

IN THE IOWA DISTRICT COURT FOR POLK COUNTY

STATE OF IOWA, ex rel., IOWA)
DEPARTMENT OF NATURAL)
RESOURCES (99AG23542),)

Plaintiff,)

vs.)

LANDFILL OF DES MOINES, INC., and)
STEVE CORELL,)

Defendants.)

LAW NO. CV6478

PETITION AT LAW

FILED
POLK COUNTY IOWA
JAN 23 PM 1:14
CLERK DISTRICT COURT

FILED STATE
SECRETARY OF IOWA
JAN 23 3 30 PM '07

COMES NOW Plaintiff State of Iowa, ex rel., Iowa Department of Natural Resources,
and for its claim against Defendants Landfill of Des Moines, Inc. and Steve Corell states as
follows:

Introduction

1. The State of Iowa seeks the assessment of civil penalties and injunctive relief against Defendants Landfill of Des Moines, Inc. and Steve Corell arising from solid waste law violations occurring at their landfill known as Central Construction & Demolition Recycling Site #4, located near Euclid Avenue and the Des Moines River in the City of Des Moines, Polk County, Iowa. The violations include the failure to submit various engineering and water quality monitoring reports since 2002, as well as the failure to properly maintain the landfill site in accordance with the terms of the landfill's closure permit and applicable closure/post-closure rules.

Parties

2. The State of Iowa is a sovereign state of the United States of America.
3. The Iowa Department of Natural Resources (hereafter "DNR") is a duly constituted agency of the State of Iowa pursuant to Iowa Code section 455A.2.
4. Defendant Landfill of Des Moines, Inc., is an Iowa corporation, which operated the now-closed construction and demolition waste landfill known as Central Construction & Demolition Recycling Site #4, located at 1801 Euclid Avenue in the City of Des Moines, Polk County, Iowa.
5. Defendant Steve Corell is a resident of Polk County, Iowa, and the president of Defendant Landfill of Des Moines, Inc. Defendant Corell is designated the "Responsible Official" in Sanitary Disposal Project Permit No. 77-SDP-12-79C, and personally participates in, controls, and directs Defendant Landfill of Des Moines, Inc., including the Central Construction & Demolition Recycling Site #4, located at 1901 Euclid Avenue in Des Moines, Iowa, for which the aforementioned permit was issued.

Jurisdiction

Solid Waste Regulations

6. Private and public agencies are prohibited from dumping, depositing, or permitting the dumping or depositing of solid waste at places other than sanitary disposal projects approved by the DNR director unless such agencies have been granted a permit by the department which allows the dumping or depositing of solid waste on land owned or leased by the agency. Iowa Code § 455B.307(1).

7. The director of the DNR "may issue any order necessary to secure compliance with or prevent a violation of the provisions of this part 1 of division IV or the rules adopted pursuant to the part." Iowa Code § 455B.307(2).

8. The Attorney General is authorized under Iowa Code section 455B.307(2), on request of the DNR, to "institute any legal proceedings necessary in obtaining compliance with an order of the commission or the director or prosecuting any person for a violation of the provisions of the part or rules issued pursuant to the part." Under Iowa Code section 455B.307(3), any person who violates any provision of Iowa Code section 455B.307(1) or any rule adopted pursuant to that section is subject to a civil penalty for each day of violation not to exceed five thousand dollars for each day of violation.

9. The Environmental Protection Commission (EPC) is required to establish rules governing the general operation and maintenance of sanitary disposal projects. Iowa Code § 455B.304. Pursuant to section 455B.304, the EPC has adopted chapters 567 Iowa Admin. Code chapters 100-121.

10. The director of the DNR is empowered to issue, revoke, suspend, modify, or deny permits for the construction and operation of sanitary disposal projects. Iowa Code § 455B.305.

11. Pursuant to Iowa Code §§ 455B.304 and 455B.305, the department has adopted, *inter alia*, chapters 567 Iowa Admin. Code 114 ("Sanitary Landfills: Construction and Demolition Wastes"), and 567 Iowa Admin. Code 108 ("Beneficial Use Determinations: Solid By-Products as Resources and Alternative Cover Material").

12. The director of the DNR is authorized to issue closure permits for sanitary disposal projects which no longer accept waste. Iowa Code section 455B.305 and 567 Iowa Admin. Code 114.3(4). Such permits are issued for a term of 30 years. 567 Iowa Admin. Code 114.3(4).

13. The use of asphalt shingles as a road surfacing material is authorized provided they are certified, consistent with federal regulations, as not containing more than one percent asbestos. 567 Iowa Admin. Code 108.4(2).

14. Access to sanitary landfill sites shall be restricted, and a gate shall be provided at the entrance to the site and kept locked when an attendant or operator is not on duty. 567 Iowa Admin. Code 114.26(2)"b".

15. Sanitary landfill sites not open to the public shall have a permanent sign posted at the site entrance specifying the name of the operation, the site permit number, that the site is not open to the public, and the name and telephone number of the responsible official. 567 Iowa Admin. Code 114.26(2)"d".

16. Owners or operators of sanitary landfills are required to provide the DNR with copies of quarterly monitoring analytical results by the dates specified in the facility's operation permit. 567 Iowa Admin. Code 114.26(8)"c".

17. An annual report summarizing the effect of a sanitary landfill facility on groundwater and surface water quality must be submitted to the DNR by November 30 each year. 567 Iowa Admin. Code 114.26(8)"d". The summary must be prepared by an engineer registered in the State of Iowa; must be incorporated in the November semiannual engineer inspection report; and must include the following: (1) the amounts and kinds of waste accepted under Special Waste Authorizations; (2) a narrative describing the effects of the facility on surrounding surface water

and groundwater quality and any changes made or maintenance needed in the monitoring network; (3) graphs showing concentrations versus time for all monitoring parameters for each well for as long as records exist for that parameter; and, (4) results of activities and tests required by the well maintenance and performance reevaluation plan described in 567 Iowa Admin. Code 114.21. 567 Iowa Admin. Code 114.26(8)"d".

18. Owners or operators of closed landfills are required to maintain to approved specifications diversion and drainage systems required in 567 Iowa Admin. Code 114.26(1)"f" so as to prevent run-on and runoff from eroding or otherwise damaging the final cover. 567 Iowa Admin. Code 114.26(14)"a".

19. Owners or operators of closed landfills are required to maintain the integrity and effectiveness of the final cover by making repairs as necessary to correct the effects of settling, subsidence, erosion, and other events. 567 Iowa Admin. Code 114.26(14)"b". If damage to the compacted soil layer described in 567 Iowa Admin. Code 114.26(13)"b"(1) occurs, owners or operators of closed landfills are required to make repairs to correct the damage and return it to its original specifications. 567 Iowa Admin. Code 114.26(14)"b".

20. Owners or operators of closed landfills are required to reseed vegetative cover as necessary to maintain good vegetative growth, and to immediately remove or destroy any invading vegetation whose root system could damage the compacted soil layer. 567 Iowa Admin. Code 114.26(14)"c".

21. Owners or operators of closed landfills are required to submit semiannual reports to the DNR by April 30 and October 31 for the preceding six-month period containing information concerning the general conditions of the site, groundwater monitoring results, amount of leachate

collected and treated, information concerning the landfill gas monitoring and collection system, and other information as may be required by the closure permit. 567 Iowa Admin. Code 114.26(14)"g". In addition, locations and elevations of all permanent monuments required in 567 Iowa Admin. Code 114.26(13)"a" are required to be determined at least once every three years, or more frequently in the event of obvious disturbance of the monument. 567 Iowa Admin. Code 114.26(14)"g".

Facts

22. On January 22, 1998, the DNR director issued Sanitary Disposal Project (closure) Permit No. 77-SDP-12-79C (a copy of which is attached, marked Exhibit A, and incorporated by reference) to Defendant Landfill of Des Moines, Inc. Defendant Steve Corell is identified in paragraph IV of the permit as the "Responsible Official" and the president of Defendant Landfill of Des Moines, Inc. The permit authorizes the closure of the Central Construction & Demolition Recycling Site #4, located at 1901 Euclid Avenue in Des Moines, Iowa, subject to the provisions contained in the permit.

23. Paragraph IX of Sanitary Disposal Project (closure) Permit No. 77-SDP-12-79C (hereafter "the permit") requires that the closure of the Central Construction & Demolition Recycling Site #4, located at 1901 Euclid Avenue, Des Moines, Iowa, (hereafter "the site" or "the landfill") be done in conformance with Iowa Code chapter 455B, the rules adopted pursuant thereto at the time of issuance of the permit, any subsequent new rules which may be duly adopted, and any provisions contained in Section X of the permit. Paragraph IX of the permit further provides that the site shall be closed according to the engineering plans and specifications approved by the DNR which become part of the permit; that the issuance of the permit in no way

relieves the permittee of the responsibility of complying with all other local, state, and federal statutes, ordinances and rules or other requirements applicable to the closure and maintenance of the landfill.

24. Paragraph X.5 of the permit requires hydrologic monitoring of the site be conducted in accordance with the Hydrologic Monitoring System Plan (HMSP) dated May 30, 1992, and revisions dated March 24, 1993, and approved April 23, 1993, including, but not limited to: quarterly sampling of the approved monitoring points; continued semiannual sampling in April and October of each year with analysis for the parameters listed in 567 Iowa Admin. Code 103.2(4)"e" beginning in 1998, and routine annual testing for the parameters listed in 567 Iowa Admin. Code 103.2(4)"f" in October of each year beginning in October, 1998; the submittal of results of all analyses to the DNR within 45 days of the sample collection; and an annual report summarizing the effects the facility is having on groundwater and surface water quality to be submitted to the DNR by November 30 each year.

25. Paragraph X.6 of the permit requires that the site be inspected no less frequently than semiannually.

26. Paragraph X.7 of the permit provides that all diversion and drainage systems must be maintained to the approved specifications to prevent run-on and runoff erosion, or other damage to the final cover, and that the diversion and drainage structures be designed to meet a 25-year, 24 hour rainfall event.

27. Paragraph X.8 provides that vegetative cover shall be reseeded as necessary to maintain good vegetative growth, and that any invading vegetation whose root system could damage the compacted soil layer be removed and destroyed immediately.

28. Paragraph X.9 of the permit requires that the effectiveness of the final cover must be maintained by making repairs as necessary to correct the effects of settling, subsidence, erosion, or other events, and that if damage to the final cover compacted soil layer occurs, repairs be made to correct the damage and return it to original specifications.

29. An inspection of defendants' landfill by DNR officials on July 11, 2003, revealed that:

- a. the west fence was in need of repair and two entrances from a bike/walking path needed to be sealed off to prevent people from entering the landfill; and
- b. heavy wood mulch placed behind the upper terrace in the northwest portion of the landfill was in need of removal in order to promote vegetative growth, and the area was in need of grading and seeding.

30. An inspection of defendants' landfill by DNR officials on October 22, 2004, April 18, 2005, and September 18, 2006, revealed that:

- a. no annual water quality monitoring reports had been submitted to the department since 2001;
- b. no semi-annual engineer's inspection reports had been submitted to the department since 2001;
- c. large areas were devoid of vegetation and erosion gullies had developed that needed repair and re-seeding;
- d. ponding of water was occurring below the access road near the perimeter fence at the bottom of the west slope near the bike trail;
- e. dikes, berms, and terraces had been damaged by unauthorized recreational vehicle activity and erosion due to lack of maintenance of vegetative cover;
- f. a thick cover of roughly ground up asphalt shingles was in place on the access road despite the fact that no records had been submitted to the

department that testing had been done on the shingles to verify that they contained no more than 1% asbestos;

- g. the perimeter fence consisted of inadequate temporary fencing, and several portions of the fence along the west side between the bike trail and the site had been pulled down allowing unauthorized access to the site by recreational vehicles, resulting in significant denuding of vegetative cover;
- h. signage was absent was from the site; and,
- i. inspection, maintenance, monitoring and reporting activities described in the closure/post-closure plan were not being implemented.

Violations

31. Defendants have violated 567 Iowa Admin. Code 108.4(2) by failing to certify that the cover of asphalt shingles in place on the landfill access road contain no more than 1 percent asbestos.

32. Defendants have violated 567 Iowa Admin. Code 114.26(2)"b" by failing to restrict access to the site.

33. Defendants have violated 567 Iowa Admin. Code 114.26(2)"d" by failing to have a permanent sign posted at the site entrance specifying the name of the operation, the site permit number, the fact that the site is not open to the public, and the name and telephone number of the responsible official.

34. Defendants have violated 567 Iowa Admin. Code 114.26(8)"c" and Sanitary Disposal Project (closure) Permit No. 77-SDP-12-79C, ¶ X.5(h) since November 1, 2002, by failing to submit to the department by May 1 and November 1 of each year copies of the monitoring analytical results for the facility.

35. Defendants have violated 567 Iowa Admin. Code 114.26(8)"d" and Sanitary Disposal Project (closure) Permit No. 77-SDP-12-79C, ¶ X.5(i) since November, 2002, by

failing to submit annual reports by November 30 of each year summarizing the effects the facility is having on groundwater and surface water quality.

36. Defendants have violated 567 Iowa Admin. Code 114.26(14)"a" and Sanitary Disposal Project (closure) Permit No. 77-SDP-12-79C, ¶ X.7 by failing to maintain the diversion and drainage system required by 567 Iowa Admin. Code 114.26(1)"f" to approved specifications to prevent run-on and runoff from eroding or otherwise damaging the final cover.

37. Defendants have violated 567 Iowa Admin. Code 114.26(14)"b" and Sanitary Disposal Project (closure) Permit No. 77-SDP-12-79C, ¶ X.9 by failing to maintain the integrity and effectiveness of the final cover by making repairs as necessary to correct the effects of settling, subsidence, erosion, or other events.

38. Defendants have violated 567 Iowa Admin. Code 114.26(14)"c" and Sanitary Disposal Project (closure) Permit No. 77-SDP-12-79C, ¶ X.8 by failing to reseed the vegetative cover as necessary to maintain good vegetative growth.

39. Defendants have violated 567 Iowa Admin. Code 114.26(14)"g" and Sanitary Disposal Project (closure) Permit No. 77-SDP-12-79C, ¶¶ IX. and X.5 and 6, since October 31, 2002, by failing to submit to the department by April 30 and October 31 of each year semiannual reports containing information concerning the general conditions at the site.

Prayer for Relief

WHEREFORE, plaintiff requests that the Court:

- a. assess civil penalties against defendants not to exceed the statutory maximum pursuant to Iowa Code section 455B.307(3) for each day of violation of 567 Iowa Admin. Code 108.4(2), 114.26(2)"b" and "d", 114.26(8)"c" and "d", 114.26(14)"a"- "c" and "g"; and Sanitary Disposal Project (closure) Permit No. 77-SDP-12-79C, ¶¶ IX., X.5(h) and (i), X.6 - X.9; and,

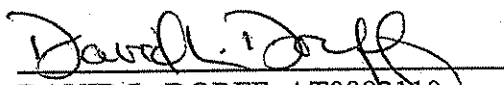
- b. issue an injunction requiring defendants to immediately comply with the provisions of 567 Iowa Admin. Code 108.4(2), 114.26(2)"b" and "d", 114.26(8)"c" and "d", 114.26(14)"a"- "c" and "g"; and Sanitary Disposal Project (closure) Permit No. 77-SDP-12-79C.

Plaintiff further requests that the Court tax the costs of this action to defendants and provide such other relief as the Court may deem just and proper.

Respectfully submitted,

THOMAS J. MILLER
Attorney General of Iowa

DAVID R. SHERIDAN
Assistant Attorney General


DAVID L. DORFF, AT0002110
Assistant Attorney General
Environmental Law Division
Lucas State Office Building
321 E. 12th St., Ground Floor
Des Moines, IA 50319
Phone: (515) 281-5351
Fax: (515) 242-6072
E-mail: ddorff@ag.state.ia.us
ATTORNEYS FOR PLAINTIFFS



TERRY E. BRANSTAD, GOVERNOR

DEPARTMENT OF NATURAL RESOURCES
LARRY J. WILSON, DIRECTOR

77-SDP-12-79C
Pd A file DR

January 22, 1998

Steve Corell, President
Landfill of Des Moines, Inc.
Box 4077
Des Moines, Iowa 50333

Re: Landfill of Des Moines #4
Permit #77-SDP-12-79C

Dear Mr. Corell:

Enclosed is the closure permit for the Des Moines #4 C & D Landfill. The permit and the approved plans must be kept on file for post closure use and reference. Please review the closure permit and plans with your staff, as they must become familiar with it.

Please note the permit contains special provisions that may require a response or action by you which, if not properly complied with, may prompt enforcement action.

If you have any questions, you may contact Fred Benson at 515/281-8974.

Sincerely,

Lavoy Haage
Supervisor
Solid Waste Section

LH:pgs\dm#4p.xmt

ATTACHMENT

cc: Field Office 5
F. Benson, IDNR
F. Hallada, IDNR
Victor Kennedy, IDNR
Gayle Farrell, Environmental Resource Services, P.O. Box 110, 208 Fifth Street, Ames,
Iowa 50010
Donald Trip, Director Parks & Recreation Dept., City Hall, 400 E 1st St., Des Moines
Iowa 50309

EXHIBIT A

IOWA DEPARTMENT OF NATURAL RESOURCES
SANITARY DISPOSAL PROJECT PERMIT

- I. Permit Number: 77-SDP-12-79C
Landfill of Des Moines #4
- II. Permitted Agency: Landfill of Des Moines, Inc.
- III. Project Location: 38 Acres in parts of Government Lots
1 and 2, including part of Lots 9,
10, 11, 15, 16, 17, 35, 36, and 63,
Sections 21 and 22, T79N, R24W,
Polk County, Iowa

IV. Responsible Official

Name: Steve Corell, President
Landfill of Des Moines, Inc.

Address: Box 4077
Des Moines, Iowa 50333

Phone: (515) 243-6402

V. Licensed Design Engineer

Name: Brent Johnson, P.E.
McClure Engineering


Address: 705 1st Avenue North
Fort Dodge, Iowa

Phone: (515) 576-7155

Iowa License Number: 9939

VI. Date Permit Issued: January 22, 1998

VII. Permit Expiration Date: January 22, 2028

VIII. Issued by: 
Environmental Protection Division
for the Director



IX. General Provisions

The above named permitted agency is hereby authorized to close the sanitary landfill at the described location in conformance with Chapter 455B of the Code, the rules pursuant thereto existing at the time of issuance, and any subsequent new rules which may be duly adopted, and any provisions contained in Section X of this permit.

The facility shall be closed according to the engineering plans and specifications approved by the Department of Natural Resources and these shall become a part of this permit. Any modifications or deviations from the engineering plans and specifications must have prior approval by the Department and an amendment to this permit issued.

The issuance of this permit in no way relieves the applicant of the responsibility for complying with all other local, state, and federal statutes, ordinances, and rules or other requirements applicable to the closure and maintenance of this closed sanitary landfill.

No legal or financial responsibility arising from the closure and post closure of the approved project shall attach to the State of Iowa or the Department of Natural Resources due to the issuance of this permit.

If title to this project is transferred, the new owner must apply to the Department for a transfer of this permit within thirty days of the date of title transfer. This transfer is void sixty days after the date of title conveyance unless the Department has transferred the permit.

This facility shall be surveyed as necessary and inspected as described in the special provisions of this permit. Semiannual reports shall be prepared containing a brief report describing the site's conformance and nonconformance with the permit and the approved plans and specifications during the inspections. These reports shall be submitted by May 1 and November 1 each year to both the Field and Main offices of the Department. The Department shall be notified if any inspection reveals any nonconformance with the permit and approved plans and specifications.

Failure to comply with Chapter 455B of the Code, or any rule of order promulgated pursuant thereto, or any or all provisions of this permit may result in a civil penalty of up to \$5000 for each day of violation, pursuant to Section 455B.307 of the Code.

X. Special Provisions

1. The thirty-year post closure period for this facility begins on the date of issuance of this Closure Permit.
2. The permit holder shall close and maintain the landfill site in accordance with the Closure/Post Closure Plan (C/PCP) dated June 18, 1993, as prepared by R.E. Blattert and approved September 28, 1993, the revisions dated February 13, 1997 and approved with this closure permit and the information dated January 9, 1998. Surface grading shall be maintained in accordance with the included as-built site ground surface topography (C/PCP Sheet 1).

3. Issuance of this closure permit prohibits any additional waste disposal, recycling, composting, and other related landfill activities unless they are specifically approved through an amendment to this permit.
4. The permit holder shall submit a closure compliance report certified by a professional engineer licensed in the State of Iowa by (April 1, 1998). The report shall certify that the site closure has been implemented in compliance with the rules, the Closure and Post Closure Plan, and the permit. The following information must be included in the report:
 - a. As built plans showing changes from approved design plans, including the grading and seeding of borrow areas.
 - b. Compliance with final cover requirements, including results of field density testing in accordance with IAC Subrule 103.2(13)b.
 - c. Documentation stating that all nondisposed waste and disposal operations equipment have been removed from the site.
 - d. A copy of the notation filed with the county recorder showing, for the purposes of title abstract, the existence of a landfill on the property.
5. Hydrologic monitoring at the site shall be conducted in accordance with the Hydrologic Monitoring System Plan (HMSP) dated May 30, 1992, and revisions dated March 24, 1993, and approved April 23, 1993, as submitted by R.E. Blattert & Associates. The following provisions apply:
 - a. The HMSP shall include groundwater monitoring points 91/1 and 93/3 (upgradient); 90/2, 93/4, 93/1, 93/5, 90/5, 93/2, 91/8, and 91/10 (downgradient); and surface water monitoring points SW1, SW2, and SW3.
 - b. Monitoring points 90/1, 91/4, and 91/11 may be retained as water level measuring points.
 - c. Quarterly sampling of the approved monitoring points 91/1, 91/8 and 91/10 were completed in August of 1993. Quarterly sampling of the approved monitoring points 90/2 and 90/5 were completed in October of 1993. Quarterly sampling of the approved monitoring points 93/1, 93/3, 93/4 and 93/5 were completed in April of 1994. Quarterly sampling of the approved monitoring point 93/2 was completed in April of 1995.

Continued semiannual sampling shall take place in April and October of each year and be analyzed for the parameters listed in Subrule 103.2(4)e IAC, commencing in April of 1998. Routine annual testing for the parameters listed in Subrule 103.2(4)f shall be conducted during October of each year, commencing in October of 1998.

- d. The Method Detection Limit (MDL) for the test parameters shall not exceed action levels as defined in IAC Chapter 133. If the action levels cannot be feasibly achieved using procedures described in IAC Subrule 103.2(5), then the MDL shall not exceed the lowest feasible level.
 - e. Samples collected for dissolved metals analysis shall be field filtered, preserved, and promptly transferred to a certified laboratory for analysis.
 - f. If laboratory results exceed the upgradient mean plus two standard deviations or the Maximum Contaminant Level (MCL) for any parameter, the Department shall be notified within 30 days of receipt of the analytical results.
 - g. Surface monitoring points must be clearly marked in the field and a method for measuring the flow rate at each sampling point shall be devised. It appears that there is no reasonable upstream surface monitoring points. The evaluation of surface water quality impacts should be made based on the water quality Maximum Contaminant Levels (MCLs) and river water quality standards, without the benefit of an upstream water quality statistical analysis.
 - h. Results of all analysis and the associated IDNR sampling forms 542-1322 and 542-1324 shall be submitted to both the Department's Main Office and Field office #5 within 45 days of the sample collection.
 - i. An annual report summarizing the effects the facility is having on groundwater and surface water quality shall be submitted to the Department's Main Office and Field office #5 by November 30 each year. This report shall be prepared in accordance with IAC Subrule 103.2(8)d by a Professional Engineer licensed in the State of Iowa. This report shall include the results of the monthly groundwater measurements conducted at the monitoring points.
6. This site shall be inspected monthly for the first year, or more frequently depending on weather conditions. The frequency of routine inspections may be decreased, after the first year, but no less frequent than semiannually, if the permit holder provides justification that monthly inspections are no longer necessary to ensure proper maintenance of the site. Summarize all inspection data in the semiannual report defined in the General Provisions.
 7. All diversion and drainage systems must be maintained to the approved specifications to prevent run-on and runoff erosion, or other damage to the final cover. These diversion and drainage structures must be designed to meet a 25-year, 24 hour rainfall event.
 8. The vegetative cover shall be reseeded as necessary to maintain good vegetative growth. Any invading vegetation whose root system could damage the compacted soil layer shall be removed or destroyed immediately.

9. The integrity and effectiveness of the final cover must be maintained by making repairs as necessary to correct the effects of settling, subsidence, erosion, or other events. If damage to the final cover compacted soil layer occurs, repairs shall be made to correct the damage and return it to original specifications.
10. A variance was granted by the Department on December 11, 1997 from quarterly monitoring and annually reporting site methane concentrations in accordance with IAC Subrule 103.2(15) after May 18, 1994.
11. The permit holder is exempt from the financial assurance requirements of Subrule 103.2(16) IAC due to the site designation as a construction and demolition waste landfill.
12. The permit holder was conditionally exempted by the Department on September 28, 1993 from providing and implementing a leachate control system plan. Continued exemption is subject to the control of leachate at the site, and compliance with water quality standards and statistical limits per IAC 103.2(6) through 103.2(8). In the event that these conditions are violated, the permit holder shall be required to submit a groundwater quality assessment plan in accordance with IAC 103.2(9).
13. The permit holder shall submit a copy of a signed lease agreement extension for the permit closure period with the City of Des Moines authorizing the permit holder site access and the conduct of postclosure and maintenance operations. The lease extension shall be submitted by April 1, 1998.