



June 26, 2018

**PLANS AND SPECIFICATIONS
APPURTENANT TO
PERMIT FOR SANITARY DISPOSAL PROJECT**

NO. 30-SDP-1-75

DATE: 3/21/2016

IOWA DEPARTMENT OF
NATURAL RESOURCES
ENVIRONMENTAL SERVICES DIVISION

By [Signature]

Con 12-1-1
Doc # 92679

WASTE MANAGEMENT

3101 W Superior St
Duluth, MN 55806

Mr. Mike Smith
Iowa Department of Natural Resources
Land Quality Bureau
Wallace State Office Building
502 East 9th Street
Des Moines, Iowa 50319

RE: IAC Chapter 10 Petition for Variance for IAC 567-109.11(2) "d" through "i"
Dickinson Landfill, Inc.
Permit No. 30-SDP-01-75P

Dear Mr. Smith:

Dickinson Landfill, Inc. is submitting a petition for variance in accordance with Iowa Administrative Code (IAC) 561 Chapter 10 to request a change in the pre-treatment requirements for petroleum-contaminated soil (PCS) as specified in IAC 567-109.11(2)"d" through "i" to allow use of the (PCS) to be stored in the active disposal area and be directly incorporated into the working face of the landfill without pre-treatment.

The DNR Form 542-004 (petition for Waiver or Variance) is attached.

Please contact me with any questions.

Sincerely,

WASTE MANAGEMENT

[Signature]

SDP AMENDMENT # Revised Permit

Date: 6/27/2018

Debra A. McDonald, P.E.
Market Area Engineer

cc: Mark Mathis, Dickinson
Blair Nelson, Dickinson
Amie Davidson, IDNR



IOWA DEPARTMENT OF NATURAL RESOURCES
LAND QUALITY BUREAU
502 EAST 9th STREET - DES MOINES, IA 50319-0034
Telephone: (515) 725-8200; Fax: (515) 281-8202



PETITION FOR WAIVER OR VARIANCE

Pursuant to 561 Iowa Administrative Code Chapter 10, Waivers or Variances from Administrative Rules, a petitioner must provide comprehensive justification of a proposed request for a waiver or variance to an administrative rule as adopted by the Department.

This form will assist you in providing all pertinent information that is necessary for the Department to grant a waiver or variance. The form must be submitted to the Department 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 or variance. You may provide additional information or attach additional pages if needed. The Department reserves the right to require additional information to further support request for a waiver or variance.

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

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

CONTACT INFORMATION

Petitioner Name: Dickinson Landfill, Inc. (Dickinson Landfill)

Address: 2575 190th Street

City: Spirit Lake State: IA Zip: 51360

Telephone: 712-336-3980 Fax: _____

Facility Name: Dickinson Landfill, Inc. (Dickinson Landfill)

Address: 2575 190th Street

City: Spirit Lake State: IA Zip: 51360

PETITIONER JUSTIFICATION

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

1. Please describe the specific requested waiver or variance.

Dickinson Landfill, Inc. requests a change in the pre-treatment requirements for petroleum-contaminated soil (PCS) as specified in IAC 567-109.11(2)"d" through "i" to allow use of the (PCS) to be stored in the active disposal area and be directly incorporated into the working face of the landfill without pre-treatment.

2. Cite the specific Administrative Rule from which the waiver or variance is requested.

IAC 567-109.11(2)"d" through "i" which specifies the pre-treatment requirements of the PCS.

3. What permit is the waiver or variance requested for?

Permit No. 30-SDP-01-75P

4. What operations will the waiver or variance include?

The variance would allow Dickinson Landfill to store the PCS in the active area and incorporate PCS into the working face on the Subtitle D complaint lined cells.

5. Pursuant to IAC 561 Chapter 10.5 a waiver or variance shall not be permanent. Is a temporary waiver or variance impractical for the facility? If so, how?

No. A temporary variance issued to coincide with the facility's solid waste permit is practical.

6. Requested time extent of waiver or variance?

For a period to coincide with the facility's solid waste permit.

7. Please list relevant facts which justify the waiver or variance.

The standards for pre-treatment of PCS require the material to be spread up to a depth of 4 inches; allowed to aerate for at least 14 days until the hydrocarbon level is less than 100 ppm; turned or disked at least three times per week; and sampled and analyzed for total hydrocarbon content once every three months prior to disposal. The variance would allow Dickinson Landfill to store the PCS in the active area and incorporate it into the working face for direct disposal.

Water Quality: Management of the PCS within the lined cell will contain any leachate generated

constituents from the PCS, if any, and will allow for contained liquids collection and management, which prevents the potential for groundwater impact from the PCS. The PCS will also be contained and subjected to less precipitation and potential surface water runoff issues since it will not be exposed for an extended period of time prior to receiving additional waste and/or daily cover.

Air Quality: Since the PCS will not be exposed for an extended period of time prior to receiving additional waste and/or daily cover and by not turning or disking the PCS, the hazardous air pollutants (HAPs) emission from the PCS into the atmosphere will be reduced. Furthermore, Dickinson Disposal will continue to expand the landfill gas collection system into the Subtitle D compliant cell as the cumulative disposal waste volume and disposal footprint increases, which will also reduce emission of the HAPs from the PCS.

Dickinson Landfill will ensure the PCS will be nonhazardous prior to acceptance by requiring the generator to submit a Waste Management (WM) Waste Profile Form certifying "the material is not hazardous waste as defined by 40 CFR 261 or an applicable state law, that all known or suspected hazards have been disclosed..." for review and approval by WM Technical Services. The required analytical testing will be indicated on each form, including paint filter test to insure no free liquids are present.

8. How and why is the absence of the waiver or variance posing an undue hardship for the facility?

The storage and direct disposal of the untreated PCS into the working face of the Subtitle D compliant cells will eliminate the need for spreading, turning, and/or disking, and collection and analysis of the PCS and eliminates the undue hardship of disturbing another less suitable area of the site during cold/frozen conditions. Given the quantity of material, the cold weather and frozen conditions, and amount of time it would take to remediate the material, the absence of a waiver would pose undue hardships for the facility.

9. How will equal protection of public health, safety, and welfare be maintained if the waiver or variance is granted? Provide any analytical data and/or studies to support your justification.

The equal protection of public health, safety, and welfare will be maintained by reducing the potential for groundwater and surface water contamination and the HAPS emissions, which will be achieved by direct disposal fo the untreated PCS into the working face on the Subtitle D compliant cell.

10. In the past 5 years:

Has the facility been issued an NOV? Yes No

If yes, please explain:

Administrative Order? Yes No

If yes, please explain:

Involved in contested case proceedings? Yes No

If yes, please explain:

In a court of law? Yes No
If yes, please explain:

11. Are there any public agencies, political subdivisions of the state or federal government, person or entity which may be affected by the granting of the proposed waiver or variance? Yes No

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

12. If the waiver or variance 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.

13. Do you know how the Department has treated similar situations? Yes No

If yes, describe how similar situations were handled:


Des Moines Metro Park West - Boone County MSWLF unit variance approved on December 30, 2013 and authorized disposal of untreated PCS
Central Disposal Systems, Inc. - MSWLF unit variance approved on 3/1/17 and authorized to disposal of untreated PCS.

PETITIONER CERTIFICATION

The Department shall grant or deny a petition for a waiver or variance with 120 days of the receipt of the petition. Failure of the Department to grant or deny a petition within the required time period shall be deemed a denial of that petition by the Department. A waiver or variance is void if the material facts are

not true or if facts have been withheld. The Department reserves the right to cancel a waiver or variance at any time if the Department 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 or variance have failed to achieve the objectives of the statute, or the requester has failed to comply with the conditions of the waiver or variance.

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

Signature: 
Name: Debra A. McDonald, P.E.
Position: Market Area Engineer
Date: 6/26/18