dnr.iowa.gov> wrote:

Mike,

There was runoff from the working face flowing into a culvert that lead to the unnamed tributary. The operator sent a response, with pictures, on how they corrected this. The other pollution areas of concern were the result of storm water runoff from the gravel roads causing TSS to completely cloud up the Trout Creek. They put in some berms to control the runoff from the road ways to prevent a direct discharge.

I was not exactly sure which code to reference so I used 113.10 since it referenced the self monitoring. The operator stated everytime they get a heavy rain, the runoff from the landfill would cause Trout Creek to become completely clouded up with TSS. I informed the operator they need to monitor this area more often, keep records, and adjust the BMP's accordingly.

Brett

On Monday, January 4, 2021, Smith, Mike <mike.smith@dnr.iowa.gov> wrote:

Brett:

What is happening with site? Was leachate leaving site? Is this also a violation of 113.7?

113.7(8) Run-on and runoff control systems.

a. Owners or operators of all MSWLF units must design, construct, and maintain the following:

(1) A run-on control system to prevent flow onto the active portion of the landfill during the peak discharge from a 25-year storm;

(2) A runoff control system from the active portion of the landfill to collect and control at least the water volume resulting from a 24-hour, 25-year storm.

b. Runoff from the active portion of the MSWLF unit must be handled in accordance with paragraph 113.10(1) "a."

Thanks,
Mike

----- Forwarded message -----

From: **Smith, Mike** <mike.smith@dnr.iowa.gov>

Date: Thu, Dec 17, 2020 at 7:43 AM

Subject: Fwd: FW: complaint

To: Jolly, Becky <becky.jolly@dnr.iowa.gov>

Becky:

Please place the attached documents in the database - I have no comment.

Thanks,
Mike

----- Forwarded message -----

From: **Oelkers, Christopher G.** <Christopher.Oelkers@aecom.com>
Date: Wed, Dec 16, 2020 at 8:06 AM
Subject: FW: complaint
To: Smith, Mike [DNR] (Mike.Smith@dnr.iowa.gov) <Mike.Smith@dnr.iowa.gov>

Regards,

Chris Oelkers P.E. IA MN

Central Region Water

C 319-296-6878

Christopher.Oelkers@aecom.com

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FORTUNE World's Most Admired Companies 2016

From: TJ Schissel <tj.schissel@co.winneshiek.ia.us>
Sent: Tuesday, December 15, 2020 11:26 AM
To: Oelkers, Christopher G. <Christopher.Oelkers@aecom.com>
Subject: [EXTERNAL] FW: complaint

We will have to put our heads together and figure this out.

Thank you,

T.J. Schissel

Winneshiek County Landfill Director

2000 140th Ave

Decorah, IA 52101

Office: (563)-382-4073

Cell: (563)-419-3466

tj.schissel@co.winneshiek.ia.us

"Doing our part for your world"

From: Meyers, Brett [<mailto:brett.meyers@dnr.iowa.gov>]

Sent: Tuesday, December 15, 2020 11:11 AM

To: TJ Schissel <tj.schissel@co.winneshiek.ia.us>

Subject: complaint

Hello,

Here is my report from that complaint I spoke with you about a few months ago.

Brett



BRETT MEYERS | Environmental Specialist
Iowa Department of Natural Resources Field Office #1
P 563-927-2640 | F 563-927-2075 | C 563-929-1497
909 W. Main Street Suite 4, Manchester, Iowa 52057
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Michael W. Smith | Engineering Environmental Senior

Iowa Department of Natural Resources

P 515-725-8314 | F 515-725-8202 | [502 E. 9th St., Des Moines, IA 50319](#)

www.iowadnr.gov

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Michael W. Smith | Environmental Engineer Senior
Iowa Department of Natural Resources
P 515-725-8314 | F 515-725-8202 | [502 E. 9th St., Des Moines, IA 50319](#)
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complaint 28758.doc
19685K

Winneshiek County Area Solid Waste Agency

201 W Main St Decorah, Iowa 52101

Tel: 563.382.2370/563.382.4073

"Doing our part for your world"

Brett,

In regards to the Notice of violation IAC 567-113.10(1) Complaint #28758.

(1) Update the leachate collection controls to capture the leachate from the working face of the landfill.

We installed two retention basins and berms upgradient from the working face to direct storm water away from the wet weather working face. We also constructed two sediment basins on the south side of the lagoons. We put in a series of ditch checks along the perimeter road.

(2) Update the SWPPP to verify the leachate collection system captures all of the leachate from the required areas.

We will update the SWPPP to add in the changes we have made.

(3) Update regular storm water monitoring to insure general water quality criteria are being met.

Our weekly SWPPP Review will include visual inspection of the Unnamed Tributary to ensure sediments are not being deposited by landfill runoff.











