

Comprehensive Planning Area Changes – Amendments

This guidance document is provided for municipal solid waste sanitary disposal projects, cities or counties considering changing the solid waste planning area they participate in. This document provides references to Iowa Administrative Rule/Code obligations. It is a guidance document and is not meant to be all-inclusive.

Iowa Administrative Code (IAC) 567 Chapter 101 references: (see webpage below for complete code chapter)
<http://www.iowadnr.gov/Environmental-Protection/Land-Quality/Solid-Waste/Comprehensive-Planning>

Iowa Code references for IAC Chapter 567 are 455B.306, 455B.301 and 455B.302

Background – why do cities/counties need to be in a planning area?

567—101.4 - Duties of cities and counties. Every city and county of this state shall, for the solid waste generated within the jurisdiction of its political subdivision, provide for the establishment and operation of an integrated solid waste management system consistent with the waste management hierarchy under rule 567—101.3(455B, 455D) and designed to meet the state’s waste reduction and recycling goals. Integrated systems and municipal solid waste sanitary disposal projects may be established separately or through cooperative efforts, including Iowa Code chapter 28E agreements as provided by law.

101.4(3) All cities and counties or Iowa Code chapter 28E agencies established for the purpose of managing solid waste or implementing integrated solid waste management systems, or both, on behalf of cities and counties **shall demonstrate compliance with the provisions of this chapter** by their **participation in a comprehensive plan** approved by the department.

567.101.13 - Types of comprehensive plan submittals to be filed. Cities and counties planning to use a municipal solid waste sanitary disposal project in Iowa must participate in a comprehensive plan with all other cities and counties using that municipal solid waste sanitary disposal project. Cities and counties planning to use an out-of-state disposal facility must file a comprehensive plan that identifies the out-of-state facility used. Cities or counties using an out-of-state disposal facility are still required to meet all comprehensive plan submittal requirements.

101.13(7) - Comprehensive plan amendments. If a **municipal solid waste sanitary disposal project or city or county** requests to be included in a planning area after completion of an initial comprehensive plan or a comprehensive plan update but before the next comprehensive plan update is due, and the planning area participants agree to include the city, county, or municipal solid waste sanitary disposal project, the following procedure is required:

- a. A letter must be submitted to the department by the facility operator describing the facility’s operation and the amount of waste to be managed, or by the city or county describing that local government’s intention to participate in the specified comprehensive plan.
- b. In a letter that must be submitted to the department, the planning agency must agree to accept the city, county, or municipal solid waste sanitary disposal project in the planning agency’s planning area and must state how the change will affect the planning area’s waste stream, including an explanation of the change in the planning area, the amount of waste involved and details of waste reduction and recycling efforts that will be implemented in any new communities, if applicable.
- c. The next comprehensive plan update submitted by the planning agency shall include the amended city, county, or municipal solid waste sanitary disposal project.
- d. If a city or county joins a planning area, a resolution must be submitted to the department stating the city’s or county’s commitment to the comprehensive plan of the planning area, and stating that the city

or county will work to implement the comprehensive plan of the planning area. (Note: Not applicable for municipal solid waste sanitary disposal projects).

Other Information:

The letter, referenced in **101.13(7)a** - submitted by the “facility operator” means by the organization or facility manager operating the facility that will receive the waste after the amendment. The planning agency (area), working with the facility operator should evaluate questions posed in **101.13(7)b**, and provide answers in correspondence to DNR.

101.13(7)c. Once satisfied with the submissions provided for **101.13(7)a, b and d (if applicable)**, DNR staff will amend the planning areas and will provide the updated information to all parties. If parties leaving the former planning area wish to start a new planning area, they should consult **101.13(1)**. Contact the DNR staff person below regarding submittal of an Initial Comprehensive Plan. If the party is being amended into a planning area that is in the Environmental Management System program, see information below regarding **101.13(7)c**.

Information about the Environmental Management System program:

EMS: The voluntary [Environmental Management System \(EMS\)](#) program was established in the 2009 Iowa Code 455J **Environmental Management Systems (EMS)**. Planning and permitted facility service areas may apply to be in the program and be must be designated an EMS by the Environmental Protection Commission. The EMS program requires participants to set goals in six component areas and to continuously improve. Participants submit an annual report. Iowa Code 455J.5 spells out EMS program incentives– including an exemption to goal progress and to filing the periodic comprehensive plan update.

Any city or county amended into a planning area designated as an EMS will be considered a group/organization identified as having an interest, stake or role in the planning/service area’s ongoing EMS program as noted in 567.111.6(8). Any municipal solid waste sanitary disposal project or city or county considering joining a planning area that is an EMS program participant should contact DNR and the new planning area to learn more about EMS.

Any city or county leaving a planning area leaving a planning area or service area that is an EMS program participant to be amended into a planning area not participating in the EMS program will return to the Comprehensive Planning system and will be subject to IAC Chapter 101.

Solid Waste Planning areas are unique. If you would like answers specific to your situation, or example documents, call or email comprehensive planning staff listed on the website:

<http://www.iowadnr.gov/Environmental-Protection/Land-Quality/Solid-Waste/Comprehensive-Planning>