



IOWA DEPARTMENT OF NATURAL RESOURCES
LAND QUALITY BUREAU
6200 PARK AVE STE 200 | DES MOINES IA 50321
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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: Southeast Iowa Multi-County Solid Waste Agency

Address: PO Box 304, 29997 Hwy 78

City: Richland State: Iowa Zip: 52585

Telephone: 319-210-6457 Fax:

Facility Name: Southeast Iowa Multi-County Sanitary Landfill

Address: 29997 Hwy 78

City: Richland State: Iowa Zip: 52585

PETITIONER JUSTIFICATION

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

1. Please describe the specific requested waiver.

The Southeast Iowa Multi-County County Area Solid Waste Agency (Agency) requests a waiver from the pretreatment requirements for petroleum contaminated soils (PCS) as specified in 567 Iowa Administrative Code (IAC) 109.11(2)"d" through "i." The Agency is requesting approval to allow the PCS to be landfilled without pretreatment.

2. Cite the specific administrative rule from which the waiver is requested.

567 IAC 109.11(2)"d" through "i"

3. What permit is the waiver requested for?

54-SDP-01-75P

4. What operation(s) will the waiver include?

The waiver would allow landfill operators to dispose of PCS without pretreatment.

5. Pursuant to 561 IAC 10.5(17A,455A) a waiver will not be permanent. Is a temporary waiver impractical? If so, how?

A temporary waiver would be impractical. Once the PCS is disposed of in the landfill, it would not be cost-effective, operationally feasible, or environmentally protective to remove PCS from the landfill for subsequent treatment. This waiver request is intended to establish a continuous operational practice for the acceptance and disposal of all PCS received by the facility moving forward, rather than a one-time or limited exemption.

6. Requested time extent of waiver?

As noted above, the requested time period of the waiver is the duration of the landfill operating permit.

7. Please list relevant facts that justify the waiver.

Disposal of the PCS within the Subtitle D-lined cells will effectively contain the PCS constituents within the leachate collection system, thereby minimizing the potential for groundwater impacts. Furthermore, once placed, the PCS will be covered with additional waste or daily cover, reducing exposure to precipitation and limiting the potential for surface water runoff.

8. How and why is the absence of the waiver posing an undue hardship?

The absence of the waiver presents an undue hardship for the facility due to the time, space, and resources required to conduct pretreatment of PCS. The current process necessitates spreading, turning/disking, and sampling for analysis, all of which demand additional labor and operational space. These activities also result in the disturbance of additional areas of the site, which could otherwise remain undisturbed. Granting the waiver would streamline operations by allowing direct disposal of PCS into the landfill, thereby reducing environmental disruption and improving cost-efficiency.

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.

Equal protection of public health, safety, and welfare will be maintained through the engineered containment features of the Subtitle D-lined landfill cells. Direct disposal of PCS ensures that PCS constituents are captured by the leachate collection system, thereby reducing the potential for groundwater contamination. Additionally, covering PCS with subsequent waste and daily cover minimizes exposure to precipitation and surface water runoff, further protecting water resources.

By eliminating the need for open-air pretreatment activities such as spreading and turning, the waiver also reduces the potential for airborne volatile organic compound (VOC) emissions and fugitive dust, contributing to improved air quality and worker safety. These measures collectively uphold environmental protection standards and public welfare while streamlining operational efficiency.

10. In the past 5 years:

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

If yes, please explain:

A Notice of Violation Prohibited Discharge 758 was issued November 4, 2024. BOD exceedances were reported by the SEMCO during the six-month monitoring period from January through June 2024. It is believed that the mass excursions were caused by animal carcasses accepted from a nearby kill facility. That material that is no longer accepted at the landfill.

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 within 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: Sept. 29, 2025
Name: Bill Sloop Position: Manager