

MINUTES
OF THE
ENVIRONMENTAL PROTECTION COMMISSION
MEETING
APRIL 15, 2014

IOWA DEPARTMENT OF NATURAL RESOURCES
7900 HICKMAN ROAD
WINDSOR HEIGHTS, IOWA

RECORD COPY

Filename: ADM 1-1-1
Sender's initial: _____

TABLE OF CONTENTS

Call to Order	2
Commissioners Present.....	2
Commissioners Absent	2
Adoption of Agenda	2
Approval of Minutes.....	2
APPROVED AS PRESENTED	2
Directors Remarks	2
INFORMATION.....	2
Contract with THE UNIVERSITY OF IOWA on behalf of THE STATE HYGIENIC LABORATORY – Black Hawk lake and Watershed Monitoring 2014.....	3
APPROVED AS PRESENTED	3
University of Northern Iowa-Iowa Waste Reduction Center – Presentation: Iowa Food Waste Reduction Project.....	4
INFORMATION	4
Notice of Intended Action: Chapters 22 and 23–Best Management Practices for Grain Elevators and Adoption of Federal Air Toxics Standards.....	5
APPROVED AS PRESENTED	6
Referrals to the Attorney General.....	9
REFERRED.....	10
Water Summary and Iowa Nutrient Reduction Strategy Update.....	10
INFORMATION	10
Referrals to the Attorney General.....	10
REFERRED.....	11
Monthly Reports	12
INFORMATION	12
General Discussion	12
INFORMATION.....	12

MEETING MINUTES

CALL TO ORDER

The meeting of the Environmental Protection Commission was called to order by Chairperson Mary Boote at 10:00 a.m. on April 15, 2014 in the DNR Hickman facility in Windsor Heights, Iowa.

COMMISSIONERS PRESENT

Mary Boote, Chair
Nancy Couser, Secretary
Cindy Greiman
LaQuanda Hoskins
Chad Ingels
Brent Rastetter
Bob Sinclair
Max Smith, Vice-Chair
Gene Ver Steeg

COMMISSIONERS ABSENT

ADOPTION OF AGENDA

Chairperson Mary Boote entertained additions or corrections to the agenda. Seeing none, she accepted the agenda as presented.

APPROVAL OF MINUTES

Motion was made by Bob Sinclair to approve the March 18, 2014 EPC meeting minutes. Seconded by Cindy Greiman. Motion carried unanimously.

APPROVED AS PRESENTED

DIRECTORS REMARKS

Deputy Director Bruce Trautman reported Director Gipp was unable to attend the EPC meeting because he was meeting with Legislators regarding future funding of the Air Quality Bureau.

Deputy Director Bruce Trautman distributed to Commissioners and summarized a timeline of the Department's involvement with stakeholders regarding the CAFO rule making process.

Deputy Director Bruce Trautman shared with the Commission EPA's plan for accepting comments regarding rulemaking for waters of the US. IDALS, IGOV, and DNR are working together to provide comments for Iowa.

INFORMATION

CONTRACT WITH THE UNIVERSITY OF IOWA ON BEHALF OF THE STATE HYGIENIC LABORATORY – BLACK HAWK LAKE AND WATERSHED MONITORING 2014

Kyle Ament, Environmental Specialist of the Watershed Improvement Section of the Water Quality Bureau presented the following item.

Commission approval was requested for a one year-service contract with the University of Iowa on behalf of the State Hygienic Laboratory. The contract will begin on May 1, 2014 and terminate on December 31, 2014. The total amount of this contract shall not exceed \$93,146.

Funding Source:

This contract will be funded through Section 319 of the Clean Water Act (Federal).

Background:

All watershed projects funded by the Section 319 program need to include a water quality monitoring component as part of their project implementation plans.

Black Hawk Lake was on Iowa’s Section 303(d) list of impaired waters for algae, turbidity, and pathogens. The primary water quality issues with the lake stem from high nutrient concentrations and inorganic suspended solids. Elevated concentrations of phosphorus have contributed to blooms of blue green algae. A TMDL for algae and turbidity at Black Hawk Lake was prepared by IDNR in 2011.

Purpose:

The parties propose to enter into this Contract for the purpose of retaining the Contractor to provide collection and analysis of water monitoring samples. The data collected will be used by DNR to determine if in-lake and tributary load reduction strategies have been effective.

Contractor Selection Process:

The University of Iowa was chosen for this project because of Iowa Code section 455B.103, which allows DNR to contract with “public agencies of the state” for those services.

Motion was made by Nancy Couser to approve the agenda item as presented. Seconded by Brent Rastetter. Motion carried unanimously

APPROVED AS PRESENTED

**UNIVERSITY OF NORTHERN IOWA-IOWA WASTE REDUCTION CENTER –
PRESENTATION: IOWA FOOD WASTE REDUCTION PROJECT**

Jennifer Wright, Supervisor of the Financial & Business Assistance section of the Land Quality Bureau presented the following item.

The Department uses the Solid Waste Alternatives Program (SWAP) to offer financial assistance to eligible applicants for the purpose of reducing our reliance on landfills as a means of managing our solid waste. The Financial and Business Assistance Section of the Land Quality Bureau is currently investigating and planning various approaches regarding using SWAP moneys to reduce the amount of food waste generated and the amount of food waste being disposed of in Iowa sanitary landfills. Results of the most recent State Waste Characterization Study showed that the amount of food waste being landfilled has steadily increased when compared to previous waste characterization studies. Food waste has become the most landfilled material (by weight) generated in the residential sector and in the industrial/commercial/ institutional sector.

Subsequent to release of the Waste Characterization Study report, the Iowa Waste Reduction Center (IWRC), located at the University of Northern Iowa, submitted an application for financial assistance consideration through the SWAP. The project involved developing and implementing a food waste reduction educational campaign and to create and host a website serving as a food waste reduction resource center. The IWRC proposal was recommended for funding and approved by the Commission at the August 2012 meeting. At the time the project received Commission approval, a request was made to present the outcomes of the project.

Dan Nickey of the IWRC presented an overview of the goals and outcomes of the Iowa Food Waste Reduction Project.

INFORMATION

PUBLIC COMMENT – SESSION 1

Tom Hauschel – Agribusiness Association of Iowa

Tom Hauschel commended the Department for the work on the air quality grain elevator best management practices. Organizations and stakeholders started working on the materials in 2005 with the Department. He supports the best management practices guidance developed by the committee.

NOTICE OF INTENDED ACTION: CHAPTERS 22 AND 23—BEST MANAGEMENT PRACTICES FOR GRAIN ELEVATORS AND ADOPTION OF FEDERAL AIR TOXICS STANDARDS

Christine Paulson, Environmental Specialist Senior of the Program Development Section of the Air Quality Bureau presented the following item.

The Department requested permission from the Commission to proceed with the rulemaking process and publish a Notice of Intended Action to amend Chapter 22 "Controlling Pollution," and Chapter 23 "Emission Standards for Contaminants."

Reason for Rulemaking

The first purpose of the proposed rule changes is to establish best management practices (BMPs) for grain vacuuming at small grain elevators. The BMPs include practical activities that may be used at elevators to minimize dust and possible air quality impacts resulting from vacuuming grain out of storage structures. The BMPs were developed through a stakeholder workgroup jointly organized by the Department of Natural Resources (Department) and Agribusiness Association of Iowa (AAI), and included grain elevator operators and grain vacuum (grain vac) vendors.

The second purpose of the proposed rule changes is to adopt by reference federal air toxics standards for chemical manufacturing plants and for prepared feeds manufacturing (also known as National Emission Standards for Hazardous Air Pollutants or NESHAP). The Commission had originally adopted these standards by reference in 2010. However, Executive Order 72 rescinded adoption of these standards along with rescission of the RICE NESHAP. Subsequent to Executive Order 72, the U.S. Environmental Protection Agency (EPA) revised these NESHAP standards. The revised NESHAP generally provide regulatory relief and clarity from the previous requirements. The Department is now requesting permission to adopt these NESHAP. Upon adoption of the NESHAP, the Department rather than EPA will implement these regulations in Iowa, allowing the Department to provide compliance assistance and outreach to affected facilities.

Summary of Proposed Rule Changes

Grain Vac BMPs

Prior to 2008, most grain facilities used sweep augers to extract the remaining grain from the bottom of storage bins. Beginning in late 2009, the U.S. Occupational Safety and Health Administration (OSHA) sent letters to grain elevators stating that operators could not be inside a grain bin while an unguarded sweep auger operated inside the bin. The OSHA letters resulted in more facilities using grain vacuuming to remove the remaining grain from storage bins.

With the wider use of grain vac operations, the Department's field offices started receiving dust complaints from residences and businesses located near grain elevators using grain vacs. The Department subsequently partnered with AAI to convene a stakeholder workgroup to develop solutions that address complaints and ensure compliance with air quality regulations. The proposed BMPs are the result of this collaborative effort. The proposed BMPs will be added to the existing BMPs adopted by reference in 567 IAC Chapter 22

Adoption of Air Toxics (NESHAP) standards for Chemical Manufacturing and Prepared Feeds Manufacturing

In October 2009, EPA finalized the NESHAP for Chemical Manufacturing at Area Sources (Subpart VVVVVV, hereafter referred to as the "6V NESHAP"). The final 6V NESHAP appeared to include ethanol production facilities, but the standards were unclear on several points. In January 2012, EPA agreed to reconsider portions of the 6V NESHAP. On December 21, 2012, EPA issued final amendments to the 6V NESHAP, and extended the compliance date until March 2013. With the assistance of Iowa Renewable Fuels Association (IRFA), the Department determined that current dry-mill corn ethanol production facilities in Iowa are not subject to the 6V

NESHAP. At this time, the Department has identified a small number of other chemical manufacturing facilities subject to the 6V NESHAP.

In January 2010, EPA finalized the NESHAP for Prepared Feeds Manufacturing at Area Sources (Subpart DDDDDDD, hereafter referred to as the "7D NESHAP"). The final 7D NESHAP appeared to cover all feed mills that used chromium and manganese in production, but several provisions of the final standards were unclear. In 2011, EPA agreed to reconsider some provisions of the 7D NESHAP. EPA finalized its reconsideration on December 23, 2011, revising its standards so that larger feed mills with pellet cooler operations did not need to install new emissions control if the facility had existing control equipment. The 7D NESHAP compliance date for existing feed mills was January 5, 2012.

Public Comments and Public Hearing

If the Commission approves the proposed rulemaking, the Notice of Intended Action will be published in the Iowa Administrative Bulletin on May 14, 2014. The Department will hold a public hearing on Monday, June 16, 2014, at 1:00 p.m. at the Air Quality Bureau offices. The Department will accept written public comments until 4:30 p.m. on June 16, 2014.

An administrative rule jobs impact statement and fiscal impact statement were provided.

Commissioner Max Smith requested further explanation of the financial impact of the BMPs. Christine Paulson shared with the Commission the Department does not believe there will be a negative impact for grain elevators or operators. The workgroup polled grain elevators and operators for BMPs that they have successfully implemented.

Commissioner Gene VerSteege requested additional information about fugitive dust referenced on page 1 of the BMPs for Grain Elevators. Christine Paulson provided information to the Commission separating the BMP guidance and current law for fugitive dust crossing a property line. Fugitive dust may be minimized to the extent practicable but sometimes may not necessarily be eliminated. Jim McGraw shared with the Commission that if an operator is implementing the BMPs and still has fugitive dust, an operator may have to implement other measures. Christine Paulson summarized the fugitive dust rules which are for any industry and not just grain elevators. The fugitive dust rules have been around for almost 40 years.

Commissioner Bob Sinclair inquired into the record keeping requirements. Christine Paulson summarized how a grain elevator is categorized based on the size of the facility. Based on the size of the operation, record keeping requirements may vary between permitted and un-permitted facilities.

Commissioner Nancy Couser inquired into the use of an emergency electrical generator. Christine Paulson summarized various scenarios for emergency and non-emergency electrical generation.

*Motion was made by Bob Sinclair to approve the agenda item as presented. Seconded by Chad Ingels.
Motion carried unanimously*

APPROVED AS PRESENTED

PUBLIC COMMENTS – SESSION 2

Chris Petersen – Farmer

Chris Petersen shared with the Commission his profession as a hog farmer and how he cares for the environment. Iowa has 682 impaired water ways and is 49th in the nation for water quality. Based upon the CAFO map of Iowa, Iowa has twice as many CAFOs as the surrounding states. He believes if you do the crime, you do the time which should be implemented by imposing heavy fines on water polluters. He would like to see 60 days to respond to rules.

Brenda Brink – ICCI

Brenda Brink shared with the Commission during the last meeting ICCI members were not allowed to speak after 2 minutes during the public comments but the Iowa Cattlemen's Association did get to speak beyond 2 minutes. She encouraged the Commission that all people should be treated equally because it didn't happen last time.

Lee Barclay – ICCI

Lee Barclay believes the draft Clean Water Act rule for factory farms is too weak. He believes the rules need to be stronger by 1) requiring all factory farms to obtain a permit, 2) including a 3 strikes and you are out provision, 3) requiring the burden of proof to fall on the factory farm and not the DNR or citizens, and 4) having an online database for Iowans to audit. The factory farms helped write the rules which only give citizens 30 days to comment on the rules. He questions what the industry will do during the process of reviewing the public comments.

Larry Ginter – ICCI

Larry Ginter asked the Commission to stop treating factory farms as sacred cows. Factory farms need to respect the land, air, and water. There is no long term vision for the State of Iowa. The Farm Bureau doesn't represent its members but rather represents agribusiness. DNR needs to amend the rules to be stronger by 1) requiring all factory farms to obtain a permit, 2) including a 3 strikes and you are out provision, 3) requiring the burden of proof to fall on the factory farm and not the DNR or citizens, and 4) having an online database for Iowans to audit. Providing 28 days is not enough for public comment to review the rules. It should be 90 days.

Barb Kalbach – ICCI

Barb Kalbach commented on the clean water draft rules. The big picture of how current regulation will affect Iowa in 30-50 years is being missed. Over the years, impaired waters continue to increase in direct correlation with the CAFO industry. The fugitive manure is impairing the water, citizen health, property, and the environment. Last summer, a co-worker went camping with their kids but couldn't swim in the lake. She talks with fishermen who don't eat the fish they catch from the waters.

Vern Tigges – ICCI

Vern Tigges shared with the Commission he is a former farmer from Carroll and now is retired living in Adel. The 28 days public comment period for rules is not adequate. He stated the Branstad administration is being investigated for cronyism. He asked if the rules are also part of the cronyism.

Jean Lappe – ICCI

Jean Lappe shared with the Commission around her home are 9 CAFOs within a mile and there are proposed 9 additional facilities. She doesn't know how her family is going to live with all these facilities surrounding her. All the sites are within the Crooked Creek watershed. She doesn't feel like anyone cares about her situation. No one will listen to her concerns. Farmers are God's chosen people to take care of the ground.

Jim Yungclas – ICCI

Jim Yungclas grew up on a farm and worked with the University Extension Services. He believes in the farmers. Big corporations have come in and given manure to farmers for fertilizer which is destroying the community. Big corporations get into the government too. The EPC members are stakeholders of agriculture business. He is concerned for the quality of life in Iowa. It isn't improving because the corporate Ag facilities have taken over Iowa.

Debbie Bunka – ICCI

Debbie Bunka shared with the Commission a book she is reading that talks about bloomers and stickers. Bloomers use the land to profit. Stickers are happy for where they are at and respect the land. The DNR has given the bloomers a seat at the table for developing rules. The citizens haven't been invited to the table and have been given a short period of time to be involved. The bloomers will leave once the land is no longer profitable. Providing 28 days is not enough time for public comments and if corporate Ag can get 3 months to be involved, then so should citizens.

Sheri Hawk – ICCI

Sheri Hawk has a grandson and she likes to take him kayaking. She looks at her grandson's body to ensure he has no open wounds before getting in the water so he doesn't get an infection. She is concerned for her children because the waterways will not be clean for them to enjoy. The DNR needs to have a website to show the activities of the CAFO program.

Mark Covington – ICCI

Mark Covington asked the Commission what is more important than water. He asked the Commission to look down the road and have regulations that have teeth where they can be enforced. He is concerned there won't be good drinking water in the future. DSM Water Works fixes the water that should be fixed up stream.

Jeanette Bauer – ICCI

Jeanette Bauer expressed concern about the water quality in Iowa. The draft water rules are weak. The agriculture businesses were consulted for the rules but she questions if the DSM Water Works was invited to have input. This year there has been high amounts of ammonia in the water and it is costing the water users money. The polluters should be charged for the clean up.

Susan Donovan – ICCI

Susan Donovan shared with the Commission how Mother Nature has given Iowa so much with rivers, streams, and forests. She believes the Commission knows they need to protect the environment. The governor is running for re-election but his administration has been negligent for clean water in the state.

John Baker – ICCI

John Baker registered to speak but chose to pass when it was his turn to speak.

Susan Meenan – ICCI

Susan Meenan shared with the Commission she is a retired insurance adjuster and has lived in Iowa all her life. The Clean Water Act rules are too weak. Bill Stowe has been on the news lately sharing the costs for Des Moines Water Works to clean the drinking water. The DNR had help from factory farms to craft the rules for months and she believes the citizens should be involved too.

Jess Mazour – ICCI

Jess Mazour summarized new factory farms applications in two counties. One application has been denied by the county but if it becomes approved, it would create millions of gallons of manure in a year. If all the proposed facilities were built, over 4 million gallons of manure would be created. There is a local cabin and fishing resort that brings in business to the county that would be affected by the construction of the new facilities. She invited Bill Ehm to a meeting. There are zero Clean Water Act permits in Iowa.

David Goodner – ICCI

David Goodner expressed astonishment that public comments seem like a bother to the Commission. Jean Lappe drove 3 hours to speak to the Commission. Iowa is not a zero discharge state with all the manure spills. DSM Water Works is concerned with significant pollution of its drinking water. What is the EPC going to do about it?

Evan Burger – ICCI

Evan Burger commented on the Clean Water Act rules. He believes the rules should be stronger by 1) requiring all factory farms to obtain a permit, 2) including a 3 strikes and you are out provision, 3) requiring the burden of proof to fall on the factory farm and not the DNR or citizens, and 4) having an online database for Iowans to audit. EPA guidance allows for each of the 4 requests to be implemented by the Department.

Justine Stevenson – Iowa Cattlemen's Association

Justine Stevenson supports the proposed amendments to CAFO rules. In the 2012 Ag census, Iowa has 98% of its farms owned by family farmers. Last year, 51 manure spills occurred with only 10 impacting waters of the state. The drought and dry fields makes it uncommon for manure to leave the field.

REFERRALS TO THE ATTORNEY GENERAL

Commissioner Gene VerSteege recused himself from the BCB Ag, LLC referral.

Kelli Book, Attorney with the Legal Services Bureau presented the following item. To her aid was Sheila Kenny, Environmental Specialist with the Spencer Field Office.

The Director requested the referral of the following to the Attorney General for appropriate legal action.

- BCB Ag, LLC (Lyon County) – Animal Feeding Operations

Kelli Book presented the following information to the Commission: BCB Ag is a commercial manure service and employs several manure applicators and owns several pieces of manure application equipment.

In September 2013, Ms. Kenny observed manure application taking place near Inwood, Iowa. The manure was being applied by BCB Ag – there were three applicators on site. Josh Johnson was running the pump tractor, Zack Bootsma was hauling manure, and Matt Mulder was hauling fuel but stated he had been hauling manure earlier. The three applicators were not properly certified. Mr. Bootsma and Mr. Mulder stated they had been certified the previous year but had not taken the training to recertify for the current year. Mr. Johnson stated he had started three days prior but was not certified. After review of the records Ms. Kenny determined that Mr. Bootsma's certification had expired on March 1, 2013 and Mr. Mulder's certification had expired on March 1, 2012.

In November 2013, DNR was notified by a conservation officer that a BCB vehicle had been in an accident the previous day and spilled manure. Lois Benson from the Field Office investigated and spoke to Bradley Baatz, with BCB. He stated that a vehicle was hauling manure and spilled approximately 1,800-2,000 gallons of manure. Mr. Baatz said that the driver had only been working for the company for two weeks and was working alone. The driver was not certified. When the field office visited the accident site the truck and tanker were still on site. The field office personnel noted that the commercial service information was not on the truck and no information was on the tanker.

In addition to the current violations BCB has violated an administrative consent order it entered into with the DNR in January 2012. The consent order addressed similar violations as those in this referral. BCB's employees were not properly certified. The consent order addressed the violations and assessed an administrative penalty and required that BCB ensure all its employees are properly certified to haul, apply or otherwise handle manure.

BCB Ag is a commercial manure service and its employees are required to be properly trained and certified. In September 2013, DNR Field Office 3 discovered 3 BCB employees applying and handling manure without being certified. In November 2013, DNR Field 3 discovered another BCB employee transporting manure without being certified. This incident resulted in a manure spill; a spill that BCB failed to notify the DNR of the release within 6 hours of the incident as required by the regulations. Additionally, any vehicle used by a commercial service must be properly lettered with the certification number, name and address of the service. During the November incident, the field office determined that the vehicles did not have the proper signage on them. Additionally BCB violated the previous consent order in not ensuring its employees were certified. Based on the information presented today as well as the information provided in the litigation report, the Department requests that the Commission refer BCB to the Attorney General's Office for appropriate enforcement action.

Commissioner Mary Boote inquired if the BCB Ag, LLC's employees have met the proper manure applicator licensing requirements. Sheila Kenny responded to the Commission that as of the prior day, the employees has not met these requirements.

Commissioner Max Smith inquired into exceptions to the rules for facility owner and applicators. Kelli Book summarized the rules allowing for exceptions but BCB Ag. LLC is a commercial manure service and is required to obtain and maintain a license and ensure its employees are certified.

Commissioner Chad Ingels inquired into the assessment of a fine. Kelli Book shared with the Commission no fine was incorporated with the referral but if the case is referred to the Attorney General's Office that the Attorney General would assess the property penalty.

Commissioner Mary Boote requested information regarding the Department's process for notifying the parties associated with a referral. Kelli Book and Sheila Kenny summarized their efforts to contact BCB Ag. LLC.

Assistant Attorney General David Sheridan shared with the Commission the AG's Office jurisdiction which is greater than the Department to determine resolution and assess penalties.

Commissioner Bob Sinclair expressed his discomfort for evaluating cases when all parties are not present for the discussion. Kelli Book shared with the Commission communication practices of the Department with referred parties. She estimated about half of the referral cases she has represented do not send representatives to the Commission.

Commissioner Chad Ingels expressed his desire for the Department to first assess an administrative penalty prior to a referral. Kelli Book shared with the Commission a \$3,000 penalty was issued to BCB Ag LLC in January 2012 with a 30 day payment schedule.

Motion was made by Brent Rastetter to refer BCB AG. LLC to the Attorney General. Seconded by Max Smith. Motion carried unanimously

REFERRED

WATER SUMMARY AND IOWA NUTRIENT REDUCTION STRATEGY UPDATE

Tim Hall and Adam Schnieders of the Environmental Services Division provided updates to their respective programs. Each provided handouts for the Commissioners.

INFORMATION

REFERRALS TO THE ATTORNEY GENERAL

Kelli Book, Attorney with the Legal Services Bureau presented the following item. To her aid was Lois Benson, Environmental Specialist with the Spencer Field Office.

The Director requested the referral of the following to the Attorney General for appropriate legal action.

- Matt Hoffman (Plymouth County) – Animal Feeding Operations

Kelli Book made the following presentation to the Commission: Mr. Hoffman owns and operates a confined animal feeding operation located in rural Hinton, Iowa. The facility has 1,350 total animal units and is required to submit a manure management plan and fees on December 1 of each year.

The MMP submittal is a crucial aspect of the DNR's animal feeding operation program. The MMP ensures that an animal feeding operation has adequate production land available so that the manure can be properly applied to crop land in order to prevent over application of manure.

Mr. Hoffman failed to submit the MMP update and compliance fees for 2013 by December 1, 2013. On December 10, 2013, DNR issued a Notice of Violation letter for failing to timely submit the MMP update and fees. In January 2014, DNR Field Office 3 made two attempts to contact Mr. Hoffman and on January 20, 2014 Mr. Hoffman contacted the field office and stated that the MMP and fees would be submitted by January 27, 2014; to date the MMP and fees have not been submitted. On January 30, 2014, the field office sent Mr. Hoffman a Notice of Referral and on March 25, 2014 DNR sent Mr. Hoffman a letter informing him of the EPC referral.

In addition to the current MMP violations for 2013, Mr. Hoffman has a long history of failing to submit timely MMP update and fees every year between 2012 and 2005. Additionally, in 2003, DNR issued an administrative order to Mr. Hoffman for failing to submit an MMP update for 2003. In 2004, the EPC referred Mr. Hoffman to the Iowa Attorney General's Office for failing to comply with the administrative order by not submitting the MMP update for 2003 and failing to pay the administrative penalty. In 2005, the Plymouth County District Court issued an Order Granting Judgment on Default. Mr. Hoffman was enjoined from violating the animal feeding operation regulations in the future and to pay a civil penalty in addition to the administrative penalty. To date, the DNR has no record of either the civil penalty or the administrative penalty being paid.

Based on Mr. Hoffman's continued failure to submit the MMP update and fees as well as violating the court order the DNR is requesting that Mr. Hoffman be referred to the Attorney General's Office. Additionally, DNR requests that the Attorney General's Office take appropriate action in collecting any past due.

Commissioner Brent Rastetter inquired into the presence of animals in the building or known manure spills for the facility. Kelli Book stated there were animals present in the buildings and there are no known manure spills for the facility.

Commissioner Mary Boote inquired if the applicant has submitted the required paperwork for the year. Kelli Book shared with the Commission that as of the prior day, the applicant has not submitted his information to the Department.

Commissioner Chad Ingels asked why the past penalties have not been collected by the AG's Office. Dave Sheridan was unaware of the reasoning for the lack of penalty collection.

Commissioner Chad Ingels expressed his desire for the Department to first assess an administrative penalty prior to a referral.

Motion was made by Gene VerSteeg to refer Matt Hoffman to the Attorney General. Seconded by Max Smith. A roll call vote was conducted as follows: Bob Sinclair-yea, Brent Rastetter-yea, Nancy Couser-yea, Gene Ver Steeg-yea, Cindy Greiman-yea, Chad Ingels-nay, Max Smith-yea, LaQuanda Hoskins-yea, and Mary Boote-yea. Motion passes.

REFERRED

MONTHLY REPORTS

Bill Ehm shared with the Commission the following:

- Iowa Geological and Water Survey Bureau has officially been absorbed by another existing bureaus. Staff have relocated to their new offices. A few odds and ends are left but the majority of the move is complete.
- BMP for Grain Elevators was presented during the meeting. EPA is planning to propose new rules for large grain elevators.
- EPA AFO Workplan 210 day report will be submitted to EPA.
- He attended a national Environmental Council of States meeting and received complimentary comments regarding Iowa's Nutrient Reduction Strategy.

The following monthly reports have been posted on the DNR website under the appropriate meeting month:

<http://www.iowadnr.gov/InsideDNR/BoardsCommissions.aspx>

1. Rulemaking Status Report
2. Enforcement Status Report
3. Administrative Penalty Report
4. Attorney General Referrals Report
5. Contested Case Status Report

INFORMATION

GENERAL DISCUSSION

- Jerah Sheets described the May tour and business meeting logistics for Winnebago County.

INFORMATION

Chairperson Boote adjourned the Environmental Protection Commission meeting at 1:36 p.m., Tuesday, April 15, 2014.



Bruce Tractman for Chuck Gipp 5/24/14

Chuck Gipp, Director

Nancy Couser, Secretary

Nancy Couser, Secretary

ICCI – CAFO AMENDMENTS TIMELINE

- **January 7, 2014:** Department provided draft amendments to ICCI in advance of Jan. 10 meeting.
- **January 10, 2014:** the Department met with representatives of the Iowa Environmental Council, ICCI, Iowa Association of Water Agencies, Des Moines Water Works, Sierra Club and the Environmental Integrity Project. Department staff summarized each rulemaking item and answered questions.
- **February 25, 2014:** DNR provided ICCI a copy of rule pre-clearance package sent to Governor’s office.
- **March 5, 2014:** Governor’s office email approval of pre-clearance package forwarded to ICCI. In response to ICCI reply, DNR Legal confirmed the rule package would be considered by EPC at March meeting.
- **March 6, 2014:** In response to ICCI email inquiry, DNR Legal wrote that dates and times of public hearings would be finalized after the EPC approves the Notice of Intended Action.
- **March 14, 2014:** In response to ICCI email inquiry, DNR Legal wrote that public comment period would begin when the Notice of Intended Action is published in the Administrative Bulletin and agreed to provide public hearing dates to ICCI when available.
- **March 18, 2014:** ICCI representatives present when EPC approved the Notice of Intended Action.
- **March 26, 2014:** DNR Legal provided public hearing dates and times to ICCI
- **March 31, 2014:** In response to ICCI email inquiry, DNR Legal wrote that the Notice of Intended Action provides that **the public comment period ends on May 13, 2014.**

Iowa Code §17A. 4(1)(b) requires the DNR to allow, “not less than twenty days to submit data, views, or arguments in writing.” The proposed CAFO amendments will be published in the Iowa Administrative Bulletin on April 16, 2014, thereby allowing 28 days for comments.

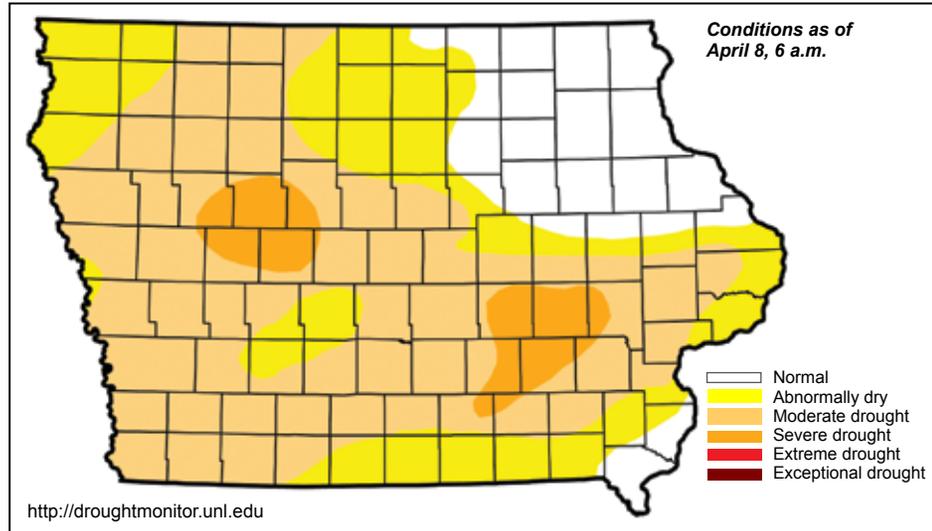
WATER SUMMARY UPDATE

No. 33

Published Date
Apr. 10, 2014

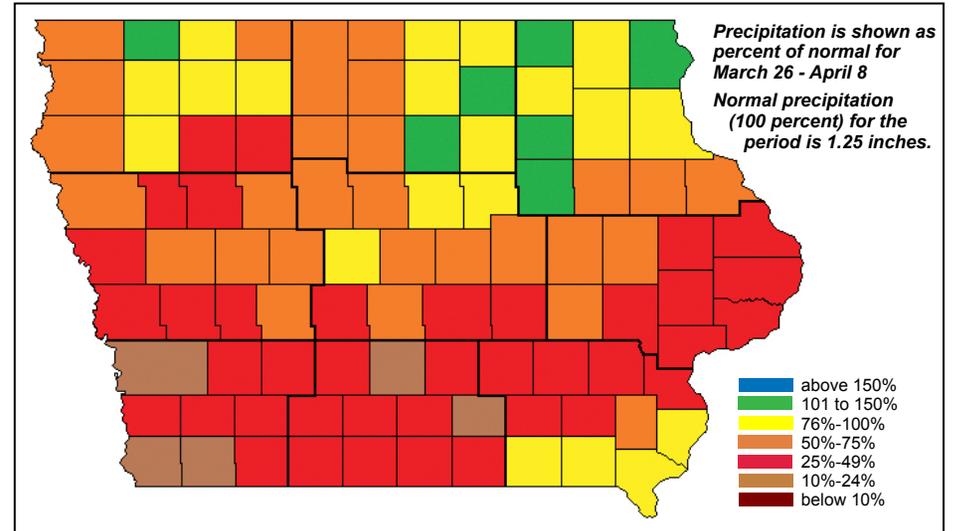
Drought Monitor

National Drought Mitigation Center and partners



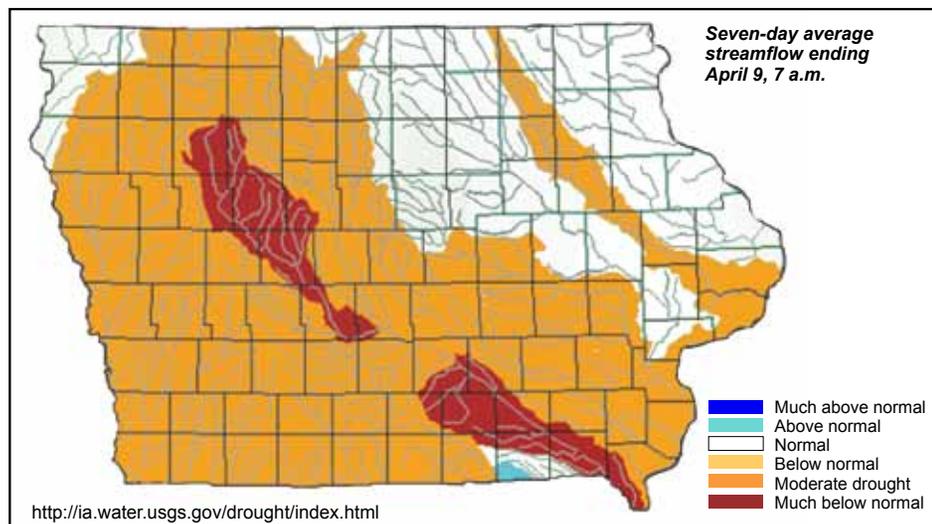
Precipitation

State Climatologist



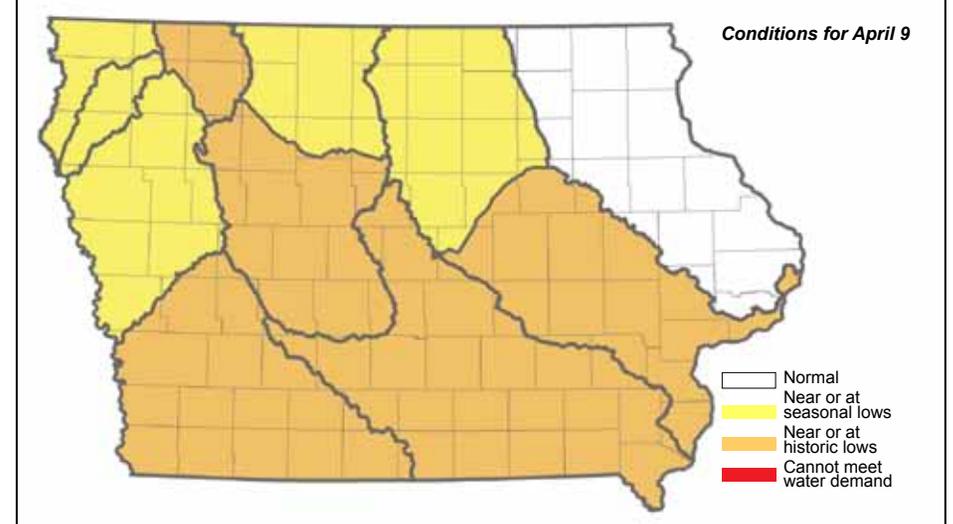
Stream Flow

US Geological Survey



Shallow Groundwater

Iowa DNR



Recent Developments and Changes

Overall Conditions

The state continues to see the overall dry conditions that have persisted since the fall of last year. Precipitation was below normal for the past two weeks, and USGS field crews have noted very low stream flows in much of the state. The National Drought Monitor remains steady, with half of Iowa continuing to be in moderate drought. Normal spring rains are needed.

Drought Monitor

The National Drought Monitor shows conditions in Iowa as generally dry. About half of the state is rated Moderate Drought and another quarter is rated Abnormally Dry. There are two small areas of the state that continue to be rated as Severe Drought. Conditions across the state have not changed for the past two months, and have been following the same general pattern of drought conditions since last fall. The last major steady improvement in drought conditions began in April 2013, so hopefully normal spring rains will lead to overall improvement this year.

Precipitation

Only a handful of northern Iowa locations had above normal amounts of precipitation the past two weeks. Showers and thunderstorms brought some rain across the state March 27, with amounts varying from just sprinkles in the far southwest to around an inch over portions of the northeast. An April 3 event brought snow to the northwest half of Iowa and rain to the remainder of the state. Four to eight inches of snow was common over the far northwest while a few locations in the extreme southeast saw about an inch of rain from this second storm. The statewide average precipitation over the period was 0.76 inch or 0.50 inches less than normal. Totals varied from 0.11 inch at Sidney to 2.13 inches at Nora Springs.

Water Year Precipitation: The Water Year began in October, and through March, the state received less than eight inches of rain, compared to the normal of over 10 inches.

Temperatures averaged 3.9 degrees below normal, with extremes varying from a low of 7 degrees at Cresco March 26 to 79 degrees at Clarinda March 31. Iowa has endured 12 consecutive two-week periods of below normal temperatures.

Topsoils have thawed statewide; however, considerable subsoil frost remains over portions of northern Iowa.

Shallow Groundwater

Shallow groundwater levels in April 2014 are largely unchanged from the previous month. Water levels are up to 1.5 feet higher in O'Brien, Marshall, Hancock, and Fayette counties, and as much as 0.2 feet lower in Crawford, Montgomery, and Lucas counties. In general, dryness appears to have intensified in southwest, west central, and south central Iowa.

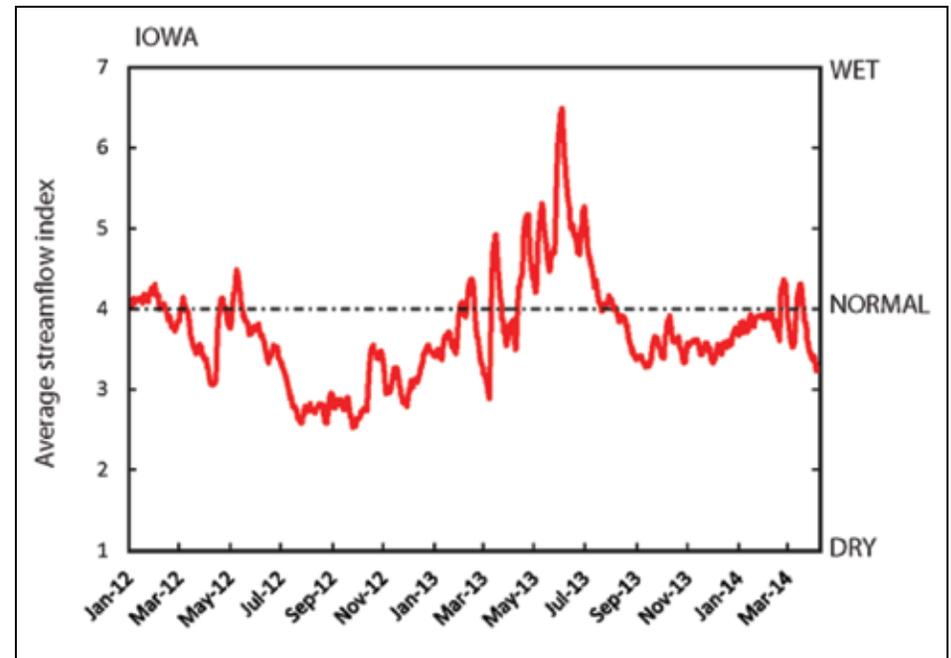
Adequate spring rainfall will be critical to recharge the alluvial and shallow bedrock aquifers, and prevent drought conditions from reoccurring or deteriorating prior to the increase in water use that occurs as the weather gets warmer.

Prepared by the Iowa DNR in collaboration with the Iowa Department of Agriculture and Land Stewardship, the U.S. Geological Survey, IHR-Hydroscience and Engineering and The Iowa Homeland Security and Emergency Management Department.

Stream Flow

Overall stream flows have decreased the last two weeks and are below normal for most of the state. The lowest stream flow conditions are in the Raccoon and Des Moines River basins, which have less than 10 percent of normal stream flow.

Streams across the northeastern portion of the state are at normal levels, with the exception of the Wapsipinicon River which has below normal flow.



Streamflow Index: The USGS streamflow index for Iowa over the past 15 months shows that average stream flows have generally been below normal since last fall, with average flows approaching the low flows of a year ago.

Contacts

General Information. Tim.Hall@dnr.iowa.gov 515-281-8169
Drought Monitor. Harry.Hillaker@iowaagriculture.gov 515-281-8981
Precipitation. Harry.Hillaker@iowaagriculture.gov 515-281-8981
Stream Flow Daniel.Christiansen, dechrist@usgs.gov 319-358-3639
Stream Flow Michael.Anderson@dnr.iowa.gov 515-725-0336
Shallow Groundwater mike-gannon@uiowa.edu 319-335-1581

General Information – The *Water Summary Update*

The Water Summary Update (WSU) is a short informational piece put together on a regular basis to provide information and context to hydrologic conditions in Iowa, and surrounding areas.

History: Early in January 2012, staff discussion about field observations and stakeholder input seemed troublesome. Informal discussions were organized and held within two weeks – which included staff from the Iowa DNR, IDALS, HSEMD, IGOV, USGS, NWS and other water supply industry groups.

Consensus was that the best approach to convey information was a simple bi-weekly two page update – named the “Water Summary Update.”

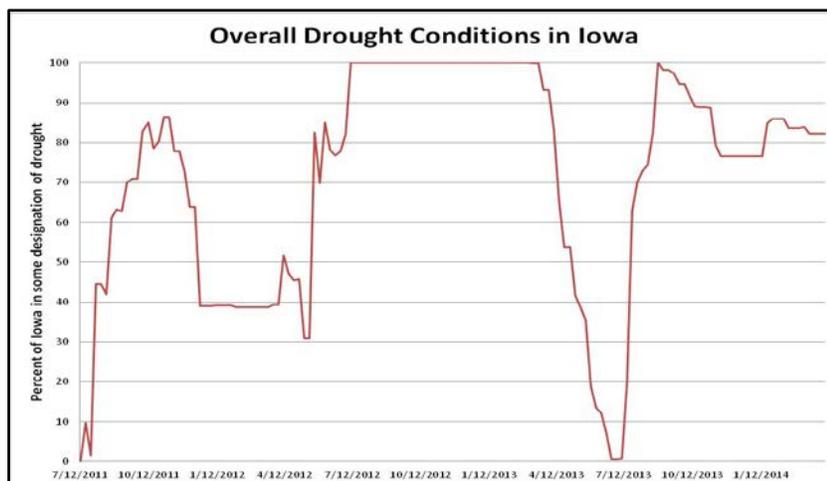
The first WSU was prepared in draft form on March 8, 2012, was then revised and improved through comment and input, the first official “Water Summary Update” was issued on April 6, 2012. Ironically, March is “Flood Awareness Month” and it was decided to wait until April, for obvious reasons.

A total of 33 WSU’s have been produced, generally bi-weekly April to October, and monthly during the winter.

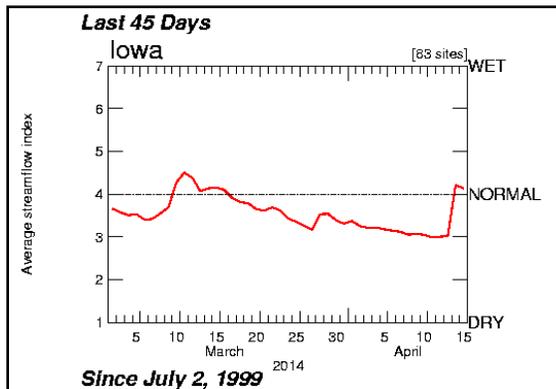
Content: Precipitation – two week summary provided by State Climatologist.
Stream Flow – Provided by US Geological Survey in Iowa City
Groundwater – Provided by DNR hydrogeologists and water supply staff
Drought Monitor – National Drought Mitigation Center, summarized by DNR
Observations – Provided by DNR, USGS, and IDALS field staff

Audience: The WSU has been picked up by local newspapers, radio, and television stations, along with cities and counties in the state, as well as regional water supply systems.

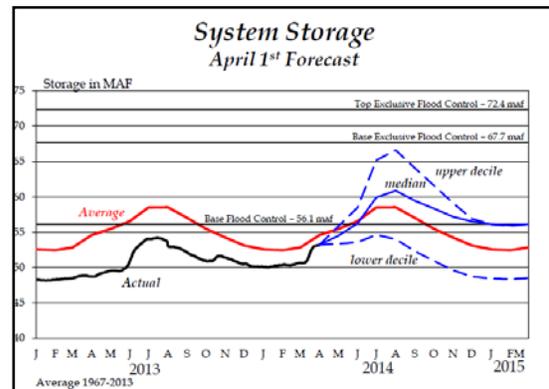
Drought: The WSU has focused on drought conditions, since the two years of its existence (2012 and 2013) have been unusually dry years.



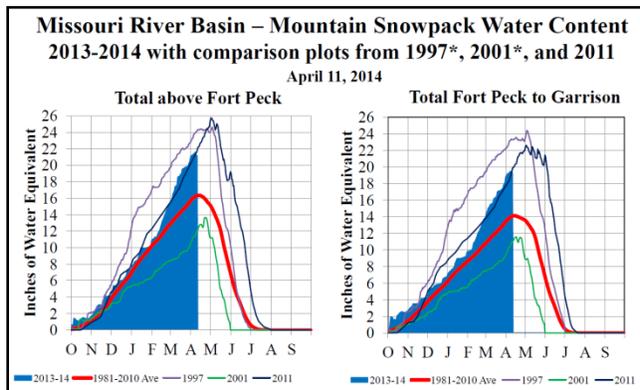
Types of Data and Information that we monitor:



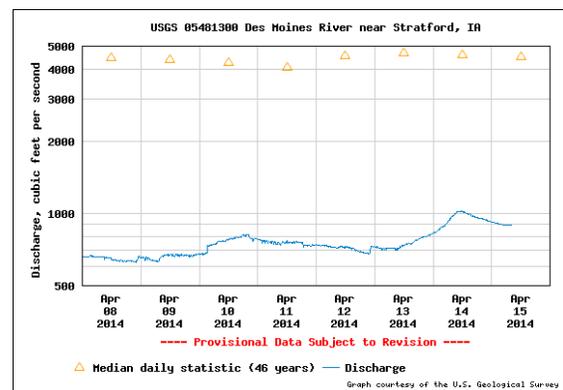
1. USGS Streamflow Index for Iowa



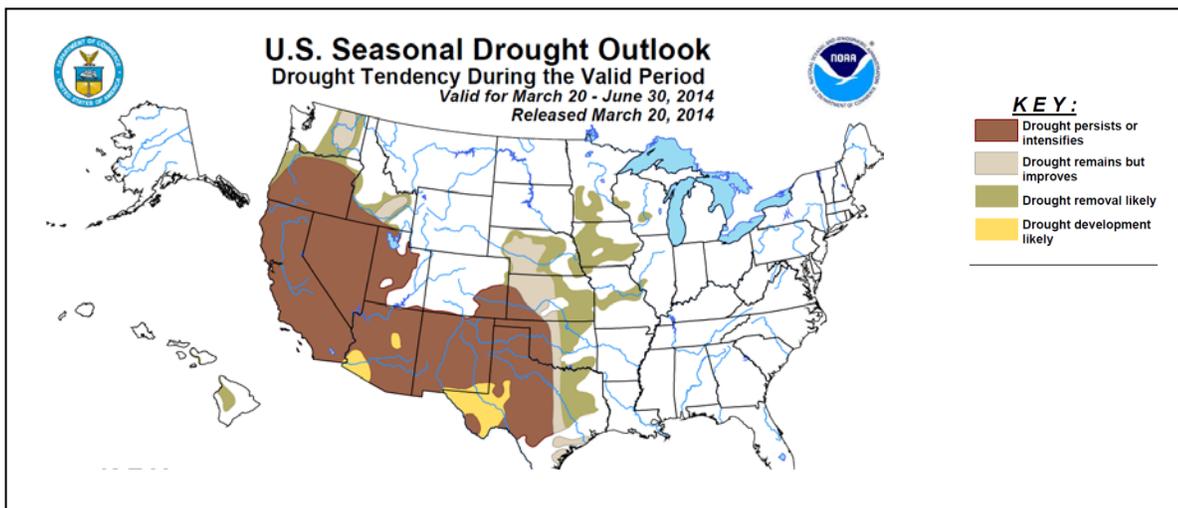
2. Missouri River US COE Forecasts



3. Snowpack in the Missouri River Basin



4. USGS Stream Gages in Iowa



4. NOAA Data and Outlook Maps

Point Source Nutrient Reduction Strategy Report

EPC – April 2014

6. Accountability and Verification Measures

The IDNR will convene a technical work group beginning in 2013 to define the process for providing a regular nutrient load estimate (i.e., nutrient budget) based on the ambient water quality data network. This will include specifying the most appropriate mathematical model, the acceptability of the data, and a process for making future adjustments based on the latest information and advancements in science and technology.

Status: The technical work group first met December 3, 2013. At the meeting the “charge” from the Nutrient Strategy was described and discussed with potential solutions (different load calculation techniques) offered and discussed.

A method to compare the various solutions was discussed and established. At the end of the meeting, subtasks were developed, including development of a standardized data set based on the work completed for the Nutrient Reduction Strategy development, assigning workgroup members with specific load calculation techniques to apply to the standard data set, and a general timeline agreed to by the workgroup.

The last meeting was March 27, 2014. Outcomes from the different load calculation techniques that were tested were evaluated. Members of the subcommittee are producing write-ups of the different models for nitrogen that were discussed. These will be compiled into a report that will identify the nitrogen model to be used to provide a regular nitrogen load estimate. Phosphorus, which is a more difficult problem to solve, will be evaluated next.

The next meeting is being planned for late spring.

The IDNR will track progress for implementing the point source nutrient reduction strategy using several measures:

- 1) Number of permits issued that require nutrient reduction feasibility studies

Status: The following permits have been issued or put on public notice:

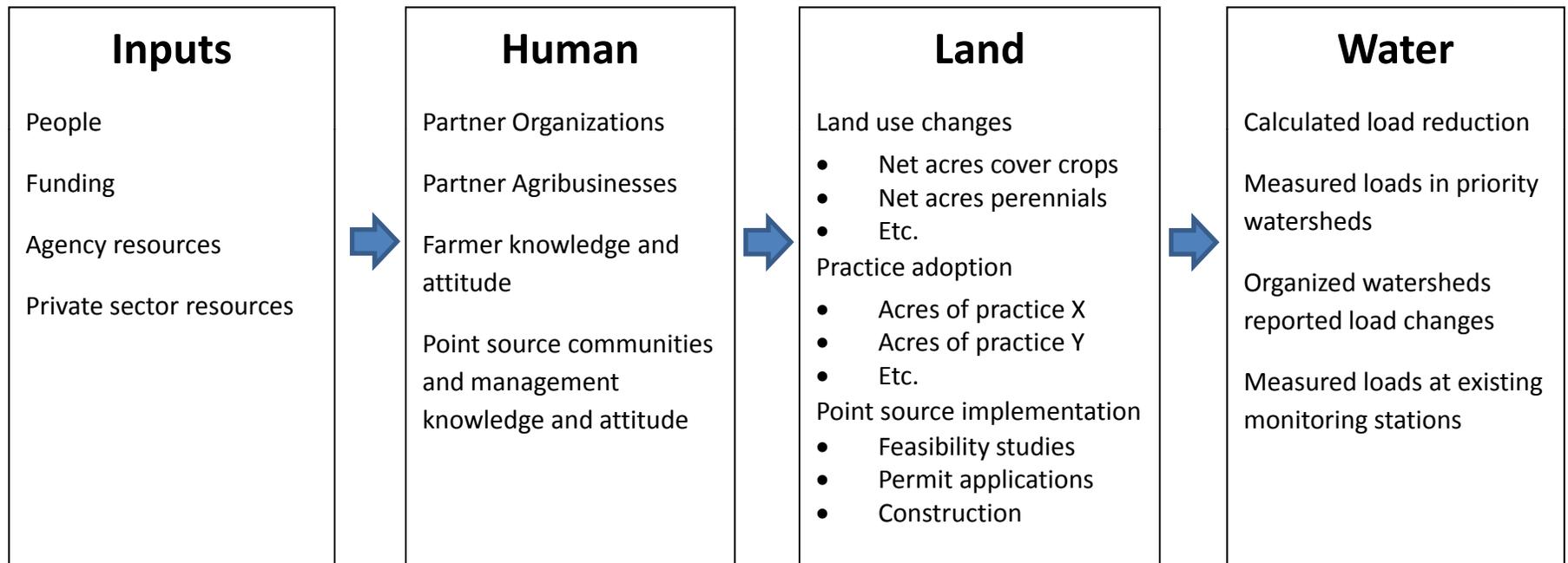
Facility	Issued
1. City of Atlantic	12/1/2013
2. City of Dubuque	10/1/2013
3. City of Eldridge	12/1/2013
4. City of Grinnell	9/1/2013
5. City of Grundy Center	2/1/2014
6. City of Harlan	10/1/2013
7. City of Mt. Pleasant	2/1/2014
8. City of New Hampton	4/1/2014
9. City of West Liberty	9/1/2013
10. Dairiconcepts, L.P. – Allerton, IA	9/1/2013
11. Manindra Milling Corporation – Hamburg, IA	12/1/2013
12. Oakland Foods LLC – Oakland, IA	12/1/2013
13. Rembrandt Enterprises – Thompson, IA	9/1/2013
14. Tyson Foods – Perry, IA	11/1/2013
Facilities on Public Notice	
1. City of Boone	
2. City of Cedar Falls	
3. City of Fort Dodge	
4. City of Iowa City	
5. City of Red Oak	
6. City of West Burlington	
7. City of Winterset	
8. John Deere Dubuque Works	
9. Swiss Valley Farms – Luana, IA	
10. Walter Scott, Jr. Energy Center	

If there any questions on this report or suggestions for improvements, please contact Adam Schnieders at 515.281.7409 or adam.schnieders@dnr.iowa.gov.

Measures of success committee

Measurable indicators of desirable change

Specific indicators in attached text



Agenda

Environmental Protection Commission

Tuesday, April 15, 2014
DNR Air Quality Suite 1
7900 Hickman Road
Windsor Heights, Iowa

10:00 AM – EPC Business Meeting begins

10:30 AM – Public Participation¹ – Requests to speak must be submitted to Jerah Sheets at

Jerah.Sheets@dnr.iowa.gov or 515-313-8909 prior to the meeting or at the meeting prior to the start of Public Participation

11:00 AM – Iowa Nutrient Strategy & Water Summary Update

11:30 AM – Referrals to the Attorney General BCB Ag, LLC

1:00 PM – Referrals to the Attorney General Matt Hoffman

Agenda topics

- 1 Approval of Agenda
- 2 Approval of Minutes
- 3 Director's Remarks
- 4 Contract with the University of Iowa on behalf of the State Hygienic Laboratory Black Hawk lake and Watershed Monitoring 2014 Kyle Ament (Decision)
- 5 University of Northern Iowa-Iowa Waste Reduction Center – Presentation: Iowa Food Waste Reduction Project Jennifer Wright (Information)
- 6 Notice of Intended Action: Chapters 22 and 23–Best Management Practices for Grain Elevators and Adoption of Federal Air Toxics Standards Christine Paulson (Decision)
- 7 Referrals to the Attorney General BCB Ag, LLC Kelli Book (Decision)
- 8 Referrals to the Attorney General Matt Hoffman Kelli Book (Decision)
- 9 Monthly Reports Bill Ehm (Information)
- 10 General Discussion
- 11 Items for Next Month's Meeting
 - May 19, 2014 – EPC Education Tour Hancock County
 - May 20, 2014 – EPC Business Meeting, Hancock County
 - June 17, 2014 – EPC Business Meeting, Windsor Heights

For details on the EPC meeting schedule, visit

<http://www.iowadnr.gov/InsideDNR/BoardsCommissions.aspx>.

¹ Comments during the public participation period regarding proposed rules or notices of intended action are not included in the official comments for that rule package unless they are submitted as required in the Notice of Intended Action.

Environmental Protection Commission
Iowa Department of Natural Resources

ITEM

4

DECISION

TOPIC **Contract with THE UNIVERSITY OF IOWA on behalf of THE STATE HYGIENIC LABORATORY –
Black Hawk lake and Watershed Monitoring 2014**

Recommendations:

Commission approval is requested for a one year-service contract with the University of Iowa on behalf of the State Hygienic Laboratory. The contract will begin on May 1, 2014 and terminate on December 31, 2014. The total amount of this contract shall not exceed \$93,146.

Funding Source:

This contract will be funded through Section 319 of the Clean Water Act (Federal).

Background:

All watershed projects funded by the Section 319 program need to include a water quality monitoring component as part of their project implementation plans.

Black Hawk Lake was on Iowa's Section 303(d) list of impaired waters for algae, turbidity, and pathogens. The primary water quality issues with the lake stem from high nutrient concentrations and inorganic suspended solids. Elevated concentrations of phosphorus have contributed to blooms of blue green algae. A TMDL for algae and turbidity at Black Hawk Lake was prepared by IDNR in 2011.

Purpose:

The parties propose to enter into this Contract for the purpose of retaining the Contractor to provide collection and analysis of water monitoring samples. The data collected will be used by DNR to determine if in-lake and tributary load reduction strategies have been effective.

Contractor Selection Process:

The University of Iowa was chosen for this project because of Iowa Code section 455B.103, which allows DNR to contract with "public agencies of the state" for those services.

Contract History:

New Contract

Kyle Ament, Environmental Specialist
Watershed Improvement Section, Water Quality Bureau
Environmental Services Division
April 15, 2014

<p>Task 1: Ambient sample analysis Description: Contractor shall analyze stream grab samples collected for the parameters listed in Table 1. The contractor shall analyze samples for up to a total of 7 events. For analytical results below the quantitation limit, the test quantitation limit shall be reported as “less than.”</p>	<p>Samples shall be analyzed no later than holding times established by QA/QC documentation agreed upon by both parties prior to sample analysis. For purposes of invoices, the effective Task Milestone Date shall be the last day of each month.</p>
<p>Task 2: Sample Collection for 2 Event Sites Description: Contractor shall install 2 ISCO automated samplers at the sites in the Black Hawk Lake watershed per Charles Ikenberry’s instructions. Contractor shall collect one composited sample from each site from a maximum of 12 events between May 1, 2014, and October 31, 2014, unless temperatures prohibit sample collection prior to October 31, 2014. All samples shall be composited according to Charles Ikenberry’s instructions. No more than one set of samples shall be collected from the automated samplers per week, and no event sample collection will occur without authorization from Charles Ikenberry. Contractor shall also collect a stream grab sample and a depth integrated sample when collecting the event sample for analysis.</p>	<p>No later than October 31, 2014.</p>
<p>Task 3. Sample analysis for 2 Event Sites Description: Contractor shall analyze all samples collected under Task 2 for the parameters listed in Table 1. For analytical results below the quantitation limit, the test quantitation limit shall be reported as “less than.”</p>	<p>Samples shall be composited according to Charles Ikenberry’s instructions and analyzed no later than holding times established by QA/QC documentation agreed upon by both parties prior to sample analysis. For purposes of invoices the effective Task Milestone Date shall be the last day of each month.</p>
<p>Task 4. Lake sample analysis Description: Contractor shall analyze samples collected by DNR for the parameters listed in Table 2. For analytical results below the quantitation limit, the test quantitation limit shall be reported as “less than.” Up to 20 upper mixed zone samples shall be analyzed, and up to 40 thermocline/bottom samples shall be analyzed.</p>	<p>Samples shall be analyzed no later than holding times established by QA/QC documentation agreed upon by both parties prior to sample analysis. For purposes of invoices, the effective Task Milestone Date shall be the last day of each month.</p>
<p>Task 5. Equipment Description: Contractor shall purchase a YSI EXO2 Sonde and needed probes and accessories per DNR specifications for use in lake monitoring. This equipment obtained for use on this project shall be property of DNR.</p>	<p>No later than May 15, 2014.</p>
<p>Task 6. Equipment Repair Description: Contractor shall repair existing equipment in order to complete the tasks listed above.</p>	<p>No later than November 30, 2014</p>
<p>Task 7. Quality Assurance/Quality Control Description: Contractor shall submit information on data quality requirements and assessments (such as detection limit, quantitation limit, estimated accuracy and accuracy protocol, estimated precision and precision protocol) to DNR for any sample upon request. Information on the analytical reference method, sample preservation and holding time also shall be provided if requested. Contractor shall provide copies of revised Methods Manuals and Standard Operating Procedure Manual to the DNR upon request. Copies of manual and procedures shall be available from the laboratory.</p>	<p>No later than 30 days after a request has been made by DNR.</p>
<p>Task 8: Data Transfer Description: SHL shall make the data generated pursuant to this Contract available to DNR electronically through the State Hygienic Laboratory OpenELIS database web portal. Data shall be available for download by DNR staff in a mutually agreeable format. The available sample information shall include the STORET station identification number, which will be provided by DNR for all station locations. Data shall be retrievable via the web portal by DNR staff.</p>	<p>Analytical chemistry data shall be made available to DNR staff no later than 15 calendar days following the end of the month of collection. If the contractor determines that extra time is needed to complete required analyses, then a written notification shall be made to the DNR submitter or contract manager. The notification shall include the reason for the delay and the specific analytical chemistry data requiring delayed reporting. The notification shall occur as soon as possible after the contractor has determined the need for a reporting delay.</p>

**Iowa Department of Natural Resources
Environmental Protection Commission**

ITEM

5

INFORMATION

TOPIC

**University of Northern Iowa-Iowa Waste Reduction Center –
Presentation: Iowa Food Waste Reduction Project**

The Financial and Business Assistance Section of the Land Quality Bureau is currently investigating and planning various approaches to reducing the amount of food waste generated and the amount of food waste being disposed of in Iowa sanitary landfills. Results of the most recent State Waste Characterization Study showed that the amount of food waste being landfilled has steadily increased when compared to previous waste characterization studies. Food waste has become the most landfilled material (by weight) generated in the residential sector and in the industrial/commercial/ institutional sector.

Subsequent to release of the Waste Characterization Study report, the Iowa Waste Reduction Center (IWRC), located at the University of Northern Iowa, submitted an application for financial assistance consideration through the Solid Waste Alternatives Program (SWAP). The project involved developing and implementing a food waste reduction educational campaign and to create and host a website serving as a food waste reduction resource center. The IWRC proposal was recommended for funding and approved by the Commission at the August 2012 meeting.

At the time the project received Commission approval, a request was made to present the outcomes of the project. Dan Nickey of the IWRC will present an overview of the goals and outcomes of the Iowa Food Waste Reduction Project.

SWAP offers financial assistance to eligible applicants for the purpose of reducing our reliance on landfills as a means of managing our solid waste.

Jennifer Wright, Supervisor
Financial & Business Assistance, Land Quality Bureau
Environmental Services Division

March 24, 2014

University of Northern Iowa
Iowa Waste Reduction Center

Iowa Food Waste Reduction Project

Dan Nickey
Associate Director

Iowa Waste Reduction Center
University of Northern Iowa
nickey@uni.edu



University of Northern Iowa
Iowa Waste Reduction Center

Iowa Food Waste Reduction Project

- Funded in part by the Iowa Department of Natural Resources Solid Waste Alternatives Program grant
- Objective: Reduce food waste going to Iowa landfills through comprehensive education and creation of relevant up-to-date resources

University of Northern Iowa
Iowa Waste Reduction Center



IDNR State-wide Waste Characterization Studies

- Purpose: To gather data representative of waste disposal in Iowa landfills, including:
 - material type
 - quantity
 - source/sector
- Generator Sectors
 - Residential
 - Industrial/Commercial/Institutional
 - Municipal

University of Northern Iowa
Iowa Waste Reduction Center

Iowa Waste Characterization Studies

1998 Iowa Statewide MSW Characterization

2011 Iowa Statewide MSW Characterization

University of Northern Iowa
Iowa Waste Reduction Center

Food Waste Statistics

- 13.4% of the Iowa municipal solid waste stream is food waste
- Tonnage of food waste disposed in Iowa landfills increased 62% over the last 13 years
- 40% of all the food produced in the United States is not consumed.
- 19.5% of Iowa children are food insecure

University of Northern Iowa
Iowa Waste Reduction Center

Where is Food Wasted?

- Damaged or unmarketable produce
- Overstock or "expired" food
- Food preparation trimmings and residuals
- Surplus prepared foods
- Unconsumed refrigerated leftovers
- Plate scrapings

University of Northern Iowa
Iowa Waste Reduction Center

Environmental Impacts

- Landfills utilize 560,000 acres of land in the United States
- Landfills account for 33% of the methane emitted in the United States
- Food production accounts for 80% of the fresh water used in the United States



University of Northern Iowa
Iowa Waste Reduction Center

Project Deliverables:

- Virtual Food Waste Reduction Resource Center (foodwaste.iwrc.org)
- Geographical Food Diversion Outlet Locator
- Development of educational materials
- Educational workshops

University of Northern Iowa
Iowa Waste Reduction Center

IWRC Home About Services Areas of Expertise Regulatory Summaries Vendor Lists Contact

IWRC Home > Services > Food Waste

Iowa Food Waste Reduction Project

Food Waste Home Outlets Resources Case Studies Vendors Regulatory Information FAQ Affiliates Advisory Committee

Food Waste

Across our state, almost 14% of all municipally-landfilled waste is food waste making it the #1 most prevalent disposed material. From 1999-2011, Iowa landfills saw an increase of 62% in food waste disposal.

The problems with food waste are multifaceted. To resolve these issues, the Iowa Waste Reduction Center was awarded a Solid Waste Alternatives Program grant from Iowa Department of Natural Resources to develop the Iowa Food Waste Reduction Project.

EVENTS
NEWSLETTER
BLOG
TEST YOUR KNOWLEDGE

Upcoming Events

University of Northern Iowa
Iowa Waste Reduction Center

Food Waste Reduction Video



University of Northern Iowa
Iowa Waste Reduction Center

IWRC Home About Services Areas of Expertise Regulatory Summaries Vendor Lists Contact

IWRC Home > Services > Food Waste > Outlets

Outlets

Food Waste Home Outlets Resources Case Studies Vendors Regulatory Information FAQ Affiliates Advisory Committee

[\[Click Here to View\]](#)

Food Diversion Outlet Locator

Identify locations in Iowa where excess food can be diverted

Alphabetical List by Category
Accepting Food Items for Feed Products

- Lindes Processing (Anamosa, IA)

Biodigesters

- Amana Farms Biodigester (Amama, IA)
- Link Energy (Riceville, IA)
- AgriReNew (Stockton, IA)

University of Northern Iowa
Iowa Waste Reduction Center

IWRC Home About Services Areas of Expertise Regulatory Summaries Vendor Lists Contact

IWRC Home > Services > Food Waste > Case Studies

Case Studies

Food Waste Home Outlets Resources Case Studies Vendors Regulatory Information FAQ Affiliates Advisory Committee

Case Studies narrates real stories of Iowa entities to provide inspiration to others on how to successfully reduce food waste and divert it from landfills.

- Food Waste from Iowa City Diner Becomes Compost**
- Health Care Facilities Recognize Significant Savings through Reduction and Diversion**
- Small Private College and Local Farmers Divert Food Waste from Landfill**
- An Iowa Landfill's Commercial Compost Facility**
- The Outcomes of a Compost Program and Fresh Ingredients**
- Success in School Recycling and Composting Program**
- The Challenges, Output and Benefits of One Iowa Farm's Biodigester**
- Turning Waste into a Resource - The Food Bank Way**

University of Northern Iowa
Iowa Waste Reduction Center

Home About Services Areas of Expertise Regulatory Summaries Vendor Lists Contact

Home » Services » Food Waste » Food Waste Reduction Product Vendors

Vendors

Food Waste Home Outlets Resources Case Studies Vendors Regulatory Information FAQ Affiliates Advisory Committee

This list contains vendors that provide products associated with food waste diversion. It is not all-inclusive. It is also NOT AN ENDORSEMENT OR WARRANTY by/from the Iowa Waste Reduction Center relating to any company or product.

- Biodegradable Compostable Trash Bags
- Biodegradable Compostable Food Service Wares and Packaging
- Commercial Food Waste Dehydrators
- Compost
- Consultants
- Food Pulpers
- Food Waste Digesters
- Haulers
- Industrial Organic Food Waste Containers
- Recycle Bins
- Tracking Software

University of Northern Iowa
Iowa Waste Reduction Center

Home About Services Areas of Expertise Regulatory Summaries Vendor Lists Contact

Home » Services » Food Waste » Affiliates of the Iowa Food Waste Reduction Project

Affiliates

Food Waste Home Outlets Resources Case Studies Vendors Regulatory Information FAQ Affiliates Advisory Committee

The Iowa Waste Reduction Center is working with a variety of state associations and organizations to ensure the success of the Iowa Food Waste Reduction Project.

- Center on Sustainable Communities
- Chasing Methane
- Eat Greater Des Moines Food Systems Council
- Iowa Association of Business and Industry
- Iowa Center for Energy and Environmental Education
- Iowa Department of Natural Resources
- Iowa Food Bank Association
- Iowa Food Systems Council
- Iowa Recycling Association
- Iowa Society of Solid Waste Operations
- Iowa Waste Exchange
- National Federation Independent Businesses - Iowa
- Practical Farmers of Iowa

University of Northern Iowa
Iowa Waste Reduction Center

Home About Services Areas of Expertise Regulatory Summaries Vendor Lists Contact

Home » Services » Food Waste » Food Waste Regulatory Information

Regulatory Information

Food Waste Home Outlets Resources Case Studies Vendors Regulatory Information FAQ Affiliates Advisory Committee

COMPOSTING FACILITY REGULATIONS PERMIT BY RULE

Small composting facilities receiving off-premises food yard waste at a rate of less than five tons per week are exempt from obtaining a solid waste permit. Click above to view the regulatory summary.

BILL EMERSON GOOD SAMARITAN FOOD DONATION ACT

The Bill Emerson Good Samaritan Food Donation Act protects organizations from civil and/or criminal liability when donating food under good faith. Click above to view the regulatory summary.

ANIMAL PROTEINS AND CATTLE MATERIALS IN FEED

Due to risk, there is a federal ban on feeding rendered products to humans as well as feeding cattle materials to all animals. Click above to view the regulatory summary.

GARDEN WASTE TERM CLARIFICATION

The Iowa Department of Natural Resources has clarified the term "garden waste" as used in defining "yard waste". Click above to view the regulatory summary.

FEEDING GARBAGE TO SWINE

The Federal Swine Health Protection Act and Iowa Administrative Code regulate the treatment and permitting of garbage fed to swine. Click above to view the regulatory summary.

University of Northern Iowa
Iowa Waste Reduction Center

Home About Services Areas of Expertise Regulatory Summaries Vendor Lists Contact

Home » Services » Food Waste » Resources By Industry or Food Waste Reduction

Resources

Food Waste Home Outlets Resources Case Studies Vendors Regulatory Information FAQ Affiliates Advisory Committee

Food waste reduction and diversion strategies have been implemented across many industries that deal with food. In the following table, you will find many industry-specific resources, updates, articles, and cases to provide information about your waste reduction and diversion efforts.

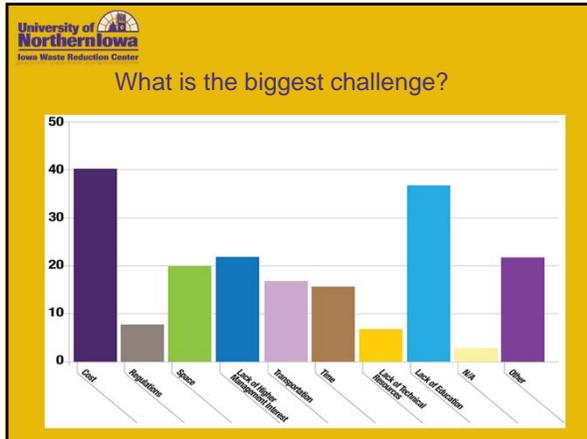
- General**: Non-industry specific resources such as composting and best practices.
- Education**: Covers topics for schools, from elementary to college and universities.
- Individual / Residential**: Covers topics for homeowners and tenants.
- Farming**: Composting processes and techniques that can be implemented on farms.
- Supermarkets**: Covers topics for supermarkets, grocery stores and other food facilities.
- Government / Community**: Covers city, county, regional and state efforts.
- Special Events / Hospitality**: Covers topics for events, conventions and lodging.
- Health Care**: Covers topics for hospitals, retirement/ nursing homes and clinics.
- Restaurants / Catering**: Covers topics for restaurants, catering and other food service facilities.

University of Northern Iowa
Iowa Waste Reduction Center

Food Waste Reduction Workshops

Location	Attendance
Cedar Falls	99
Iowa City	27
Council Bluffs	16
Des Moines	43
Dubuque	102
Total	287

- University of Northern Iowa**
Iowa Waste Reduction Center
- ## Evaluation Results
- 96% of the workshop participants found the workshops increased their awareness about the food waste problem.
 - 95% of the workshop participants found the workshops impacted their motivation to implement new or continued food waste reduction activities.
 - 74% of the workshop participants stated their organization is considering reducing or diverting food waste from Iowa landfills.
 - 83% of the participants that completed the web site survey stated that the website increased their awareness about the food waste problem.



- ### Iowa Food Waste Reduction Project
- Results**
- A centralized location for resources and regulatory information
 - The identification of available diversion options
 - The identification of entities interested in addressing food waste reduction and landfill diversion
 - The creation of resources to aid in landfill diversion and reduction of food waste at the source
 - An increase in education and awareness

- ### Activities after the Grant Period
- Presenting at BioCycle 14
 - Iowa Hospital Association Webinar
 - Webcast
 - Present at the Natural Resource Committee for Iowa House of Representatives
 - Continue to assist Iowa food waste generators
 - Maintaining and updating Virtual Food Waste Reduction Resource Center

Questions?

Dan Nickey
Associate Director
Iowa Waste Reduction Center
University of Northern Iowa

**Iowa Department of Natural Resources
Environmental Protection Commission**

ITEM

6

DECISION

TOPIC

Notice of Intended Action: Chapters 22 and 23–Best Management Practices for Grain Elevators and Adoption of Federal Air Toxics Standards

The Department is requesting permission from the Commission to proceed with the rulemaking process and publish a Notice of Intended Action to amend Chapter 22 "Controlling Pollution," and Chapter 23 "Emission Standards for Contaminants."

Reason for Rulemaking

The first purpose of the proposed rule changes is to establish best management practices (BMPs) for grain vacuuming at small grain elevators. The BMPs include practical activities that may be used at elevators to minimize dust and possible air quality impacts resulting from vacuuming grain out of storage structures. The BMPs were developed through a stakeholder workgroup jointly organized by the Department of Natural Resources (Department) and Agribusiness Association of Iowa (AAI), and included grain elevator operators and grain vacuum (grain vac) vendors.

The second purpose of the proposed rule changes is to adopt by reference federal air toxics standards for chemical manufacturing plants and for prepared feeds manufacturing (also known as National Emission Standards for Hazardous Air Pollutants or NESHAP). The Commission had originally adopted these standards by reference in 2010. However, Executive Order 72 rescinded adoption of these standards along with rescission of the RICE NESHAP. Subsequent to Executive Order 72, the U.S. Environmental Protection Agency (EPA) revised these NESHAP standards. The revised NESHAP generally provide regulatory relief and clarity from the previous requirements. The Department is now requesting permission to adopt these NESHAP. Upon adoption of the NESHAP, the Department rather than EPA will implement these regulations in Iowa, allowing the Department to provide compliance assistance and outreach to affected facilities.

Summary of Proposed Rule Changes

Grain Vac BMPs

Prior to 2008, most grain facilities used sweep augers to extract the remaining grain from the bottom of storage bins. Beginning in late 2009, the U.S. Occupational Safety and Health Administration (OSHA) sent letters to grain elevators stating that operators could not be inside a grain bin while an unguarded sweep auger operated inside the bin. The OSHA letters resulted in more facilities using grain vacuuming to remove the remaining grain from storage bins.

With the wider use of grain vac operations, the Department's field offices started receiving dust complaints from residences and businesses located near grain elevators using grain vacs. The Department subsequently partnered with AAI to convene a stakeholder workgroup to develop solutions that address complaints and ensure compliance with air quality regulations. The proposed BMPs are the result of this collaborative effort. The proposed BMPs will be added to the existing BMPs adopted by reference in 567 IAC Chapter 22

Adoption of Air Toxics (NESHAP) standards for Chemical Manufacturing and Prepared Feeds Manufacturing

In October 2009, EPA finalized the NESHAP for Chemical Manufacturing at Area Sources (Subpart VVVVVV, hereafter referred to as the "6V NESHAP"). The final 6V NESHAP appeared to include ethanol production facilities, but the standards were unclear on several points. In January 2012, EPA agreed to reconsider portions of the 6V NESHAP. On December 21, 2012, EPA issued final amendments to the 6V NESHAP, and extended the compliance date until March 2013. With the assistance of Iowa Renewable Fuels Association (IRFA), the Department determined that current dry-mill corn ethanol production facilities in Iowa are not subject to the 6V NESHAP. At this time, the Department has identified a small number of other chemical manufacturing facilities subject to the 6V NESHAP.

In January 2010, EPA finalized the NESHAP for Prepared Feeds Manufacturing at Area Sources (Subpart DDDDDDD, hereafter referred to as the "7D NESHAP"). The final 7D NESHAP appeared to cover all feed mills that used chromium and manganese in production, but several provisions of the final standards were unclear. In 2011, EPA agreed to reconsider some provisions of the 7D NESHAP. EPA finalized its reconsideration on December 23, 2011, revising its standards so that larger feed mills with pellet cooler operations did not need to install new emissions control if the facility had existing control equipment. The 7D NESHAP compliance date for existing feed mills was January 5, 2012.

Public Comments and Public Hearing

If the Commission approves the proposed rulemaking, the Notice of Intended Action will be published in the Iowa Administrative Bulletin on May 14, 2014. The Department will hold a public hearing on Monday, June 16, 2014, at 1:00 p.m. at the Air Quality Bureau offices. The Department will accept written public comments until 4:30 p.m. on June 16, 2014.

An administrative rule jobs impact statement and fiscal impact statement are attached.

Christine Paulson
Environmental Specialist Senior
Program Development Section, Air Quality Bureau
Memo date: March 24, 2014

ENVIRONMENTAL PROTECTION COMMISSION [567]

Notice of Intended Action

Pursuant to the authority of Iowa Code section 455B.133, the Environmental Protection Commission (Commission) hereby gives Notice of Intended Action to amend Chapter 22, “Controlling Pollution,” and Chapter 23, “Emission Standards for Contaminants” Iowa Administrative Code.

First, the Commission proposes to establish best management practices (BMPs) for grain vacuuming operations at small grain elevators in Chapter 22. The BMPs include practical activities that owners and operators may use at grain elevators to minimize dust and possible air quality impacts resulting from vacuuming grain out of storage structures.

Second, the Commission is proposing changes to Chapter 23 to adopt by reference federal air toxics standards for chemical manufacturing plants and for prepared feeds manufacturing (also known as National Emission Standards for Hazardous Air Pollutants, or NESHAP).

The Commission had originally adopted these standards by reference in 2010. However, Executive Order (EO) 72 rescinded adoption of these standards along with rescission of the RICE NESHAP. EO 72 stated the RICE NESHAP was too costly for small utilities that maintain and operate rarely used emergency engines, and the RICE NESHAP requirements could increase electricity rates for consumers. In response to the concerns from Governor Branstad as expressed in EO 72 and concerns from other stakeholders, EPA agreed to reconsider the RICE NESHAP. Consequently, EPA updated the RICE NESHAP to provide more circumstances for emergency engines and for engines that participate in electricity management programs to operate under non-

emergency conditions. The Commission adopted the updated RICE NESHAP in a previous rulemaking (see Iowa Administrative Bulletin, September 16, 2013, ARC 1014C).

Subsequent to EO 72, the U.S. Environmental Protection Agency (EPA) updated the NESHAP standards proposed for adoption in this rulemaking. The revised NESHAP generally provide regulatory relief and clarity from the previous requirements. The Commission is proposing to adopt these NESHAP. Upon adoption of the NESHAP, the Department of Natural Resources (Department) rather than EPA will implement and enforce these regulations in Iowa, thereby allowing the Department to provide compliance assistance and outreach to affected facilities as soon as possible.

Item 1 amends subparagraph 22.10(3)"a"(2) to revise the BMPs for grain elevators currently adopted by reference. The BMPs for grain elevators are designed to reduce emissions of particulate matter less than 10 microns in diameter (PM₁₀), especially dust that crosses the property line and may adversely affect air quality at nearby businesses or residences. The BMP document includes both facility-wide and equipment-specific practices that apply to both new and existing equipment. The proposed amendment will add to the current BMP document a list of management practices for grain vacuuming operations at grain storage bins. The proposed management practices were developed and recommended by a stakeholder workgroup jointly coordinated by the Department and the Agribusiness Association of Iowa (AAI). The proposed changes to the BMP document are available from the Department, upon request, and at the Department's website at <http://www.iowadnr.gov/InsideDNR/RegulatoryAir/StakeholderInvolvement.aspx> (under

the Public Input section).

Background

In 2007, the Department worked with AAI and other stakeholders to develop flexible groupings for grain elevators. This collaboration resulted in rules that allowed over 800 owners and operators of small grain elevators (classified as “Group 1” elevators) to complete a one-page registration form rather than applying for an air construction permit. Additionally, the adopted rules (published on February 13, 2008; ARC 6599B) established the BMPs for small grain elevators.

Prior to 2008, most grain facilities used sweep augers to extract the remaining grain from the bottom of storage bins. Beginning in late 2009, the U.S. Occupational Safety and Health Administration (OSHA) sent letters to grain elevators stating that operators could not be inside a grain bin while an unguarded sweep auger operated inside the bin. The OSHA letters resulted in more facilities using grain vacuuming to remove the remaining grain from storage bins.

With the wider use of grain vacuuming (grain vac) operations, the Department’s field offices started receiving dust complaints from residences and businesses located near grain elevators using grain vacs. The Department became concerned about PM₁₀ emissions and dust from increased use of grain vac operations. The Department subsequently partnered with AAI to convene a stakeholder workgroup to develop solutions that address complaints and ensure compliance with air quality regulations. The proposed rule is the result of this collaborative effort.

Stakeholder Involvement

The Grain Vac Workgroup convened in August 2011. The workgroup consisted

of ten participants in addition to representatives from AAI, the Department and the Iowa Department of Agriculture and Land Stewardship. The facility and business participants included representatives from grain elevators and grain vac vendors. The workgroup met two times between August 2011 and June 2012. In addition, the Department conducted three onsite visits to observe grain vac operations.

The proposed rule revises the document, “Best Management Practices for Grain Elevators (December 2007),” adopted by reference in subparagraph 22.10(3)”a”(2). The revisions incorporate management practices for grain vac operations. The BMPs for grain vac operations will become applicable on the effective date of the proposed rule.

Affected Facilities

The proposed rule will revise the current BMPs for “Group 1” grain elevators, and provides the option to include revised BMPs in the permits for new or modified “Group 2” grain elevators.

Group 1 grain elevators are specifically defined as facilities with PM₁₀ emissions less than 15 tons per year (567 IAC 22.10). Group 1 elevators are typically smaller grain elevators and are often “country grain elevators” that receive fifty percent or more of their grain from nearby farmers during harvest season. The owner or operator of a Group 1 elevator may use the BMP document and the streamlined registration process provided in rule 22.10 rather than applying for an air construction permit.

Group 2 grain elevators have potential PM₁₀ emissions between 15 and 50 tons per year. In lieu of using the regular construction permit process, an owner or operator of a Group 2 elevator may complete a shorter application form specific to Group 2 elevators. The facility will receive a Group 2 permit that allows the facility to make

certain changes without having to modify the permit. The BMPs included in the Group 2 permit are identical to the BMP document for Group 1 facilities. The amendment will affect only new or modified Group 2 facilities that apply for a new or revised Group 2 permit.

The proposed rule adds BMPs specific to grain vac operations to the current BMP document. Grain elevators that are not classified as Group 1 or Group 2 elevators are not covered by the proposed rule changes. Grain elevators classified as Groups 3 or 4 in rule 22.10, as well as other grain elevators not covered by this rule, must obtain air construction permits. Construction permits include requirements specific to the facility, and may require BMPs similar to those in the BMPs for Group 1 or Group 2 facilities.

Item 2 amends the introductory paragraph of subrule 23.1(4) to reflect the most current amendment date to 40 Code of Federal Regulations (CFR) Part 63 that are adopted by reference in state administrative rules. The revised date reflects the amendments described in Item 3 and Item 4.

Item 3 amends paragraph 23.1(4) to adopt the federal NESHAP for Chemical Manufacturing at Area Sources (40 CFR Part 63, Subpart VVVVVV). The Commission originally adopted this NESHAP by reference in 2010. However, EO 72 rescinded adoption of this standard along with rescission of the RICE NESHAP. Subsequent to EO 72, the EPA revised this NESHAP standard to provide clarity and regulatory relief to stakeholders. The Commission is now proposing to adopt this standard for chemical manufacturing facilities.

Background

In October 2009, EPA finalized the NESHAP for Chemical Manufacturing at

Area Sources (Subpart VVVVVV, hereafter referred to as the “6V NESHAP”). The final 6V NESHAP appeared to include ethanol production facilities, but the standards were unclear on several points. In January 2012, EPA agreed to reconsider portions of the 6V NESHAP. On December 21, 2012, EPA issued final amendments to the 6V NESHAP and extended the compliance date until March 2013. With the assistance of the Iowa Renewable Fuels Association (IRFA), the Department determined that current dry-mill corn ethanol production facilities in Iowa are not subject to the 6V NESHAP. At this time, the Department has identified a small number of other chemical manufacturing facilities subject to the 6V NESHAP.

Stakeholder Involvement

Since EPA issued the original 6V NESHAP in October 2009, the Department has worked with IRFA to discuss outstanding applicability issues with the federal regulations. The Department met with IRFA to discuss EPA’s revised standards (issued on December 21, 2012) and potential implications to ethanol production facilities in Iowa. IRFA agreed to work with its members and its national association to gather data on emissions from ethanol production that could potentially trigger 6V NESHAP applicability. Based on the data and analysis that IRFA provided to the Department in May and June 2013, the Department concurred with IRFA that current dry-mill corn ethanol production facilities in Iowa are not subject to the 6V NESHAP.

Affected Facilities

Based on information and analysis compiled by IRFA, the Department has determined that dry-mill corn ethanol production facilities in Iowa are not subject to the 6V NESHAP, and therefore would not have regulatory costs associated with the 6V

NESHAP. Five other chemical manufacturing facilities have notified the Department and EPA that they are subject to the 6V NESHAP. Based on information available, it appears that two of these facilities are already complying with the 6V NESHAP. One of the facilities is currently under construction. The compliance status of the other two facilities is unknown.

Upon adoption of the 6V NESHAP, the Department rather than EPA will implement and enforce these regulations in Iowa, thereby allowing the Department to provide compliance assistance and outreach to affected facilities as soon as possible.

Item 4 amends paragraph 23.1(4)“fd” to adopt the recently amended federal NESHAP for Area Source Standards for Prepared Feeds Manufacturing (40 CFR Part 63, Subpart DDDDDDD, hereafter referred to as the “7D NESHAP”). The Commission originally adopted this NESHAP by reference in 2010. However, EO 72 rescinded adoption of this standard along with rescission of the RICE NESHAP. Subsequent to EO 72, the EPA revised this NESHAP standard to provide clarity and regulatory relief to stakeholders. The Commission is now proposing to adopt the 7D NESHAP.

Background

In January 2010, EPA published the 7D NESHAP. The 7D NESHAP appeared to cover all feed mills that used chromium and manganese in production, but several provisions of the final standards were unclear. In 2011, EPA agreed to reconsider some provisions of the 7D NESHAP. EPA finalized its reconsideration on December 23, 2011, revising the 7D NESHAP so that feed mills with pellet cooler operations did not need to install new emissions control if the facility had existing control equipment. The 7D NESHAP compliance date for existing feed mills was January 5, 2012.

Stakeholder Involvement

The Department has worked with AAI since EPA issued the original 7D NESHAP in January 2010. EPA issued final amendments on December 23, 2011, that generally allowed affected feed mills to comply with the 7D NESHAP using basic housekeeping requirements and existing emissions control equipment.

Affected Facilities

Based on notifications submitted to EPA and the survey that the University of Northern Iowa (UNI) air emissions assistance program conducted, the Department estimates that up to 80 facilities in Iowa are subject to the 7D NESHAP. The majority of these facilities have only basic housekeeping requirements. The Department estimates that 20 of these facilities are required to control particulate emissions (a surrogate for manganese and chromium emissions) from pellet cooling operations. Most of these facilities have submitted the required notifications to EPA and the Department indicating the facilities are in compliance with the 7D NESHAP. The 7D NESHAP requires all subject facilities to undertake additional monitoring, recordkeeping, and reporting requirements.

Upon adoption of the 7D NESHAP, the Department rather than EPA will implement and enforce these regulations in Iowa, thereby allowing the Department to provide compliance assistance and outreach to affected facilities as soon as possible. The Department plans to continue the partnership with UNI and AAI to offer assistance to affected facilities.

Any person may make written suggestions or comments on the proposed rule on or before June 16, 2014. Written comments should be directed to Christine Paulson,

Department of Natural Resources, Air Quality Bureau, 7900 Hickman Road, Suite 1, Windsor Heights, Iowa 50324; fax (515) 725-9501; or by e-mail to christine.paulson@dnr.iowa.gov.

A public hearing will be held on Monday, June 16, 2014 at 1:00 p.m. in the Conference Rooms, Air Quality Bureau Office, 7900 Hickman Road, Windsor Heights, Iowa. All comments must be received no later than 4:30 p.m. on June 16, 2014.

Any person who intends to attend the public hearing and has special requirements, such as those related to hearing or mobility impairments, should contact Christine Paulson at (515) 725-9510, or by e-mail to christine.paulson@dnr.iowa.gov to advise of any specific needs.

Jobs Impact Statement

The following is a summary of the jobs impact statement. The complete jobs impact statement is available from the Department upon request.

After analysis and review, the Department has determined that the proposed rule will have no impact on private sector jobs and employment opportunities in the State.

Grain Vac BMPs

Grain elevator owners and operators will likely entail costs to control particulate emissions during grain vac operations. However, these costs should be minimal and should not negatively impact jobs at grain elevators. First, the activities listed in the BMP document are simply examples. The grain elevator owner or operator may determine if management activities are necessary to reasonably prevent dust from grain vac operations from crossing the property line, and whether any of the examples included in the BMP document are appropriate for the facility. The owner or operator may choose to employ

different management practices. Second, the BMPs were developed by a stakeholder group consisting of representatives from both grain elevator and grain vac vendors. The workgroup developed practical, cost-effective practices that are already being successfully implemented at some grain elevators. Third, the Department expects that grain elevator owners and operators will choose to implement BMPs only as necessary, and will not implement practices at such a frequency or cost to adversely impact jobs at their facility.

6V NESHAP

Based on information and analysis compiled by IRFA, the Department has determined that dry-mill corn ethanol production facilities in Iowa are not subject to the 6V NESHAP, and therefore would not have regulatory costs associated with the 6V NESHAP. The five other facilities potentially affected by the 6V NESHAP may have additional regulatory requirements, but these are not expected to be significant enough to impact jobs.

7D NESHAP

The 7D NESHAP requires all subject facilities to undertake additional monitoring, recordkeeping, and reporting requirements. However, these requirements are not expected to be sufficient to negatively impact jobs at these facilities.

The proposed rule is intended to implement Iowa Code section 455B.133.

The following amendments are proposed.

ITEM 1. Amend subparagraph **22.10(3)"a"(2)**, as follows:

(2) Best management practices (BMP). The owner or operator of a Group 1

facility shall implement best management practices (BMP) for controlling air pollution at the facility and for limiting fugitive dust at the facility from crossing the property line. The owner or operator shall implement BMP according to the department manual, Best Management Practices (BMP) for Grain Elevators (December 2007; revised [insert date the revised manual is approved by the commission]), as adopted by the commission on January 15, 2008, and [insert date the revised manual is adopted by the commission] and adopted by reference herein (available from the department, upon request, and on the department's Internet Web site). No later than March 31, 2009, the owner or operator of an existing Group 1 facility shall fully implement applicable BMP, except that BMPs for grain vacuuming operations shall be fully implemented no later than [insert effective date of adopted amendment]. Upon startup of equipment at the facility, the owner or operator of a new Group 1 facility shall fully implement applicable BMP.

ITEM 2. Amend subrule 23.1(4), introductory paragraph, as follows:

23.1(4) *Emission standards for hazardous air pollutants for source categories.*

The federal standards for emissions of hazardous air pollutants for source categories, 40 Code of Federal Regulations Part 63 as amended or corrected through ~~September 19, 2011~~, December 21, 2012, are adopted by reference, except those provisions which cannot be delegated to the states. The corresponding 40 CFR Part 63 subpart designation is in parentheses. An earlier date for adoption by reference may be included with the subpart designation in parentheses (except for paragraph 23.1(4) "cz," which specifies a later date for adoption by reference). 40 CFR Part 63, Subpart B, incorporates the requirements of Clean Air Act Sections 112(g) and 112(j) and does not adopt standards

for a specific affected facility. Test methods (Appendix A), sources defined for early reduction provisions (Appendix B), and determination of the fraction biodegraded (F_{bio}) in the biological treatment unit (Appendix C) of Part 63 also apply to the affected activities or facilities. For the purposes of this subrule, “hazardous air pollutant” has the same meaning found in 567—22.100(455B). For the purposes of this subrule, a “major source” means any stationary source or group of stationary sources located within a contiguous area and under common control that emits or has the potential to emit, considering controls, in the aggregate, 10 tons per year or more of any hazardous air pollutant or 25 tons per year or more of any combination of hazardous air pollutants, unless a lesser quantity is established, or in the case of radionuclides, where different criteria are employed. For the purposes of this subrule, an “area source” means any stationary source of hazardous air pollutants that is not a “major source” as defined in this subrule. Paragraph 23.1(4) “a,” general provisions (Subpart A) of Part 63, shall apply to owners or operators who are subject to subsequent subparts of 40 CFR Part 63 (except when otherwise specified in a particular subpart or in a relevant standard) as adopted by reference below.

ITEM 3. Amend paragraph 23.1(4)“ev,” as follows:

ev. Emission standards for hazardous air pollutants for area sources: chemical manufacturing. ~~Rescinded IAB 9/19/12, effective 10/24/12. This standard applies to chemical manufacturing at new and existing facilities that are area sources for hazardous air pollutant emissions. (Part 63, Subpart VVVVVV)~~

ITEM 4. Amend paragraph 23.1(4)“fd,” as follows:

fd. Emission standards for hazardous air pollutants for area sources:

prepared feeds manufacturing. Rescinded IAB 9/19/12, effective 10/24/12. This standard applies to prepared feeds manufacturing that produces animal feed products (not including feed for cats or dogs) and uses chromium or manganese compounds at new and existing facilities that are area sources for hazardous air pollutant emissions. (Part 63, Subpart DDDDDDD)

Date

Chuck Gipp, Director

(**Note:** Proposed changes are shown in strikethrough and underline text)

Best Management Practices (BMPs) for Grain Elevators

(Adopted 12/4/07; Revisions adopted [insert effective date of adopted rules])

Applicability

The BMPs listed in this document shall apply at all country grain elevators, country grain terminal elevators, and grain terminal elevators as defined below. This document has been adopted by reference in 567 Iowa Administrative Code (IAC) 22.10(455B) and can only be modified or updated after completion of an administrative rulemaking conducted in accordance with the Iowa Administrative Procedure Act (Iowa Code chapter 17A). Facility-wide and equipment specific BMPs are included that apply to both existing equipment and new equipment, unless specified otherwise.

Where requirements for BMPs in construction or operating permits exist that are more stringent than those specified in this document, the more stringent BMPs shall be implemented. The applicable requirements provided in 40 Code of Federal Regulations (CFR) Part 60, Subpart DD, “Standards of Performance for Grain Elevators,” as adopted in 567 IAC 23.1(2)“ooo,” shall apply for subject grain terminal elevators and grain storage elevators, in addition to the BMPs provided in this document.

As provided for in 567 IAC 23.3(2)“c,” the department may, upon notification to the grain elevator’s owner or operator, require the owner or operator to implement additional practices and measures not already being implemented as precautions to prevent the discharge of visible emissions of fugitive dust beyond the property line of the facility which the emissions originate on. Additionally, visible emissions from equipment or air pollution control equipment operating at a grain elevator shall not equal or exceed 40 percent opacity (567 IAC 23.3(2)“d”), or the opacity specified in a permit if the equipment is permitted, whichever is lower.

Definitions

For the purposes of this document, the terms “country grain elevator,” “country grain terminal elevator,” and “grain terminal elevator” shall have the same meaning as defined in 567 IAC 22.10(1).

General Maintenance, Upkeep and Repair

-Maintain and operate equipment and air pollution control equipment at all times in a manner consistent with good practice for minimizing emissions. Air pollution control equipment includes but is not limited to, quick closing doors, enclosures, air curtains, wind deflectors, grain oiling equipment, loadout socks and drop-down spouts or sleeves, baghouses and vent filters, and cyclones.

-Equipment and air pollution control equipment malfunctions shall be remedied in an expeditious manner so as to minimize the amount and duration of excess emissions.

-Air pollution control equipment shall be operated when the air emission source is in operation and shall be checked daily for proper operation. This requirement does not apply on days that the air emission source does not operate.

-Routine maintenance of equipment and air pollution control equipment shall be scheduled during periods of process shutdown to the maximum extent possible.

(**Note:** Proposed changes are shown in strikethrough and underline text)

-Clean internal and external areas, including floors, roofs and decks, as necessary to minimize dust to the atmosphere when the facility is receiving, transferring, or loading out grain.

-Clean the yard, ditches and curbs as necessary to minimize accumulation of grain, chaff, and grain dust.

Grain Handling Equipment

Grain handling equipment includes but is not limited to bucket elevators or legs, scale hoppers, turn heads, scalpers, cleaners, trippers, and headhouse and other such structures.

-Grain handling equipment shall be cleaned, enclosed, or controlled as necessary to minimize visible dust emissions to the atmosphere to 5% or less opacity when the equipment is being operated.

-Operation of aeration fans shall be minimized during loading of grain into storage bins to the extent possible.

Grain Unloading Stations (Dump Pits) and Grain Loading Stations (Loadouts)

-Dump pits with enclosures shall be maintained and operated so as to minimize the emissions of dust to the atmosphere resulting from the dumping and handling of grain.

-Dump pits with induced draft fans installed must use fans with a capacity of at least 50 cfm/sq. ft. of airflow at the effective grate surface, where the area of the effective grate surface is the area of the dump pit grate through which air passes, or would pass, when aspirated.

-If feasible, loadouts shall use socks and drop-down spouts or sleeves, or equivalent, which extend at least 6 inches below the sides of the receiving container to minimize grain free-fall distance, except for topping off.

-To the extent possible, the flow of the grain through the spout shall be regulated so as to minimize dust emissions from the receiving container when the container is empty to only partially full.

-If grain oiling is used, grain should be oiled after receipt at the grain unloading station and prior to transfer to bin storage to allow for the maximum control effectiveness. Grain oiling applied elsewhere in the process, instead of at the grain unloading station, will result in a lower control effectiveness and less credit for control in the PTE calculation tool.

Grain Dryers

-Column dryers shall have screen perforations on replacement screens or new dryer screens no greater than 0.094 inch.

-Grain inlets and grain outlets to dryers shall be enclosed.

-Rack dryers shall have a maximum screen house filter size of 50 mesh on replacement screen house filters or new dryer screen house filters.

-The volume of grain passing through the dryer shall not exceed the manufacturer's recommended capacity.

-Dryer screens should be inspected before each dryer start-up.

(**Note:** Proposed changes are shown in strikethrough and underline text)

Grain Vacuuming (Grain Vac) Operations

Grain vac operators must employ best management practices as necessary to reasonably prevent the discharge of visible emissions of fugitive dusts beyond the lot line of the property on which the grain vac is being operated. These BMP are examples of reasonable practices to minimize the generation of fugitive dust emissions from grain vac operations:

-For grain loadouts use socks and drop-down spouts or sleeves, or equivalent, which extend at least 6 inches below the sides of the receiving container to minimize grain free-fall distance, except for topping off.

-Operate the vac at times when the wind direction and speed would minimize offsite impact.

-Vary the speed of the vac operations to minimize dust emissions.

-Utilize directional discharge to minimize offsite impact.

-Evaluate the use of additional control measures, such as add on controls, if needed to comply with 567 IAC 23.3(2)"c".

Recordkeeping Requirements

All grain elevators subject to these BMPs shall record BMPs used during times of grain vac operation. In addition, wind speed and direction and date and time of grain vac operation shall be noted.

~~While~~ With the exception of grain vac operations, there are no other specific recordkeeping requirements associated with BMP for Group 1 facilities. However owners or operators of Group 1 facilities are encouraged to maintain records as appropriate to demonstrate that applicable BMP are being implemented.

**Administrative Rules
JOBS IMPACT STATEMENT**

1. BACKGROUND INFORMATION

Agency:	Environmental Protection Commission/ Department of Natural Resources
IAC Citation:	567 IAC Chapters 22 and 23
Agency Contact:	Christine Paulson at (515) 725-9510
Statutory Authority:	Iowa Code section 455B.133
Objective:	<p>The Department of Natural Resources (Department) is proposing rule changes to amend the best management practices (BMPs) for grain elevators currently adopted by reference in administrative rules (567—22.10 (455B)). The BMPs for grain elevators are designed to reduce particulate matter emissions, especially dust that crosses the property line and may adversely affect air quality at nearby businesses or residences. The rulemaking will add to the current BMP document a list of management practices for grain vacuuming (grain vac) operations at grain storage bins. The proposed management practices were developed and recommended by a stakeholder workgroup jointly coordinated by the Department and the Agribusiness Association of Iowa (AAI).</p> <p>The Department is also proposing to adopt by reference federal air toxics standards for chemical manufacturing plants and for prepared feeds manufacturing (also known as National Emission Standards for Hazardous Air Pollutants, or NESHAP).</p> <p>The Environmental Protection Commission (Commission) had originally adopted these standards by reference in 2010. However, Executive Order (EO) 72 rescinded adoption of these standards along with rescission of the RICE NESHAP. EO 72 stated the RICE NESHAP was too costly for small utilities that maintain and operate rarely used emergency engines, and the RICE NESHAP requirements could increase electricity rates for consumers. In response to the concerns from Governor Branstad as expressed in EO 72 and concerns from other stakeholders, EPA agreed to reconsider the RICE NESHAP. Consequently, EPA updated the RICE NESHAP to provide more circumstances for emergency engines and for engines that participate in electricity management programs to operate under non-emergency conditions. The Commission adopted the updated RICE NESHAP in a previous rulemaking (see Iowa Administrative Bulletin, September 16, 2013, ARC 1014C).</p> <p>Subsequent to EO 72, the U.S. Environmental Protection Agency (EPA) revised the NESHAP standards proposed for adoption in this rulemaking. The revised NESHAP generally provide regulatory relief and clarity from the previous requirements. The Department is now requesting permission to adopt these NESHAP. Upon adoption of the NESHAP, the Department</p>

	<p>rather than EPA will implement and enforce these regulations in Iowa, thereby allowing the Department to provide compliance assistance and outreach to affected facilities as soon as possible.</p>
<p>Summary:</p>	<p>Grain Vac BMPs</p> <p>In 2007, the Department worked with AAI and other stakeholders to develop flexible groupings for grain elevators. This collaboration resulted in rules that allowed over 800 owners and operators of small grain elevators (classified as “Group 1” elevators) to complete a one-page registration form rather than applying for an air construction permit. Additionally, the rules finalized in 2007 established the BMPs for small grain elevators.</p> <p>These rule changes will amend the current BMPs for “Group 1” grain elevators, and will provide the option to include revised BMPs in the permits for new or modified “Group 2” grain elevators. Group 1 grain elevators are specifically defined as facilities with potential emission of less than 15 tons per year of particulate matter less than 10 microns in diameter (PM₁₀) (567 IAC 22.10). Group 1 elevators are typically smaller grain elevators and are often “country grain elevators” that receive fifty percent or more of their grain from nearby farmers during harvest season. The owner or operator of a Group 1 elevator may use the BMP document and the streamlined registration process provided in 567 IAC 22.10 rather than apply for an air construction permit.</p> <p>Group 2 grain elevators have potential emissions of between 15 and 50 tons per year of PM₁₀. In lieu of using the regular construction permit process, an owner or operator of a Group 2 elevator may complete a shorter application form specific to Group 2 elevators. The facility will receive a Group 2 permit that allows the facility to make certain changes without having to modify the permit. The BMPs included in the Group 2 permit are identical to the BMP document for Group 1 facilities. The rulemaking will affect only new or modified Group 2 facilities that apply for a Group 2 permit after the effective date of the adopted amendments.</p> <p>The rulemaking proposal will add to the current BMP document management practices specific to grain vac activities. Grain elevators that are not classified as Group 1 or Group 2 elevators are not covered under the proposed rule changes. Grain elevators classified as Groups 3 or 4 in 567 IAC 22.10, as well as other grain elevators not covered by 567 IAC 22.10, must obtain air construction permits. Construction permits include requirements specific to the facility, and may require practices similar to those in the BMPs for Group 1 or Group 2 facilities.</p>

	<p>NESHAP Adoption</p> <p>On December 21, 2012, EPA completed its reconsideration of the NESHAP for Chemical Manufacturing at Area Sources (hereafter referred to as the “6V NESHAP”), and issued final amendments. With the assistance of Iowa Renewable Fuels Association (IRFA), the Department determined that current dry-mill corn ethanol production facilities in Iowa are not subject to the 6V NESHAP. The Department has identified a small number of other chemical manufacturing facilities subject to the 6V NESHAP.</p> <p>On December 23, 2011, EPA finalized its reconsideration of the NESHAP for Prepared Feeds Manufacturing at Area Sources (hereafter referred to as the “7D NESHAP”). The 7D NESHAP affects feed mills and other facilities that use chromium and manganese in the production of animal feed. However, the revised federal regulations clarified that larger feed mills with pellet cooler operations did not need to install new emissions control if the facility had existing control equipment.</p> <p>The Department is now proposing to adopt these revised NESHAP standards.</p>
--	---

2. JOB IMPACT ANALYSIS

x *Fill in this box if impact meets these criteria:*

x No Job Impact on private sector jobs and employment opportunities in the State.

 Job Impact cannot be determined.

After analysis and review, the Department has determined that the proposed amendments will have no impact on private sector jobs and employment opportunities in the State.

Grain Elevator BMPs

Grain elevator owners and operators will likely incur costs to control particulate emissions during grain vac operations. However, these costs should be minimal and should not negatively impact jobs at grain elevators. First, the activities listed in the BMP document are simply examples. The grain elevator owner or operator may determine if management activities are necessary to reasonably prevent dust from grain vac operations from crossing the property line, and whether any of the examples included in the BMP document are appropriate for the facility. The owner or operator may choose to employ different management practices. Second, the BMPs were developed by a stakeholder group consisting of representatives from both grain elevator and grain vac vendors. The workgroup developed practical, cost-effective practices that are already being successfully implemented at grain elevators. Third, the Department expects that grain elevator owners and operators will choose to implement BMPs only as necessary, and will not implement practices at such a frequency or cost to adversely impact jobs at their facility. AAI supports the Department’s proposed rules for grain vac BMPs.

6V NESHAP

Based on information and analysis compiled by IRFA, the Department has determined that dry-mill corn ethanol production facilities in Iowa are not subject to the 6V NESHAP, and therefore would not have regulatory costs associated with the 6V NESHAP. IRFA supports the Department adopting the 6V NESHAP.

Five other chemical manufacturing facilities have notified the Department and EPA that they are subject to the 6V NESHAP. Based on information available, it appears that two of these facilities are already complying with the 6V NESHAP. One of the facilities is currently under construction. The compliance status of the other two facilities is unknown at this time. The Department does not expect these five facilities to experience any jobs impacts resulting from the 6V NESHAP.

7D NESHAP

Based on notifications submitted to EPA and the survey that the University of Northern Iowa (UNI) air emissions assistance program conducted, the Department estimates that up to 80 facilities in Iowa are subject to the 7D NESHAP. The majority of these facilities have only basic housekeeping requirements. The Department estimates that 20 of these facilities are also required to control particulate emissions (a surrogate for manganese and chromium emissions) from pellet cooling operations. Most of these facilities have submitted the required notifications to EPA and the Department indicating the facilities are in compliance with the 7D NESHAP. The 7D NESHAP requires all subject facilities to undertake additional monitoring, recordkeeping, and reporting requirements. However, these requirements are not expected to negatively impact jobs at these facilities. AAI supports the Department adopting the 7D NESHAP.

Fill in this box if impact meets either of these criteria:

____ Positive Job Impact on private sector jobs and employment opportunities in the State.

____ Negative Job Impact on private sector jobs and employment opportunities in the State.

Description and quantification of the nature of the impact the proposed rule will have on private sector jobs and employment opportunities:

Categories of jobs and employment opportunities that are affected by the proposed rule:
Country grain elevators and other grain elevators that meet the criteria for Group 1 or Group 2 elevators under rule 567 IAC 22.10. Feed mills, chemical manufacturing facilities, and other facilities potentially affected by the 6V or 7D NESHAPs.

Number of jobs or potential job opportunities:
Cannot be determined at this time.

Regions of the state affected:
The 6V and 7D NESHAP will apply in all regions of the state. The grain vac BMPs will apply in all areas of the state except Polk and Linn Counties. (Polk County and Linn County have their own state-approved air quality programs that do not include special permitting or BMPs for grain elevators.)

Additional costs to the employer per employee due to the proposed rule: (if not possible to determine, write "Not Possible to Determine.")
Not possible to determine.

3. COST-BENEFIT ANALYSIS

The Agency has taken steps to minimize the adverse impact on jobs and the development of new employment opportunities before proposing a rule. See the following Cost-Benefit Analysis:

No other less intrusive or expensive method exists for achieving the purpose of the rule change. The Department worked with stakeholders to determine the best way to address air quality concerns from grain vac operations at grain elevators. The workgroup determined that revising the BMP manual adopted by reference into state rules was the best method for achieving this goal. The Department worked closely with IRFA and AAI to resolve potential applicability issues with the 6V NESHAP and the 7D NESHAP, and waited until EPA completed its reconsiderations before proposing re-adoption of these standards. AAI and IRFA support the Department's proposed rules.

Administrative Rule Fiscal Impact Statement

Date: February 28, 2014

Agency: Environmental Protection Commission/Department of Natural Resources

IAC Citation: 567 IAC subparagraph 22.10(3)"a"(2) and subrule 23.1(4)

Agency Contact: Christine Paulson

Summary of the Rule:

Grain Elevators

The Department of Natural Resources (Department) is proposing rule changes to amend the best management practices (BMPs) for grain elevators currently adopted by reference in administrative rules (567—22.10 (455B)). The BMPs for grain elevators are designed to reduce particulate matter emissions, especially dust that crosses the property line and may adversely affect air quality at nearby businesses or residences. The rulemaking will add to the current BMP document a list of management practices for grain vacuuming (grain vac) operations at grain storage bins. The proposed management practices were developed and recommended by a stakeholder workgroup jointly coordinated by the Department and the Agribusiness Association of Iowa (AAI).

In 2007, the Department worked with AAI and other stakeholders to develop flexible groupings for grain elevators. This collaboration resulted in rules that allowed over 800 owners and operators of small grain elevators (classified as "Group 1" elevators) to complete a one-page registration form rather than applying for an air construction permit. Additionally, the rules finalized in 2007 established the BMPs for small grain elevators.

The rulemaking will amend the current BMPs for "Group 1" grain elevators, and will provide the option to include revised BMPs in the permits for new or modified "Group 2" grain elevators. Group 1 elevators are typically smaller grain elevators and are often "country grain elevators" that receive fifty percent or more of their grain from nearby farmers during harvest season. An owner or operator of a Group 1 elevator may use the BMP document and the streamlined registration process provided in rule 567 IAC 22.10 rather than applying for an air construction permit. In lieu of using the regular construction permit process, an owner or operator of a Group 2 elevator may complete a shorter application form specific to Group 2 elevators. The facility will receive a Group 2 permit that allows the facility to make certain changes without having to modify the permit. The BMPs included in the Group 2 permit are identical to the BMP document for Group 1 facilities. The rulemaking will affect only new or modified Group 2 facilities that apply for a Group 2 permit.

Summary of the Rule (con't.):

Air Toxics Standards

The Department is also proposing to adopt by reference federal air toxics standards for chemical manufacturing plants and for prepared feeds manufacturing (also known as National Emission Standards for Hazardous Air Pollutants, or NESHAP).

The Environmental Protection Commission (Commission) had originally adopted these standards by reference in 2010. However, Executive Order (EO) 72 rescinded adoption of these standards along with rescission the RICE NESHAP. EO 72 stated the RICE NESHAP was too costly for small utilities that maintain and operate rarely used emergency engines, and the RICE NESHAP requirements could increase electricity rates for consumers. In response to the concerns from Governor Branstad as expressed in EO 72 and concerns from other stakeholders, EPA agreed to reconsider the RICE NESHAP. Consequently, EPA updated the RICE NESHAP to provide more circumstances for emergency engines and for engines that participate in electricity management programs to operate under non-emergency conditions. The Commission adopted the updated RICE NESHAP in a previous rulemaking (see Iowa Administrative Bulletin, September 16, 2013, ARC 1014C).

Subsequent to EO 72, the EPA revised the NESHAP standards proposed for adoption in this rulemaking. EPA's updated standards provide improved clarity and regulatory flexibility over the previous standards.

On December 21, 2012, EPA completed its reconsideration of the NESHAP for Chemical Manufacturing at Area Sources (hereafter referred to as the "6V NESHAP"), and issued final amendments. With the assistance of the Iowa Renewable Fuels Association (IRFA), the Department determined that current dry-mill corn ethanol production facilities in Iowa are not subject to the 6V NESHAP. The Department has identified a small number of other chemical manufacturing facilities subject to the 6V NESHAP.

On December 23, 2011, EPA finalized its reconsideration of the NESHAP for Prepared Feeds Manufacturing at Area Sources (hereafter referred to as the "7D NESHAP"). The 7D NESHAP affects feed mills and other facilities that use chromium and manganese in the production of animal feed. However, the revised federal regulations clarified that feed mills with pellet cooler operations did not need to install new emissions control if the facility had existing control equipment.

The Department is now requesting permission to adopt these revised NESHAP standards. The revised NESHAP generally provide regulatory relief and clarity from the previous requirements. Additionally, upon adoption of the NESHAP, the Department rather than EPA will implement and enforce these regulations in Iowa, thereby allowing the Department to provide compliance assistance and outreach to affected facilities as soon as possible.

Fill in this box if the impact meets these criteria:

No Fiscal Impact to the State.

Fiscal Impact of less than \$100,000 annually or \$500,000 over 5 years.

Fiscal Impact cannot be determined.

Brief Explanation: The Department will use existing budget and resources to implement the rule.

Assumptions:

Describe how estimates were derived:

Estimated Impact to the State by Fiscal Year

	<u>Year 1 (FY 2011)</u>	<u>Year 2 (FY 2012)</u>
Revenue by Each Source:		
GENERAL FUND	0\$	0\$
FEDERAL FUNDS	0\$	0\$
Other (specify)	0\$	0\$
	<hr/>	<hr/>
	0\$	0\$
TOTAL REVENUE		
Expenditures:		
GENERAL FUND	0\$	0\$
FEDERAL FUNDS	0\$	0\$
Other (specify) Air Contaminant Fee		
	<hr/>	<hr/>
TOTAL EXPENDITURES		

NET IMPACT

This rule is required by State law or Federal mandate.

Please identify the state or federal law:

The specific rule changes for grain elevators are not required. However, the rule changes are authorized under Iowa Code section 455B.133. The NESHAP are authorized under the U.S. Clean Air Act Section 112, as codified in 40 Code of Federal Regulations Part 63.

Funding has been provided for the rule change.

Please identify the amount provided and the funding source:

Funding has not been provided for the rule.

Please explain how the agency will pay for the rule change:

The Department will utilize existing resources at this time.

Fiscal impact to persons affected by the rule):

Grain Vac BMPs

Grain elevator owners and operators will likely incur costs to control particulate emissions during grain vac operations. However, these costs should be minimal. First, the activities listed in the BMP document are simply examples. The grain elevator owner or operator may determine if management activities are necessary to reasonably prevent dust from grain vac operations from crossing the property line, and whether any of the examples included in the BMP document are appropriate for the facility. The owner or operator may choose to employ different management practices. Second, the BMPs were developed by a stakeholder group consisting of representatives from both grain elevator and grain vac vendors. The workgroup developed practical, cost-effective practices that are already being successfully implemented at some grain elevators. Third, the Department expects that grain elevator owners and operators will choose to implement BMPs only as necessary, and will not implement practices at such a frequency or cost to overly burden their facility. AAI supports the proposed grain vac BMPs.

6V NESHAP

Based on information and analysis compiled by IRFA, the Department has determined that dry-mill corn ethanol production facilities in Iowa are not subject to the 6V NESHAP, and therefore would not have regulatory costs associated with the 6V NESHAP. Five other chemical manufacturing facilities have notified the Department and EPA that they are subject to the 6V NESHAP. Based on information available, it appears that two of these facilities are already complying with the 6V NESHAP. One of the facilities is currently under construction. The compliance status of the other two facilities is unknown at this time. IRFA supports the Department adopting the 6V NESHAP.

7D NESHAP

Based on notifications submitted to EPA and the survey that UNI conducted, the Department estimates that up to 80 facilities in Iowa are subject to the 7D NESHAP. The majority of these facilities have only basic housekeeping requirements. The Department estimates that 20 facilities are required to control particulate emissions (a surrogate for manganese and chromium emissions) from pellet cooling operations. Most of these facilities have submitted the required notifications to EPA and the Department indicating the facilities are in compliance with the 7D NESHAP. The 7D NESHAP requires all subject facilities to undertake additional monitoring, recordkeeping, and reporting requirements. AAI supports the Department adopting the 7D NESHAP.

Fiscal impact to Counties or other Local Governments (required by Iowa Code 25B.6):

Grain Elevators: The Department expects minimal or no impact to counties or cities because local government entities typically do not operate grain elevators. However, if a local government entity not located in either Polk or Linn County does operate a grain elevator, the fiscal impact will be the same as described above for privately or cooperatively operated grain elevators. (Polk County and Linn County have their own state-approved air quality programs that do not include special permitting or BMPs for grain elevators.)

Air Toxics Standards: Impacts to facilities in Linn or Polk County potentially affected by the 6V or 7D NESHAP would be the same as noted above for other facilities in the state.

**Iowa Department of Natural Resources
Environmental Protection Commission**

ITEM

7

DECISION

TOPIC

Referrals to the Attorney General

The Director requests the referral of the following to the Attorney General for appropriate legal action. Litigation reports have been provided to the commissioners and are confidential pursuant to Iowa Code section 22.7(4). The parties have been informed of this action and may appear to discuss this matter. If the Commission needs to discuss strategy with counsel on any matter where the disclosure of matters discussed would be likely to prejudice or disadvantage its position in litigation, the Commission may go into closed session pursuant to Iowa Code section 21.5(1)(c).

- BCB Ag, LLC (Lyon County) – Animal Feeding Operations

Edmund J. Tormey, Chief
Legal Services Bureau

April 1, 2014

LITIGATION REPORT for BCB AG, LLC
April 2014 EPC MEETING

LITIGATION REPORT

Prepared By: Kelli Book
Date: April 15, 2014

I. Summary

The DNR seeks referral of BCB Ag, LLC to the Attorney General's Office for an appropriate enforcement action. This referral includes the following violations: 1) manure application without proper certification; 2) manure application without proper equipment signage; 3) failure to report a manure release; and 4) failure to comply with Administrative Consent Order No. 2012-AFO-04.

II. Alleged Violator

Bradley Baatz
BCB Ag, LLC
2318 IA Highway 9
P.O. Box 268
Lester, Iowa 51242

III. Description of Facility

BCB Ag, LLC (BCB) operates a commercial manure service. BCB employs several manure applicators and owns several pieces of manure application equipment.

IV. Alleged Violations

a. Facts

RECENT HISTORY

September 2013

1. On September 30, 2013, Sheila Kenny, DNR Field Office 3 environmental specialist, observed manure application taking place near Inwood, Iowa. The manure was from the County Edge Dairy and was being applied by BCB. Ms. Kenny stopped to check that the applicators were properly certified. Josh Johnson was running the pump tractor. Zack Bootsma was hauling manure in a honey wagon and Matt Mulder was hauling fuel, but stated that he had been running a second honey wagon. Both honey wagons had the proper signage.

2. Ms. Kenny asked the employees about their manure applicators certification. Mr. Bootsma stated that he had been certified the previous year, but he had not yet taken the training to recertify during the current year. Mr.

LITIGATION REPORT for BCB AG, LLC
April 2014 EPC MEETING

Mulder stated that he too had been previously certified, but also had not renewed his certification. Mr. Johnson stated that he started on September 27, 2013 and had not yet taken the training to obtain his certification.

3. The three applicators were not properly certified. Ms. Kenny instructed the applicators to discontinue the application until they obtained the proper certification. The three applicators stated they would schedule the exams immediately. Ms. Kenny asked how to best contact Brad Baatz, owner and operator of BCB. Mr. Mulder stated that it would be difficult to contact Mr. Baatz by telephone, but if Ms. Kenny provided a business card he would have Mr. Baatz contact her. Ms. Kenny provided Mr. Mulder her business card.

4. Upon return to the office, Ms. Kenny reviewed the certifications for the BCB employees. Mr. Bootsma was certified in 2012, but his certification had expired on March 1, 2013. Mr. Mulder's certification expired a year earlier on March 1, 2012. As of October 8, 2013, Mr. Baatz had not contacted Ms. Kenny. She attempted to contact him and left a message for him to contact her. To date, Mr. Baatz has not contacted Ms. Kenny.

5. On October 18, 2013, Mr. Bootsma and Mr. Mulder attended a training session and received the required certification.

November 2013

6. On November 15, 2013, Greg Harson, DNR Conservation Officer, contacted DNR Field Office 3 to inquire as to whether DNR had been notified of a manure spill that occurred near Rock Rapids, Iowa on November 14, 2013. Lois Benson, DNR Field Office 3 environmental specialist, was on pager duty at the time, and had not been contacted regarding a spill. Officer Harson was on the scene of an accident that involved a vehicle from BCB. Officer Harson stated that a BCB applicator hauling liquid swine manure had rolled a tanker, spilling manure into the south road ditch along 130th Street between Garfield Avenue and Fir Avenue.

7. Ms. Benson contacted Mr. Baatz who confirmed the incident. Mr. Baatz indicated that the driver was finished with the application and had gotten too close to the edge of the shoulder, overturning the vehicle in the ditch. Mr. Baatz stated that approximately 1,800 to 2,200 gallons of manure spilled, but that there were no intakes in the ditch and the manure could not reach a water of the state. Ms. Benson asked for the driver's name and Mr. Baatz could only provide that his first name was Clinton. Ms. Benson asked if Clinton was certified. Mr. Baatz stated that Clinton had only been working for the company for about two weeks, and was alone in the vehicle at the time of the accident and was not being supervised. Ms. Benson informed Mr. Baatz that all manure spills must be reported as soon as possible but no later than six hours after the onset or discovery of the spill.

LITIGATION REPORT for BCB AG, LLC
April 2014 EPC MEETING

8. Ms. Benson spoke to the county deputy who was present at the scene of the accident. The deputy stated that the driver's name was Clinton Coldin and that Mr. Coldin did not have a current commercial driver's license. The deputy also stated that the license plates on the vehicle had expired. The deputy stated that the incident was not called in until an hour after the accident.

9. On November 21, 2013, Ms. Kenny visited the accident site. She noted a few small pools of manure and small pool of motor oil in the road ditch. It appeared that most of the manure had soaked into the ditch and had not reached a water of the state. Ms. Kenny observed the truck and tanker involved in the accident and noted that the truck cab had "BCB Ag LLC, Lester, IA" on the door but did not have the required commercial manure service information. There was no signage at all on the tanker.

10. On January 7, 2014, DNR issued a Notice of Violation and Referral letter to Mr. Baatz with BCB. The letter included the violations discovered in September 2013 and November 2013. The letter stated that the matter was being referred for further enforcement.

PAST HISTORY

11. In October 2010, DNR Field Office 3 received a complaint that BCB was hauling manure without proper certification. During the investigation it was determined that BCB's employees were not properly certified to be applying manure. Mr. Mulder was one of the employees found without proper certification. It was also determined that BCB did not have proper signage on the manure application equipment.

12. In January 2012, DNR and BCB entered into an administrative consent order to address the violations. The consent order included an administrative penalty and required that BCB ensure that all its employees are properly certified to haul, apply or otherwise handle manure.

b. Law

1. **Iowa Code section 459.315(1)** states that a person shall not act as a commercial manure service representative unless the person is certified. **Iowa Code section 459.315(2)** states that a person who is required to be certified as a commercial manure service representative must be certified each year. **567 Iowa Administrative Code (IAC) 65.1** defines a commercial manure service representative as a manager, employee, agent, or contractor of a commercial manure service, if the person is engaged in transporting, handling, storing, or applying manure on behalf of the service. **567 IAC 65.19(1)** states that a commercial manure service or a commercial manure service representative shall not transport, handle, store or apply dry or liquid manure to land unless the

LITIGATION REPORT for BCB AG, LLC
April 2014 EPC MEETING

person is certified. Each person who operates a manure application vehicle or equipment must be certified individually. In September 2013, DNR Field Office 3 discovered three BCB employees applying and transporting manure who were not properly certified. In November 2013, DNR Field Office 3 discovered one BCB employee transporting manure who was not properly certified.

2. **567 IAC 65.19(8)"e"** states that any vehicle used by a certified commercial manure service or commercial manure service representative to transport manure on a public road shall display the certification number of the commercial manure service with three-inch or larger letters and numbers on the side of the tank or vehicle. The name and address of the certified commercial manure service representative designated as the manager shall also be prominently displayed on the side of the tank or vehicle. In November 2013, DNR Field Office 3 observed a BCB truck and tanker that was not displaying the proper signage.

3. **567 IAC 65.2(9)"a'** states that a person storing, handling, transporting, or land-applying manure from a confinement feeding operation who becomes aware of a release shall notify the department of the occurrence of release as soon as possible but not later than six hours after the onset or discovery of the release. On November 14, 2013, a BCB truck and tanker overturned and discharged manure into a ditch. BCB failed to notify DNR of the spill.

4. **Administrative Consent Order No. 2012 AFO-04** was entered into between DNR and BCB in January 2012. The administrative consent order required that BCB ensure that all of its employees are properly certified to haul, apply or otherwise handle manure. In September 2013 and November 2013, DNR Field Office 3 found four BCB employees who were not properly certified to haul, apply or otherwise handle manure in violation of the regulations and the administrative consent order.

5. **Iowa Code section 455B.191(5)** authorizes the Attorney General to institute legal proceedings necessary to secure enforcement of the water quality provisions of the law. **Iowa Code section 455B.191(2)** authorizes civil penalties of up to \$5,000 per day of violation of statutory provisions or DNR rules.

V. Witnesses

Sheila Kenny will be available during the April 2014 EPC meeting to answer additional questions.

**Iowa Department of Natural Resources
Environmental Protection Commission**

ITEM

8

DECISION

TOPIC

Referrals to the Attorney General

The Director requests the referral of the following to the Attorney General for appropriate legal action. Litigation reports have been provided to the commissioners and are confidential pursuant to Iowa Code section 22.7(4). The parties have been informed of this action and may appear to discuss this matter. If the Commission needs to discuss strategy with counsel on any matter where the disclosure of matters discussed would be likely to prejudice or disadvantage its position in litigation, the Commission may go into closed session pursuant to Iowa Code section 21.5(1)(c).

- Matt Hoffman (Plymouth County) – Animal Feeding Operations

Edmund J. Tormey, Chief
Legal Services Bureau

April 1, 2014

LITIGATION REPORT for MATT HOFFMAN
April 2014 EPC Meeting

LITIGATION REPORT

Prepared by: Kelli Book Date: April 15, 2014

I. Summary

The DNR seeks referral of Matt Hoffman to the Attorney General's Office for appropriate enforcement action, due to animal feeding operation violations at his facility located in Plymouth County. This referral includes violations for Mr. Hoffman's failure to submit a manure management plan (MMP) update for his facility by December 1, 2013; failure to timely submit the annual compliance fees for 2013 by December 1, 2013; and failure to comply with the provisions of the Order Granting Judgment on Default entered on August 8, 2005. In addition to the current violations Mr. Hoffman has an extensive history of animal feeding operation violations.

II. Alleged Violator

Matt Hoffman
2224 Pueblo Court
Sioux City, Iowa 51104

III. Description of Facility

Mr. Hoffman owns and operates a confined animal feeding operation located at 28215 Marble Avenue, Hinton, Iowa (Section 3, Lincoln Township, Plymouth County). The facility consists of four buildings with a nursery capacity of 1,500 head (150 animal units) and a finisher capacity of 3,000 head (1,200 animal units) (1,350 total animal units). All buildings utilize outside concrete manure storage. Mr. Hoffman is required to submit an updated MMP and compliance fees each year for the facility.

IV. Alleged Violations (including facts and applicable law)

A. FACTS

The MMP update and compliance fees for 2013 for Mr. Hoffman's facility were due on December 1, 2013. On December 10, 2013, Mr. Hoffman was issued a Notice of Violation letter for failing to timely submit the MMP update and compliance fees for 2013.

LITIGATION REPORT for MATT HOFFMAN

April 2014 EPC Meeting

On January 7, 2014, Londa Witte, DNR Field Office 3, left a telephone message for Mr. Hoffman reminding him that the MMP update and compliance fees were overdue. On January 15, 2014, Lois Benson, DNR Field Office 3, left a telephone message for Mr. Hoffman reminding him that the MMP update and compliance fees were overdue. On January 20, 2014, Mr. Hoffman contacted DNR Field Office 3 and stated he had just returned from vacation and would submit the MMP update and compliance fees by January 27, 2014.

On January 30, 2014, the MMP update and compliance fees had not been submitted. DNR Field Office 3 issued a Notice of Referral to Mr. Hoffman informing him that the matter was being referred for further enforcement.

Past History

In addition to the violations cited above, Mr. Hoffman has demonstrated a long history of failing to timely submit the MMP update and fees for his facility.

2012 MMP Update

Mr. Hoffman failed to submit the 2012 MMP update and compliance fees by December 1, 2012. On December 10, 2012, DNR issued a Notice of Violation letter to Mr. Hoffman for failing to timely submit the 2012 MMP update and compliance fees. On January 22, 2013, DNR issued a letter indicating the MMP was incomplete because the Iowa Phosphorus Index was not submitted. On April 29, 2013, Mr. Hoffman submitted a complete Iowa Phosphorus Index MMP update and compliance fees.

2011 MMP Update

Mr. Hoffman failed to submit the 2011 MMP update and compliance fees by December 1, 2011. On December 12, 2011, DNR issued a Notice of Violation letter to Mr. Hoffman for failing to timely submit the 2011 MMP update and compliance fees. On January 3, 2012, Mr. Hoffman submitted the MMP update and compliance fees.

2010 MMP Update

Mr. Hoffman failed to submit the 2010 MMP update and compliance fees by December 1, 2010. On December 14, 2010, DNR issued a Notice of Violation letter to Mr. Hoffman for failing to timely submit the 2010 MMP update and compliance fees. On January 3, 2011, Mr. Hoffman submitted the MMP update, but it was incomplete because he did not include the compliance fees. On January 5, 2011, DNR sent a letter to Mr. Hoffman informing him that the MMP update submittal was incomplete. On February 22, 2011, Mr. Hoffman submitted the compliance fees.

LITIGATION REPORT for MATT HOFFMAN

April 2014 EPC Meeting

2009 MMP Update

Mr. Hoffman failed to submit the 2009 MMP update and compliance fees by December 1, 2009. On December 14, 2009, DNR issued a Notice of Violation letter to Mr. Hoffman for failing to timely submit the 2009 MMP update and compliance fees. On January 4, 2010, Mr. Hoffman submitted the MMP update, but it was incomplete because he did not include the compliance fees. On February 22, 2010, Mr. Hoffman submitted the compliance fees.

2008 MMP Update

On June 1, 2008, DNR sent Mr. Hoffman a letter reminding him that an Iowa Phosphorus Index was due with the 2008 MMP update submittal. On October 7, 2008, DNR sent Mr. Hoffman a letter reminding him that the 2008 MMP update and compliance fees were due on December 1, 2008. Mr. Hoffman failed to submit the 2008 MMP update and compliance fees by December 1, 2008. On December 11, 2008, DNR issued a Notice of Violation letter to Mr. Hoffman for failing to timely submit the 2008 MMP update and compliance fees. On January 29, 2009, Mr. Hoffman submitted the Iowa Phosphorus Index MMP update and compliance fees for 2008.

2007 MMP Update

On October 8, 2007, DNR sent Mr. Hoffman a letter reminding him that the 2007 MMP Update and compliance fees were due on December 1, 2007. Mr. Hoffman failed to submit the 2007 MMP update and compliance fees by December 1, 2007. On December 11, 2007, DNR issued a Notice of Violation letter to Mr. Hoffman for failing to timely submit the 2007 MMP update and compliance fees. On February 6, 2008, Mr. Hoffman submitted the MMP update and compliance fees for 2007.

2006 MMP Update

On October 11, 2006, DNR sent Mr. Hoffman a letter reminding him that the 2006 MMP Update and compliance fees were due on December 1, 2006. Mr. Hoffman failed to submit the 2006 MMP update and compliance fees by December 1, 2006. On December 11, 2006, DNR issued a Notice of Violation letter to Mr. Hoffman for failing to timely submit the 2006 MMP update and compliance fees. On January 11, 2007, DNR issued another Notice of Violation letter to Mr. Hoffman. On February 1, 2007, Mr. Hoffman submitted an incomplete MMP update. On February 1, 2007, DNR sent a letter to Mr.

LITIGATION REPORT for MATT HOFFMAN

April 2014 EPC Meeting

Hoffman informing him that the MMP update was incomplete. On March 6, 2007, Mr. Hoffman submitted the MMP update and compliance fees for 2006.

2005 MMP Update

On October 12, 2005, DNR sent Mr. Hoffman a letter reminding him that the 2005 MMP update and compliance fees were due on December 1, 2005. Mr. Hoffman failed to submit the 2005 MMP update and compliance fees by December 1, 2005. On December 9, 2005, DNR issued a Notice of Violation letter to Mr. Hoffman for failing to timely submit a 2005 MMP and compliance fees. On January 10, 2006, DNR issued another Notice of Violation letter to Mr. Hoffman. On August 4, 2006, Mr. Hoffman submitted an incomplete MMP update. On August 9, 2006, DNR sent a letter to Mr. Hoffman informing him that the MMP was incomplete and informed Mr. Hoffman what must be submitted. On October 11, 2006, Mr. Hoffman submitted the MMP and compliance fees for 2005. This was the first MMP that Mr. Hoffman had submitted since 1998.

2003 MMP

On October 14, 2003, DNR sent Mr. Hoffman a letter reminding him that the 2003 MMP and compliance fees were due on December 1, 2003. Mr. Hoffman failed to submit the 2003 MMP and compliance fees by December 1, 2003. On December 9, 2003, DNR issued a Notice of Violation letter to Mr. Hoffman for failing to timely submit the 2003 MMP and compliance fees. On January 8, 2004, DNR issued another Notice of Violation letter to Mr. Hoffman. On February 13, 2004, DNR sent Mr. Hoffman a Notice of Referral. On February 20, 2004, DNR issued Administrative Order No. 2004-AFO-10 to Mr. Hoffman for failing to timely submit the 2003 MMP and compliance fees. The administrative order included an administrative penalty in the amount of \$750.00.

On August 16, 2004, the Environmental Protection Commission referred Mr. Hoffman to the Attorney General's Office for failing to comply with the administrative order. On August 8, 2005, the Plymouth County District Court issued an Order Granting Judgment on Default in favor of the State of Iowa. The order required Mr. Hoffman to pay a civil penalty of \$5,000.00 in addition to the \$750.00 administrative penalty assessed in the administrative order plus interest in the amount of \$896.25. The order enjoined Mr. Hoffman from any future violations of Iowa Code sections 459.312(3), 459.312(5), 459.316(1)(c), and 567 Iowa Administrative Code (IAC) 65.16(3)(b), 65.16(3), and 65.16(5). To date, Mr. Hoffman has not paid the administrative or civil penalties.

B. APPLICABLE LAW

LITIGATION REPORT for MATT HOFFMAN

April 2014 EPC Meeting

Iowa Code section 459.103 provides that the Commission shall adopt rules related to the construction or operation of animal feeding operations. The Commission has adopted such rules at 567 IAC chapter 65.

567 IAC 65.16(3) requires that all persons required to submit a MMP also submit an updated MMP and compliance fees on an annual basis. This requirement became effective March 1, 2003. The updated plan must reflect all amendments made during the period of time since the previous MMP submission. The compliance fee is fifteen cents per animal unit. Mr. Hoffman failed to submit a timely MMP update for 2013. The MMP update for 2013 has not been submitted yet. Additionally Mr. Hoffman failed to submit compliance fees for 2013 in the amount of \$202.50.

Mr. Hoffman has also failed to comply with the terms of the Order Granting Judgment on Default entered against Mr. Hoffman on August 8, 2005. Mr. Hoffman has violated provisions of the regulations that he was permanently enjoined from violating. He has also failed to pay the administrative and civil penalties assessed in the Order.

Iowa Code sections 459.603 and 455B.191(5) authorize the Attorney General to institute legal proceedings necessary to secure enforcement of the water quality provisions of the law. **Iowa Code section 455B.191(2)** authorizes civil penalties of up to \$5,000.00 per day of violation of statutory provisions or DNR rules.

V. Witnesses

Lois Benson will be present at the EPC meeting to answer additional questions.

**DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION COMMISSION
ATTORNEY GENERAL REFERRALS
April, 2014**

Name, Location and Region Number	Program	Alleged Violation	DNR Action	New or Updated Status	Date
Grain Processing Corporation Muscatine (6)	Air Quality Wastewater	Operation Without (PSD) Permit; Emission Standards – Particulate; Failure to Comply - MON; Construction Without WW Permit	Referred to Attorney General	Referred	4/19/11
				Petition Filed	12/01/11
				Answer	1/10/12
				CLAM Motion to Intervene	1/24/12
				Hearing on Intervention	4/03/12
				Ruling Granting CLAM Intervention	6/25/12
				Trial Date	5/19/14
				Amended and Substituted Petition	7/24/13
Iowa Farm Bureau Federation et. al. Polk Co. (5)	Wastewater	Judicial Review of Antidegradation Rules	Attorney General	Petition Filed	10/04/10
				State's Answer	10/27/10
				Motion to Intervene by Sierra Club	11/03/10
				Motion to Intervene by Iowa Environmental Council and Environmental Law & Policy Center	12/15/10
				Hearing on Intervention	1/20/11
				Ruling Granting Intervention	2/03/11
				State's Motion for Summary Judgment; Undisputed Facts; Affidavits; Appendix and Memorandum	4/29/11
				Hearing on Petitioners' Motions	9/30/11
				Ruling Denying Petitioners' Motions	10/14/11
				Petitioner's Application for Interlocutory Appeal	10/31/11
				Petitioner's Motion for Stay	11/08/11
				State's Resistance to Application	11/14/11
				State's Resistance to Motion for Stay	11/16/11
				Hearing on Motion for Stay	11/30/11
				Supreme Court Denial of Interlocutory Appeal	11/23/11
				Petitioners' Motion for Stay Hearing Withdrawn	11/30/11
				Petitioners' Motion for Summary Judgment and Cross-Motion for Summary Judgment	12/21/11
				Hearing on Motions for Summary Judgment	1/18/12
				Ruling Granting State's Motion for Summary Judgment	3/29/12
				Notice of Appeal	4/26/12
				Petitioner's Proof Brief	9/28/12
				State's Proof Brief	11/28/12
				State's Designation of Appendix	11/28/12
				Appendix Filed	1/23/13
				Respondent-Intervenors' Proof Brief	12/03/12
				Petitioners' Proof Reply Brief	2/05/13
				Petitioner's Final Brief	2/06/13
				Petitioner's Final Reply Brief	2/06/13
				State's Final Brief	2/06/13
				Respondent-Intervenor's Final Brief	2/08/13
Oral Argument before Iowa Supreme Court	10/09/13				

**DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION COMMISSION
ATTORNEY GENERAL REFERRALS
April, 2014**

Name, Location and Region Number	Program	Alleged Violation	DNR Action	New or Updated Status	Date
McMains, Phil Appanoose Co. (5)	Air Quality	Open Burning	Referred to	Referred	6/19/12
	Solid Waste	Illegal Disposal	Attorney General	Petition Filed	8/08/13
				Answer	9/03/13
				Motion for Leave to Amend Petition	1/02/14
				Trial Date	12/03/14
North Central Iowa Regional SWA Fort Dodge (2)	Solid Waste	Operating Permit Violations	Referred to Attorney General	Referred	9/17/13
North Iowa Area Solid Waste Agency Sheldon (3)	Solid Waste	Unapproved Leachate Collection System	Referred to Attorney General	Referred	1/15/13
				Petition Filed	9/26/13
				Answer	10/11/13
				Third Party Petition Against Elliot Waddell and Five States Engineering, PLC	10/11/13
				State's Resistance to Demand for Jury Trial	10/23/13
				Hearing Regarding Jury Trial Demand	11/25/13
				Ruling and Order Denying Defendant's Jury Demand	1/07/14
				Ruling Nunc Pro Tunc Granting 3 rd Party Jury Demand	1/28/14
State's Motion to Strike Jury Demand Resistance to Motion	2/11/14 2/24/14				
Sioux-Preme Packaging Co. Sioux Center (3)	Wastewater	Prohibited Discharge; Operation Violations; WQ Violations – General Criteria	Referred to Attorney General	Referred	9/17/13
Van Beek, Vern Inwood (3)	Animal Feeding Operation	Prohibited Discharge	Referred to Attorney General	Referred	10/16/12

**DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION COMMISSION
CONTESTED CASES**

April, 2014

DATE RECEIVED	NAME OF CASE	F.O.	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
11/27/01	Dallas County Care Facility	5	Order/Penalty	WW	Hansen	10/03 – Letter to County attorney regarding appeal resolution. 1/04 – Letter to attorney regarding appeal. 4/04 – Dept. letter to attorney regarding appeal. 9/04 – Dept. letter to attorney regarding appeal. 6/26/07 – Appeal resolved. Facility connected to City WWTF. Consent order to be issued. 1/29/13 – Order amendment drafted.
1/05/09	River Highlands Homeowner's Association	6	Order/Penalty	WS	Hansen	10/09- WS in partial compliance with order after repair to well in 9/09. 5/11 – Now in compliance with order. Settlement offer to River Highlands. 6/2011- Response received from River Highlands. 7/13 – To be set for hearing. 8/27/13 – Conference call to discuss settlement. 9/13 – Settled – Consent amendment to be sent to River Highlands for signature. 2/14 – Signed Consent Amendment received from River Highlands. After Director signs consent amendment, it will be issued and the appeal will be dismissed. 2/26/14 – Consent amendment signed by Director and issued. Penalty and SEP to be paid.
10/29/09	Harlan Rudd; Karen Rudd; dba Rudd Brothers Tires	6	Order/Penalty	UT	Brees	Informal negotiation. CADR was submitted, partially rejected with options. Settlement letter sent 2/24/10.
12/16/09	Guy Thomas	4	Order/Penalty	UT	Brees	Oral agreement for tank removal prior to April 1, 2010. Continued negotiation on final settlement.
2/25/10	Higman Sand & Gravel Inc.	3	Order/Penalty	FP	Clark	Negotiating before filing.
3/11/10	Bondurant, City of	5	Order/Penalty	WW	Hansen	7/2013-On hold pending further investigation.
11/3/2010	Wendall Abkes	2	Order/Penalty	SW	Schoenebaum	Settlement phone call held. Mr. Abkes indicated he would enter into a settlement. 6/12/13 -- Offer to settle sent via certified mail. Letter was returned as unclaimed.
12/29/10	Griffin Pipe Products Co., Inc.	4	Permit Conditions	AQ	Preziosi	Last communication to appellant on 10/22/13.
1/31/11	Griffin Pipe products Co., Inc.	4	Tax Certification Request	AQ	Preziosi	Settled in concept 1/28/14. Last communication with appellant 3/24/14.
2/28/11	Manson, City of	3	Order/Penalty	WS	Hansen	4/1/11 – Settlement conference held with City. 6/22/11- Settlement offer received from City attorney. 6/28/11- More information requested from City attorney concerning the settlement proposal. 11/29/11- Settlement meeting with City

**DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION COMMISSION
CONTESTED CASES**

April, 2014

DATE RECEIVED	NAME OF CASE	F.O.	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
						regarding new well project. 12/2011 – City proceeding with project. 6/2012- Contractor worked on new well to remove debris in well. Test pump to be installed to do test of well capacity. 07/2012- City to abandon new well and select new site for well to increase PWS capacity. 10/2012- Water plant work to be done week of 12/10/12. 5/2013- New well project & appeal on hold, pending USDA funding decision. 6/2/13 – USDA funding decision received. 6/26/13 – New bid date for well project. . 7/2013- Tentative schedule for new well received from City’s engineer. 8/13 – Drilling on test well begun by contractor. 9/13 – Test well not productive, new well site approved by Dept. New test well to be drilled. 10/13- Test well drilled but not successful. Test well abandoned. City Council to decide on next step. 1/24/14 – City’s engineer sent revised construction schedule for another test well and production well.
6-15-12	Vermeer Manufacturing Co.	5	Permit Conditions	AQ	Preziosi	Internal meeting held 2/13/14. Continuing negotiations.
8-27-12	Ag Processing, Inc.; Sergeant Bluff	4	Permit Conditions	AQ	Preziosi	Met with appellant 1/31/14. Further meetings set for 3/5 and 3/12. Negotiations continuing.
10-01-12	Pet Memories	3	Order/Penalty	SW	Tack	Proposed Decision upheld by EPC on 1/21/14. Petition for Judicial Review filed in District Court. Administrative contested case is closed.
11-21-12	Ag Processing Inc.	6	Permit Conditions	AQ	Preziosi	Last communication from appellant 10/17/13. Continuing negotiations and last communication internally 1/15/14.
3-04-13	Anderson Excavating Co., Inc.	4	Order/Penalty	SW	Tack	Negotiating before filing.
6-20-13	Joseph and Carol Jahnke	1	Dam Application	FP	Schoenebaum	Proposed decision 1/8/14. 1/21/14 – EPC affirmed decision. The Jahnkes have 30 days to appeal.
9-09-13	David Hansen; Debra D. Imhoff	6	Order/Penalty	FP	Schoenebaum	Appeal filed 9/9/13.
10-28-13	Regional Environmental Improvement Commission/Iowa Co. SLF	6	Variance	WW	Tack	Negotiating before filing.

**DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION COMMISSION
CONTESTED CASES**

April, 2014

DATE RECEIVED	NAME OF CASE	F.O.	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
11-07-13	Linn County Conservation Board Pinicon Ridge Park	6	Permit Conditions	WS	Hansen	2/27/14 – Settlement offer sent. 3/24/14 – Response received from Linn Co.
12-23-13	Joseph Skelley; Ssippi Valley Saloon	6	Order/Penalty	AQ	Book	Settled. Consent amendment with Director for signature and penalty paid.
1-02-14	P & J Pork, LLC		Construction Permit Denial	AFO	Clark	2/25/14 – Hearing set for 4/23/14.
1/16/14	Council Bluffs Water Works	4	Permit Conditions	WW	Tack	Negotiating before filing.
1/21/14	AG Processing, Inc.		Permit Conditions	AQ	Preziosi	Met with appellant 1/31/14. Further meetings set for 3/5 and 3/12. Negotiations continuing.

DATE: April, 2014

TO: EPC

FROM: Ed Tormey

RE: Enforcement Report Update

The following new enforcement actions were taken during this reporting period:

Name, Location and Field Office Number	Program	Alleged Violation	Action	Date
Dry Creek Farms Sioux Co. (3)	Animal Feeding Operation	Prohibited Discharge – Confinement; WQ Violations – General Criteria	Consent Order \$5,000	2/28/14
Audra Early; Mid-States Mfg. Van Buren Co. (6)	Air Quality	Other – MSEI	Order/Penalty \$2,500	3/03/14
P.M. Lattner Mfg. Co. Linn Co. (1)	Air Quality	Other – MSEI	Order/Penalty \$1,000	3/03/14
Warren Garrett; Garrett Painting & Sandblasting Des Moines Co. (6)	Air Quality	Other – MSEI	Order/Penalty \$1,500	3/03/14
Bob Lehmen; Permeate Refining, Inc. Delaware Co. (1)	Air Quality	Other – MSEI	Order/Penalty \$1,500	3/03/14
Advanced Electroforming, Inc. Cedar Co. (6)	Air Quality	Other – MSEI	Order/Penalty \$1,500	3/03/14
Quality Mat Co., Inc. Black Hawk Co. (1)	Air Quality	Other – MSEI	Order/Penalty \$3,000	3/03/14
Greg Lammers; G & J Hauling Plymouth Co. (3)	Animal Feeding Operation	Operational Violations; Failure to Update Plan; Land Application Separation Distance	Consent Order \$2,000	3/03/14
Poweshiek Water Association Benton Co. (1)	Wastewater	Compliance Schedule; Prohibited Discharge; WQ Violations – Numeric Criteria	Consent Order \$3,500	3/04/14
High Plains Dairy LLP Osceola Co. (3)	Animal Feeding Operation	Prohibited Discharge – Confinement	Consent Order \$5,000	3/10/14
James Koedam Lyon Co. (3)	Animal Feeding Operation	Prohibited Discharge – Open Feedlot; WQ Violations – General Criteria	Consent Order \$5,000 \$1,175/Fish Kill \$600.85/Invest.	3/17/14

Name, Location and Field Office Number	Program	Alleged Violation	Action	Date
Royal Oaks Development Corp.; A.J. Spiegel Dubuque Co. (1)	Solid Waste	Illegal Disposal; Open Burning	Consent Order \$8,000	3/24/14
Marvin Van Maanen Lyon Co. (3)	Animal Feeding Operation	Prohibited Discharge – Open Feedlot; WQ Violations – General Criteria	Consent Order \$5,000 \$1,175/Fish Kill \$600/Invest.	3/24/14
Prairie Valley Farm Service Woodbury Co. (3)	Air Quality Solid Waste	Open Burning; Illegal Disposal	Consent Order \$4,000	3/25/14

IOWA DEPARTMENT OF NATURAL RESOURCES
 ENVIRONMENTAL PROTECTION COMMISSION
 RULE MAKING STATUS REPORT
 April, 2014

Proposal	Stakeholder Engagement	Sent for Governor's Pre-Approval (Job Impact) Statement	Notice to EPC	Notice Published	ARRC No.	ARRC Mtg.	Hearing	Comment Period	Final Summary To EPC	Rules Adopted	Rules Published	ARRC No.	ARRC Mtg.	Rule Effective
1. Ch. 22, 23 –AQ – Grain Vacuuming		2/28/14 11/22/13 3/24/14												
2. Ch. 61 - Water Quality Standards, Section 401 Certification of Section 404 Regional Permit (RP 7)		11/6/14 1/16/14	2/18/14	*3/19/14	1370C	*4/07/14	4/09/14	4/18/14						
3. Ch. 61 – Water Quality Standards; Surface Water Classification; Batch 4														
4. Ch. 64 – Storm Water Permits		8/27/13 9/18/13	10/14/13	11/13/13	1176C	12/10/13	12/12/13	12/12/13	1/21/14	1/21/14	2/19/14	1337C	3/07/14	3/26/14
5. Ch. 64, 65 – CAFOS/NPDES Permit Requirement	1/22/14	2/19/14 3/05/14												
6. Ch. 93 – Wastewater Assistance Program		8/27/13 9/18/13	10/14/13	11/13/13	1177C	12/10/13	12/04/13	12/04/13	1/21/14	1/21/14	2/19/14	1336C	3/07/14	3/26/14

IOWA DEPARTMENT OF NATURAL RESOURCES
COMPLIANCE AND ENFORCEMENT BUREAU

DATE: April 1, 2014
TO: Environmental Protection Commission
FROM: Ed Tormey
SUBJECT: Summary of Administrative Penalties

The following administrative penalties are due:

NAME/LOCATION	PROGRAM	AMOUNT	DUE DATE
Robert and Sally Shelley (Guthrie Center)	SW	1,000	3-04-91
Daryl & Karen Hollingsworth d/b/a Medora Store(Indianola)	UT	3,926	3-15-96
Greg Morton; Brenda Hornyak (Decatur Co.)	SW/AQ/WW	3,000	11-04-98
James Harter (Fairfield)	WW	1,336	8-01-01
Wisconsin North dba National Petroleum, Inc. (Clinton)	UT	5,000	8-04-01
# Practical Pig Corporation (Clinton Co.)	AFO	2,000	5-26-02
Midway Oil Co.; David Requet (Davenport)	UT	5,355	9-20-02
Midway Oil Co.; David Requet; John Bliss	UT	44,900	2-28-03
Green Valley Mobile Home Park (Mt. Pleasant)	WW	5,000	4-23-03
Midway Oil Company (West Branch)	UT	7,300	5-03-03
Midway Oil Company (Davenport)	UT	5,790	5-03-03
Albert Miller (Kalona)	AQ/SW	9,800	9-26-03
Mike Messerschmidt (Martinsburg)	AQ/SW	500	4-13-04
Interchange Service Co., Inc., et.al. (Onawa)	WW	6,000	5-07-04
# Dunphy Poultry (Union Co.)	AFO	1,500	6-27-04
# Cash Brewer (Cherokee Co.)	AFO/SW	10,000	8-25-04
# Doorenbos Poultry; Scott Doorenbos (Sioux Co.)	AFO	1,500	10-09-04
Rock N Row Adventures (Eldora)	WS	3,000	10-23-04
# Doug Sweeney (O'Brien Co.)	AFO	375	12-21-04
Harold Linnaberry (Clinton Co.)	SW	1,000	5-18-05
# Joel McNeill (Kossuth Co.)	AFO	2,460	1 21-06
Affordable Asbestos Removal, Inc. (Monticello)	AQ	7,000	4-28-06
# Troy VanBeek (Lyon Co.)	AFO	3,500	10-16-06
Larry Bergen (Worth Co.)	AQ/SW	257	11-01-06
# Joshua Van Der Weide (Lyon Co.)	AFO	3,500	2-25-08
Karl Molyneux (What Cheer)	AQ/SW	960	7-19-08
George Kramer (Clinton Co.)	AQ/SW	1,500	11-09-08
Jon Knabel (Clinton Co.)	AQ/SW	2,000	12-16-08
Stuart Yoder (Johnson Co.)	AQ/SW	224	2-11-09
# Robert Fangmann (Dubuque Co.)	AFO	396	6-01-09
# Rick Renken (LeMars)	AFO	996	7-03-09
# Brian Lill (Sioux Co.)	AFO	3,342	7-18-09
# Lane Bachman (Calhoun Co.)	AFO	3,885	10-08-09
Denny Geer (New Market)	SW	9,476	10-31-09
Shrey Petroleum; Palean Oil; Profuel Three (Keokuk)	UT	10,000	3-19-10
Melvin Wellik; Wellik-DeWitt Implement (Britt)	AQ/SW	2,900	4-08-10
Alchemist USA, LLC; Ravinder Singh (Malcom)	UT	8,260	5-03-10
# LJ Unlimited, LLC (Franklin Co.)	AFO/AQ/SW	3,500	5-27-10
Bret Cassens; J & J Pit Stop (Columbus Junction)	UT	8,700	6-20-10

#Animal Feeding Operation

BOLD Entries Have Been Referred to DRF

# Christopher P. Hardt (Kossuth Co.)	AFO	2,000	7-07-10
AKD Investments, LLC; H.M. Mart, Inc. (Blue Grass)	UT	6,900	8-06-10
Eastern Hills Baptist Church (Council Bluffs)	WS	1,250	11-29-10
James Bailey; James Bailey Construction (Douds)	AQ/SW	634	12-01-10
Jeff Grooms; Floris One Stop (Floris)	UT	7	12-09-10
# Joe McNeill (Kossuth Co.)	AFO	2,500	12-23-10
Gonzalez & Sons Express, Inc. (DeSoto)	WW	8,000	4-20-11
David C. Kuhlemeier (Cerro Gordo Co.)	AQ/SW	2,000	6-30-11
Steve Friesth (Webster Co.)	AQ/SW	7,857	11-26-11
Josh Oetken (Worth Co.)	AQ/SW	8,495	3-11-12
Jeffrey G. Gerritson (O'Brien Co.)	SW	2,000	4-16-12
Bhupinder Gangahar/Saroj Gangahar/International Business	UT	7,935	4-20-12
Finney Industrial Painting, Inc. (Fairfield)	AQ/WW	4,525	4-23-12
Terry Philips; TK Enterprises (Washington Co.)	AQ/WW	3,000	5-30-12
# Boerderij De Vedhoek, LLC (Butler Co.)	AFO	8,500	11-16-12
James L. Heal; A-1 Imports (Homestead)	WW/SW	1,800	1-08-13
Sun-Jon, Inc.; Iowa Poultry (Johnson Co.)	WW	3,000	1-08-13
Noah Coppess (Cedar Co.)	AQ/SW	7,500	2-23-13
Shane Rechkemmer (Fayette Co.)	SW	1,000	3-01-13
Jeff Grooms; Floris One Stop (Floris)	UT	3,500	3-01-13
Michael Lee Liphardt aka Melvin Liphardt (Clinton Co.)	AQ/SW	500	3-05-13
B Petro Corporation (Cedar Rapids)	UT	7,728	5-13-13
Bernard Michelson (Hancock Co.)	AQ/SW	2,500	4-26-13
Ken Odom (Iowa Co.)	AQ/SW	3,000	4-26-13
Jacob Reed (Mahaska Co.)	AQ/SW	1,500	6-10-13
River Trading Company, Ltd. (Muscatine)	WW	3,000	9-15-13
Robert Downing (Mahaska Co.)	AQ/SW	10,000	11-15-13
# Steve and Paul Groth; Groth Farms (Mitchell Co.)	AFO	3,000	11-17-13
Shriners Hospital for Children, Inc. (Des Moines)	UT	8,890	12-03-13
Golden Grain Energy, LLC (Mason City)	WW	10,000	12-14-13
Joseph E. Skelley; Ssippi Valley Saloon, LLC (Burlington)	AQ	2,000	12-29-13
Northern Filter Media, Inc. (Muscatine Co.)	AQ	1,000	1-20-14
Larry Eisenhauer (Woodbury Co.)	AQ/SW	4,675	3-01-14
# Darwin Rieck (Benton Co.)	AFO	4,750	2-28-14
Randy Wise; Wise Construction (Buena Vista Co.)	AQ/SW	3,000	4-10-14
Quality Mat Co., Inc. (Black Hawk Co.)	AQ	3,000	4-03-14
Advanced Electroforming, Inc. (Cedar Co.)	AQ	1,500	4-03-14
Bob Lehmen; Permeate Refining, Inc. (Delaware Co.)	AQ	1,500	4-03-14
Warren Garrett; Garrett Painting & Sandblasting (DM Co.)	AQ	1,500	4-03-14
P.M. Lattner Manufacturing Co. (Linn Co.)	AQ	1,000	4-03-14
Audra Early; Mid-States Mfg. & Engr. (Van Buren Co.)	AQ	2,500	4-03-14
Poweshiek Water Association (Benton Co.)	WW	3,500	4-04-14
Royal Oaks Development; A.J. Spiegel (Dubuque Co.)	SW	8,000	4-24-14
	TOTAL	361,584	

The following penalties have been placed on payment plans:

* Reginald Parcel (Henry Co.)	AQ/SW	110	4-23-05
* Country Stores of Carroll, Ltd. (Carroll)	UT	1,408	6-06-05
* Douglas Bloomquist (Webster Co.)	AQ/SW	3,500	12-01-07
* Jack Knudson (Irwin)	UT	10,000	1-15-08
* Craig Burns (Postville)	WW	950	7-15-08
# Jerry Passehl (Latimer)	SW/WW/HC	2,695	7-01-09

#Animal Feeding Operation

BOLD Entries Have Been Referred to DRF

Jerry Wernimont (Carroll)	AQ/SW	1,500	4-19-10
# Ernest Greiner (Keokuk Co.)	AFO	500	10-10-10
Quad City Drum Recycling Co., Inc. (Davenport)	AQ	125	9-01-12
John Kletsch (Superior)	AQ	600	11-01-12
Jim Scallon (Butler Co.)	SW	700	4-15-13
R.H. Hummer Jr., Inc.; 2161 Highway 6 Trail (Iowa Co.)	AQ/SW	3,643	9-15-13
Patrick Baker; Stockton Auto (Davenport)	AQ/SW	913	2-15-14
Air Advantage, Inc. (Mt. Pleasant)	WW	3,000	4-01-14
Ellsworth Excavating Co. (Muscatine Co.)	AQ/SW	1,200	4-01-14
# Steve Grettenberg; Dragster LLC	AFO	4,500	1-20-14
Mid River Marine Service and Storage (North Liberty)	WS	5,720	9-30-13
Lonnie Bryant; Sierra Bryant; Bryant's MHP (Keokuk)	WW	300	3-01-14
Stephan A. Palen (Wapello Co.)	AQ	1,976	4-01-13
Millard Elston III; The Earthman (Jefferson Co.)	AQ/SW	2,000	2-15-13
	TOTAL	45,340	

The following administrative penalties have been appealed:

NAME/LOCATION	PROGRAM	AMOUNT
Dallas County Care Facility (Adel)	WW	5,000
River Highlands Homeowner's Association	WS	6,750
Guy Thomas (Council Bluffs)	UT	10,000
Harlan Rudd; Karen Rudd; Rudd Bros. Tires (Drakesville)	UT	10,000
Bondurant, City of	WW	10,000
Higman Sand and Gravel, Inc. (Plymouth Co.)	FP	10,000
Helen and Virgil Homer; Grandmas Snack Shop; Preston White (Aredale)	WS	8,461
Manson, City of	WS	10,000
Wendall Abkes (Parkersburg)	SW	7,000
Keith Durand; Durand Construction (Lee Co.)	WW	500
Pet Memories, Inc. (Cedar Co.)	SW	10,000
Anderson Excavating Company, Inc. (Pottawattamie Co.)	SW	10,000
Massey Properties, LLC; The Wharf (Dubuque)	WS	10,000
David Hansen; Debra Imhoff (Wilton)	FP	6,000
	TOTAL	113,711

The following administrative penalties have been collected:

NAME/LOCATION	PROGRAM	AMOUNT
Michael Lee Liphardt aka Melvin Liphardt (Clinton Co.)	AQ/SW	500
Finney Industrial Painting, Inc. (Fairfield)	AQ/WW	225
John Kletsch (Superior)	AQ	550
# Greg Lammers; G & J Hauling (Plymouth Co.)	AFO	2,000
# Dry Creek Farms (Sioux Co.)	AFO	5,000
The Maschhoffs, Inc. (Buckeye)	AQ/WW	10,000
Ellsworth Excavating Co. (Muscatine Co.)	AQ/SW	75
# James Koedam (Doon)	AFO	5,000
Air Advantage, Inc. (Mt. Pleasant)	WW	1,500
Patrick Baker; Stockton Auto (Davenport)	AQ/SW	83
Joe M. Seng (Clinton Co.)	AQ	3,000
Anthony Sheeder (Guthrie Co.)	AFO	625
# High Plains Dairy LLP (Osceola Co.)	AFO	5,000

#Animal Feeding Operation

BOLD Entries Have Been Referred to DRF

Stephan A. Palen (Wapello Co.)	AQ	104
# J & J Pork, LLC (Iowa Co.)	AFO	4,000
# Marvin Van Maanen (Doon)	AFO	5,000
Mark Pottorff; Prairie Farm Service (Sergeant Bluff)	AFO	4,000
Lonnie Bryant; Sierra Bryant; Bryant's MHP (Keokuk)	WW	100
	TOTAL	46,762

#Animal Feeding Operation
BOLD Entries Have Been Referred to DRF