

Red Tape Review Rule Report (Due: September 1, 2023)

Department Name:	Natural Resources	Date:	5/23/23	Total Rule Count:	7
IAC #:	567	Chapter/ SubChapter/ Rule(s):	9	Iowa Code Section Authorizing Rule:	455B.183
Contact Name:	Carmily Stone (drinking water) Satya Chennupati (wastewater)	Rule #:	567-9	Phone:	515-681-3548 515-725-8436

What is the intended benefit of the rule?

The intended benefit of the rule was to provide a framework for the water supply and wastewater extension delegated authority program in Iowa Code 455B.183. However, in practice, the rule effectively mirrored the Code.

Is the benefit being achieved? Please provide evidence.

Not through the rule. The Department has determined that, solely by using the authority in the Iowa Code, delegated permitting authorities with qualified engineering staff can continue to issue minor water distribution system and sewer system extension permits locally without the need to submit those permits to the Department for approval. In other words, while the program is important, the rule itself is unnecessary.

What are the costs incurred by the public to comply with the rule?

None. The delegated permitting program actually saves the public money in the form of DNR construction permit fees. Those fees are not paid for permits issued by the delegated permitting authorities. This cost savings is retained through the direct implementation of the Iowa Code.

What are the costs to the agency or any other agency to implement/enforce the rule?

None beyond what is required by Code. The agency costs of implementing the Code provisions include personnel time for technical assistance to help delegated authorities implement the program, and review and retention of permits and the quarterly reports. However, due to the statutory provisions, these costs will be incurred regardless of the rule.

Do the costs justify the benefits achieved? Please explain.

For the Code, yes. The public is benefited by receiving permits from the local public works and rural water systems locally without submitting them to the Department and avoiding payment of permit fees. Local authority is more convenient for people to approach for solving problems quickly and with minimum cost. However, again, while the program is important, the rule itself is unnecessary.

Are there less restrictive alternatives to accomplish the benefit? YES NO

If YES, please list alternative(s) and provide analysis of less restrictive alternatives from other states, if applicable. If NO, please explain.

No. The Code provisions intend to benefit the public by providing authority to local public works and rural water systems to review and issue permits locally without submitting them to the Department. The rule merely reiterates these provisions. The Department believes the rule should be repealed entirely to avoid duplication of the statutory language, and will develop guidance to help delegated permitting authorities implement the applicable Code sections.

Does this chapter/rule(s) contain language that is obsolete, outdated, inconsistent, redundant, unnecessary, including instances where rule language is duplicative of statutory language? [list chapter/rule number(s)]

Yes – 567.9 Rule language contains duplicative language from statutory language in 455B.183.

RULES PROPOSED FOR REPEAL (list rule number[s]):

567 IAC chapter 9 (all rules)

***RULES PROPOSED FOR RE-PROMULGATION* (list rule number[s]):**

None

**For rules being re-promulgated with changes, please attach a document with suggested changes, if available.*

METRICS

Total number of rules repealed:	7
Proposed word count reduction after repeal and/or re-promulgation	1233
Proposed number of restrictive terms eliminated after repeal and/or re-promulgation	21

ARE THERE ANY RULES YOU WOULD RECOMMEND BE CODIFIED IN STATUTE?

Already exists in statute.