

MINUTES
OF THE
ENVIRONMENTAL PROTECTION COMMISSION
MEETING
MAY 20, 2014

COUNTRY INN & SUITES CONFERENCE CENTER
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MEETING MINUTES

CALL TO ORDER

The meeting of the Environmental Protection Commission was called to order by Chairperson Mary Boote at 10:01 a.m. on May 20, 2014 at the Country Inn & Suites Conference Center in Northwood, Iowa.

COMMISSIONERS PRESENT

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

COMMISSIONERS ABSENT

LaQuanda Hoskins
Chad Ingels

ADOPTION OF AGENDA

Request was made to present items #6, #7 and #13 at the same time.

*Motion was made by Bob Sinclair to approve the agenda as amended. Seconded by Gene Ver Steeg.
Motion carried unanimously.*

APPROVED AS AMENDED

ELECTION OF OFFICERS

CHAIR

Motion was made by Max Smith to nominate Mary Boote as Chair. Motion carried unanimously.

MARY BOOTE, CHAIR

VICE – CHAIR

Motion was made by Cindy Greiman to nominate Max Smith as Vice- Chair. Motion carried unanimously.

MAX SMITH, VICE-CHAIR

SECRETARY

Motion was made by Gene Ver Steeg to nominate Nancy Couser as Secretary. Motion carried unanimously.

NANCY COUSER, SECRETARY

APPROVAL OF MINUTES

Motion was made by Gene Ver Steeg to approve the April 15, 2014 EPC meeting minutes. Seconded by Cindy Greiman. Motion carried unanimously.

APPROVED AS PRESENTED

DIRECTORS REMARKS

Division Administrator Bill Ehm reported Director Gipp was unable to attend the EPC meeting. Deputy Director Bruce Trautman stayed at the office as legislative bills were being reviewed and signed by the Governor. He wanted to be there to field any questions that may arise.

INFORMATION

DERELICT BUILDING GRANT PROGRAM – GRANT RECOMMENDATIONS

Scott Flagg, Environmental Specialist Senior of the Financial and Business Assistance Section of the Land Quality Bureau presented the following item.

The Derelict Building Grant Program is a program established by 2011 Legislation Senate File 509 (Amendment to Iowa Code 455E.11). As established in Code, not more than four hundred thousand dollars (\$400,000.00) to the department for purposes of providing funding assistance to eligible communities to address abandoned buildings by promoting waste abatement, diversion, selective dismantlement of building components, and recycling. Eligible communities include a city with a population of 5,000 or fewer. Eligible costs for program assistance include but are not limited to asbestos and other hazardous material abatement and removal, the recovery processing of recyclable or reusable material through the selective dismantlement of abandoned buildings, and reimbursement for purchased recycled content materials used in the renovation of buildings.

The Department received 40 applications, requesting \$1,854,598.55 in financial assistance, for consideration during the February 2014 round of funding. 21 projects were selected for funding with a total request amount of \$674,034.50. Five (5) of the 21 projects exceed \$25,000.000 and are therefore subject to EPC review and approval. Due to the requested amount of funds exceeding \$400,000.00, the group of selected applicants will be awarded in fiscal year 2015 which begins on July 1, 2014.

The review committee consisted of five persons representing: the Land Quality Bureau, Iowa Economic Development Authority, Iowa Solid Waste Operations, Iowa Recycling Association, and Keep Iowa Beautiful.

The Department requested Commission approval to enter into contracts with selected applicants whose awards will be in excess of \$25,000 subject to satisfactory review of additional requested information, negotiation of budget, match, deliverables, and other requested information.

Scott Flagg gave the Commission a presentation that included pictures of these buildings as they exist now.

Motion was made by Gene Ver Steeg to approve the agenda item as presented. Seconded by Cindy Greiman. Motion carried unanimously

APPROVED AS PRESENTED

CONTRACT WITH THE UNIVERSITY OF IOWA ON BEHALF OF THE STATE HYGIENIC LABORATORY FOR AMBIENT STREAM BIOLOGICAL MONITORING AND LABORATORY SERVICES

Roger Bruner, Supervisor of the Water Quality Monitoring and Assessment Section of the Water Quality Bureau presented the following item.

Commission approval was requested for a 1.25 year-service contract with the University of Iowa on Behalf of the State Hygienic Laboratory of Iowa City, Iowa. The contract will begin on July 1, 2014 and terminate on September 30, 2015. The total amount of this contract shall not exceed \$973,696.35.

Funding Source:

This contract will be funded through authority to contract/Environment First Appropriation.

Background:

The biological data have been used to assess the health of the interior rivers and streams in the state of Iowa. DNR uses the biological data to look at trends over time, to assess the degree to which Iowa waterbodies support their state-designated aquatic life uses (as required of all states on a biennial basis) by Section 305(b) and Section 303(d) of the 1972 amendments to the Federal Water Pollution Control Act (commonly known as the Clean Water Act), and for many other important uses.

Purpose:

The parties propose to enter into this contract for the purpose of retaining the Contractor to provide: Field sampling and laboratory analysis of water and benthic macroinvertebrates.

Contractor Selection Process:

The University of Iowa on Behalf of the State Hygienic Laboratory was chosen using the intergovernmental contracting process. The University of Iowa on Behalf of the State Hygienic Laboratory was chosen for this project because of their expertise in these areas.

Commissioner Mary Boote inquired into the 1.25 year contract. Roger Bruner shared with the Commission that collection and analysis is labor intensive which is the reason for the term of this contract.

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

APPROVED AS PRESENTED

CONTRACT WITH THE UNIVERSITY OF IOWA ON BEHALF OF THE STATE HYGIENIC LABORATORY FOR MONITORING STATE WATERS

Roger Bruner, Supervisor of the Water Quality Monitoring and Assessment Section of the Water Quality Bureau presented the following item.

Commission approval was requested for a 1 year-service contract with the University of Iowa on behalf of the State Hygienic Laboratory. The contract will begin on May 31, 2014 and terminate on May 31, 2015. The total amount of this contract shall not exceed \$1,022,600.16. This contract will be funded through Watershed and Assessment Monitoring Funds (through the Rebuild Iowa Infrastructure Appropriation) cost center HB8A.

Background:

The Clean Water Act requires the monitoring of State waters to determine the status and trends in water quality. These data are used to determine impairment, develop new water quality standards, and provide information to decision makers regarding the effectiveness of water pollution prevention programs. Since 1999, the DNR has contracted with SHL to collect water samples at streams across the State of Iowa and to test water samples for general chemistry, nutrients, and sediment content. Data are loaded into publicly available datasets and are used by a wide variety of stakeholders for water quality programs, scientific research and general education.

Purpose:

The parties propose to enter into this contract for the purpose of retaining the Contractor to provide: assistance to DNR in monitoring the condition of water bodies in the state of Iowa. Assistance will include sampling, analysis, and reporting of streams and rivers for a variety of water chemistry parameters.

Contractor Selection Process:

The University of Iowa was chosen for this project because of their expertise in water quality monitoring sample collection and laboratory analysis. The authority for this contract is 11 Iowa Administrative Code section 118.4, which states that a state agency may enter into an intergovernmental service agreement with another governmental entity and is not required to use competitive selection.

Contract History:

This contract is the 17th contract with the University of Iowa –State Hygienic Laboratory for ambient stream water monitoring and analytical services. This contract amount is approximately \$300,000 less than the previous (FY14) contract amount due to a reduction in pesticide monitoring from monthly to quarterly testing.

Commissioner Brent Rastetter inquired into the findings of pharmaceuticals in the water. Roger Bruner shared with the Commission that they do not routinely look for pharmaceuticals but when they do, they are looking for trends.

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

APPROVED AS PRESENTED

CONTRACT WITH THE UNIVERSITY OF IOWA ON BEHALF OF THE STATE HYGIENIC LABORATORY FOR NRSA SAMPLING SUPPORT

Roger Bruner, Supervisor of the Water Quality Monitoring and Assessment Section of the Water Quality Bureau presented the following item.

Commission approval was requested for a <1 year-service contract with THE UNIVERSITY OF IOWA on behalf of THE STATE HYGIENIC LABORATORY of Coralville, Iowa. The contract will begin on June 1, 2014 and terminate on December 31, 2014. The total amount of this contract shall not exceed \$ 64,817.28.

Funding Source:

This contract will be funded through statutory authority in Iowa Code section 455B.103 and is funded through US EPA funds provided to the DNR through section 106 of the Clean Water Act..

Background:

The US EPA conducts a national survey of aquatic resources on an annual basis that focuses on one type of resource (e.g. wetland, lakes, or streams). The work cycles through each type so that the resource is re-surveyed every five years. The State of Iowa has participated in this program for the last seven years.

Purpose:

The parties propose to enter into this contract for the purpose of retaining the Contractor to provide: sample collection and handling of multi-media environmental samples.

Contractor Selection Process:

THE UNIVERSITY OF IOWA on behalf of THE STATE HYGIENIC LABORATORY was chosen using the intergovernmental agreement process. THE UNIVERSITY OF IOWA on behalf of THE STATE HYGIENIC LABORATORY was chosen for this project because of their previous experience successfully working with this program.

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

APPROVED AS PRESENTED

CONTRACT WITH QUALITY CONSULTING INC. FOR DNR WATER USE DATABASE ENHANCEMENTS

Charlotte Lafargue Henderson, Environmental Specialist Senior of the Water Supply Engineering Section of the Water Quality Bureau presented the following item.

Commission approval was requested for a two-year service contract with Quality Consulting Inc. (QCI) of Des Moines, Iowa. The contract is anticipated to begin on June 18, 2014 and terminate on March 25, 2016. The total amount of this contract shall not exceed \$173,500.00. The Water Use program budget receives a combination of general fund appropriations and water fees authorized by 567 IAC 50.4(2) (17A, 455B). However, funding of this contract will come from the portion of the water use fees that were collected but not spent in the previous year.

The Department of Natural Resources (DNR) has jurisdiction over the surface and groundwater of the state to establish and administer a comprehensive program to ensure that the water resources of the state be put to beneficial use to the fullest extent possible, that the water or unreasonable use, or unreasonable methods of use of water be prevented, and that the conservation and protection of water resources be required with the legislatively-directed purpose to assure their reasonable and beneficial use in the interest of the people. The statutory requirements for water use are covered under 567-50 (455B) of the Iowa Administrative Code.

A 2011 technology upgrade (Phase I) was initiated as a result of external stakeholder process review and requests. The application now allows customer convenience through access via the Internet. The application is used by DNR staff and Permit Holders to manage and report on Water Usage for over 4,000 permit holders and is maintained through in-house IT staff. Phase 2 of this project was identified in resolution to "bugs" that have been identified needing to be fixed along with many enhancements that were planned for this phase of the project.

This contract is for Phase 2 enhancements to the application. The enhancements were defined in a joint effort between the Iowa IT staff and the Water Use Engineering staff and are listed in Attachment #5 of the RFP. Briefly outlined, these pertain to Administrative rights, data migration corrections, infrastructure adjustments, map feature fixes, user interface streamlining, payment reconciliation and improvements in reporting.

The parties propose to enter into this contract for the purpose of retaining the Contractor to provide C# application development for the Water Use web-based application. C# is a programming language developed by Microsoft, and the Water Use web-based application was originally written in this programming language.

QCI was recruited using the Formal Procurement process and was chosen for this project because this vendor scored the highest points in comparison to the other candidates for their corporate and personnel experience, the viability and usefulness of the work plan, and the total cost of services.

Commission Gene VerSteeg inquired into the stakeholders who will benefit from using this application. Charlotte Lafargue Henderson shared with the Commission quarry owners, facilities with over 50 permits, and the Well Water Association.

Their online system is up and running while Phase 2 is expected to be available in March 2015.

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

APPROVED AS PRESENTED

PUBLIC COMMENT

Jamie Schmidt – Farmer from north central Iowa

Jamie Schmidt shared with the Commission his support for the proposed Chapter 64/65 rules. He felt the rules are a good compromise of what needs to be done to protect the water and environment of the State without putting more burden on the producers. He asked the Commission to approval the rules.

Penny Morse – Farmer from Osage

Penny Morse shared with the Commission her life growing up on a farm. She provided examples of practices that at the time made sense like agricultural drainage wells but later were determined not to be beneficial for the environment. She encouraged the Commission to make the rules as strong as possible to ensure that the waters of the State are protected.

Jan Wann – Instructor at North Iowa Community College

Jan Wann requested a permit or certification system be put in place for large animal feeding operators to ensure that the facility practices are protecting the environment. She is a teacher and has to be certified to teach along with taking annual continuing education classes.

Ted Wisman – Citizen of Iowa

Ted Wisman shared with the Commission his view of how animal feeding operations came from other states to Iowa. The antibiotics given to the animals are getting into the water and the citizens have to pay the cost of cleaning the water. He feels the external manure storages basins need to be more secure to ensure that the manure doesn't contaminate the water.

Chris Peterson – Family Farmer

Chris Peterson expressed his concern that the public comment period for the rules wasn't long enough. He felt that 60 or 90 days would have been more adequate to ensure that all comments and concerns were addressed. He feels that the rules need to be stronger like including the 3 strikes and you're out policy.

David Goodner – CCI Member

David Goodner provided a summary of the over 4,000 comments that were submitted to the Department in regards to the CAFO rules. Over 200 ICCI members attended the 6 public hearings for the rules. Even with a short comment period, the mass number of public interest shows the concern citizens have for their water quality. ICCI members provided recommendations to strengthen the rules. He asked the Commission to protect the water of the State.

Merlin Bartz – Ag Advisor for Congressman King

Merlin Bartz provided a general greeting and welcome to north Iowa on behalf of Congressman King's office. He shared the office's appreciation for the recent farm bill support from various industries to protect the nation's agricultural future.

Ray Wenrich – Mason City

Ray Wenrich shared with the Commission he feels that the AFO rules need to be much stronger. He also feels that the Commissioners involved in confinement practices should recuse themselves from voting on the rules.

**FINAL RULE, CHAPTER 61, WATER QUALITY STANDARDS, SECTION 401
CERTIFICATION OF REGIONAL PERMIT 7 (RP 7)**

Christine Schwake, Environmental Specialist of the Water Quality Monitoring & Assessment Section of the Water Quality Bureau presented the following item.

The Commission was asked to approve the attached Final Rule which will amend Chapter 61.2(2) "g" to allow the Department to grant Section 401 Water Quality Certification for the Corps of Engineers (Corps) 2014 Regional Permit 7 (RP 7). This certification is a state water quality agency's certification that a proposed activity will not violate state water quality standards and is required before the Corps can issue a Section 404 permit.

Section 401 water quality certifications are required by federal law prior to the issuance of nationwide and regional permits. This rule making constitutes certification by the State of Iowa that Army Corps of Engineers' (Corps') nationwide and regional permits, including Regional Permit 7 (RP 7), are consistent with Iowa's water quality standards. All of the listed nationwide and regional permits will be certified through the date of adoption. Without certification, contractors on these projects (e.g., dredging and filling in waters of the United States) would have to seek other means of approval from the State of Iowa, including submitting an individual permit from the Corps for approval. The average time to process a nationwide or regional permit is 2-4 weeks whereas the average time for an individual permit is closer to 2-4 months. This would add substantial delays to these projects.

RP 7 is a general permit issued to authorize work on bridges and road crossings of streams in Iowa and has been used since 1979. The Corps revised RP 7 to include information regarding the 2008 EPA/Corps Mitigation Rule as well as revising some of the conditions to be the same as those that would be included in an individual permit for bridge or road crossings. The 2008 Mitigation Rule is now effective and must be included in the new permit.

The proposed amendment to the Environmental Protection Commission's water quality standards was published in the Iowa Administrative Bulletin as ARC 1370C on April 4, 2014. The Public Hearing was held on April 9, 2014 with public comments (oral or written) due by COB on April 18, 2014. The public did not attend the public hearing. There was one written comment submitted to the Department. The commenter has heard from some county engineers that they want less paperwork to fill out in order to obtain permits and want to be able to make small alterations to streams to decrease the number of bridges required to be built. RP 7 does allow for small alterations to be made to streams. This rule making effort cannot change the requirements for applying for a federal permit. If the Commission approves the final rules, they will become effective on July 16, 2014.

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

APPROVED AS PRESENTED

AIR QUALITY - TITLE V FEE

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

The Commission was asked to approve the annual Title V fee at \$56.00 per ton of air pollution emitted from Title V Operating Permit subject sources. This represents a 0% increase from last year's fee. The maximum allowable fee in the Iowa Administrative Code is \$56.00 (567 IAC 22.106). The Air Quality Bureau's (Bureau) Title V budget is summarized in the attachment for information. The Bureau's budget is comprised of Title V fees, federal grants, and state funds. This proposal relates only to the Title V fee portion of the Bureau's budget.

Program Background

The Title V operating permit program is required by the federal Clean Air Act as amended in 1990. The Air Quality Bureau (Bureau) developed the Title V fee structure, including eligible program activities, with stakeholder collaboration in the early 1990s.

What is a Title V operating permit?

A Title V operating permit is required for those facilities with potential emissions that exceed the major stationary source thresholds. A major stationary source is a facility that has the potential to emit 100 tons per year (tpy) or more of any air pollutant; or the potential to emit 10 tpy or more of any individual hazardous air pollutant; or the potential to emit 25 tpy or more of any combination of hazardous air pollutants; or the potential to emit equal to or greater than 100,000 tpy CO₂e, and 100 tpy greenhouse gas mass basis are now subject to Title V program.

Currently Iowa has 286 Title V facilities. Examples of Title V facilities include electric utilities, food and grain processors, manufacturing operations, natural gas pipelines, ethanol plants, and cement plants.

The Title V fee is based on the first 4,000 tons of each regulated air pollutant emitted each year from each major stationary source in the state. Regulated pollutants include: particulate matter less than 10 micrometers in diameter (PM₁₀), sulfur dioxide (SO₂), nitrogen oxides (NO_x), volatile organic compounds (VOC), lead (Pb), and hazardous air pollutants (HAP). Neither carbon monoxide nor greenhouse gas emissions are subject to Title V fees. The fee is used to support the development and administration of activities associated with major sources subject to the Title V Operating Permit Program.

The Title V fees are due each July 1 and fund the program for the entire year. For example, the Title V fees to be paid on July 1, 2014, are based on 2013 emissions and will fund the program for SFY 2015, or July 1, 2014, to June 30, 2015.

Budget Development

The Bureau begins the budget cycle earlier than other parts of the Department to allow for stakeholder involvement. The Bureau began preparing estimates of the upcoming budget in October 2013 and met with a representative group of the Title V fee payers on November 7, 2013, to discuss the budget. The Bureau also discussed budget issues with various stakeholders in meetings following the November 2013 meeting and at the quarterly Air Quality Client Contact meetings.

Contracts for professional services to the State Hygienic Lab and the Iowa Air Emissions Assistance Program and state aid to Linn and Polk Counties are under negotiation and are anticipated to be on the agenda for approval at the June Commission meeting. The amounts listed in the draft budget are estimates only. Communications and other miscellaneous office expenses have been reduced to reflect prior year or anticipated expenses. IT expenses have been reduced to reflect anticipated expenses.

Last year the emissions were 153,917 tons. The Bureau anticipated receiving 148,864 tons for SFY 2015. The current estimate is 149,500 tons based on the emission inventories received to date.

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

APPROVED AS PRESENTED

CONTRACT WITH IOWA STATE UNIVERSITY EXTENSION AND OUTREACH FOR DEVELOPMENT AND TESTING ON-LINE MAC PILOT PROGRAM

Bill Ehm, Division Administrator, of the Environmental Services Division presented the following item.

Commission approval was requested for a one year-service contract with Iowa State University Extension and Outreach of Ames, Iowa. The contract will begin on June 1, 2014 and terminate on May 31, 2015. The total amount of this contract shall not exceed \$31,850.

Funding Source:

This contract will be funded through legislative appropriation.

Background:

Iowa law requires manure applicators for confinement livestock operations larger than Small Animal Feeding Operations to be properly certified to land apply the manure. One option for certification is completion of educational courses. In the 2013 legislative session, House File 312 was adopted and requires the educational courses be available via the internet. This requirement is now found at Iowa Code section 459.315(3)(d).

Purpose:

The parties propose to enter into this contract for the purpose of retaining the Contractor to develop the training materials for internet access.

Contractor Selection Process:

Iowa State University Extension and Outreach was chosen using the University selection process. Iowa State University Extension and Outreach was chosen for this project because they develop and present the in-person training each year and they were specifically mentioned in House File 312.

Commissioner Gene VerSteege inquired into the validation of an online attendee. Bill Ehm shared with the Commission the log-in requirements, the intervals for competency completion to move the training forward, and printable certification.

Commissioner Brent Rastetter inquired to the time commitment of the training. Bill Ehm shared that it is 2 or 3 hours of classroom training based on the certification level plus travel time. The online system and the classroom sessions do not require proof of knowledge learned, only that the individual participated.

Motion was made by Gene Ver Steeg to approve the agenda item as presented. Seconded by Cindy Greiman Motion carried unanimously

APPROVED AS PRESENTED

MONTHLY REPORTS

Bill Ehm shared with the Commission a summary of:

- Summarized the legislative activities related to the Department. ESD had one code cleanup bill in relation to an Air Quality conditional permit. The Governor's Office is currently reviewing various bills; one of which is the Air Quality one-time funding.
- The Field Office 2 team has been monitoring and working with an open feedlot for improvements to run-off.
- The Commission asked about the current habitual violator law. After a referral to the AG's office, if a facility has 3 or more specific violations, the owner may be unable to obtain new permits.
- The Department has held all the hearings for the CAFO rules and received a substantial amount of comments. The Department is on a tight timeline to implement this rulemaking pursuant to the work plan entered into between the Department and EPA.

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. Variance Report
3. Enforcement Status Report
4. Administrative Penalty Report
5. Attorney General Referrals Report
6. Contested Case Status Report
7. Bypass Report
8. Manure Release Report
9. Hazardous Conditions Report

INFORMATION

GENERAL DISCUSSION

- General discussion on the details of the Scott County meeting location and the tours that are going to be conducted. Bill requested that if the Commissioners have any ideas for tours, please let Jerah Sheets know.
- After touring the facility yesterday, Commissioner Max Smith would be interested in hearing more facts on the cost associated with processing a gallon of wastewater. Mr. Smith feels that we need to develop a 5 / 10 year plan on issues that have arisen and how we are going to address them. Chairperson Mary Boote suggested that maybe the Commissioners include this in their annual report to the Governor.
- Bill Ehm talked about the Department's revised Strategic Plan. He will provide a copy at the June EPC meeting.
- May and September are very busy months, Chairperson Mary Boote asked the Commissioners to look at their calendars and provide suggestions to Jerah Sheets of preferable months that would be better to hold "off site" meetings.
- Commissioner Nancy Couser is participating on the Jordan Aquifer EO80 work group. She reported the group has had great discussions and great suggestions with 100% attendance at every meeting. The work group final report will be presented at the June meeting.

INFORMATION

REFERRALS TO THE ATTORNEY GENERAL

Kelli Book, Attorney with the Legal Services Bureau presented the following item. To her aid was David Miller, Environmental Specialist Senior with the Mason City Field Office.

The Director requested the referral of Jim Scallon to the Attorney General's Office for failing to comply with an administrative order and an order from the administrative law judge as well as solid waste violations in connection with the disposal of solid waste in rural Ackley, Iowa.

In September 2010, DNR Field Office 2 personnel discovered solid waste disposed of on the property, including appliances, carpeting, furniture and dry wall. Between September 2010 and July 2011, DNR Field Office 2 made several attempts through letters and visits to the property to ensure that Mr. Scallon cleaned up the property. Mr. Scallon did not take steps to clean up the property and in December 2011, DNR issued Administrative Order No. 2011-SW-32 to Mr. Scallon for failing to properly dispose of the solid waste.

This order was appealed and in July 2012 at the contested case hearing, Mr. Scallon and his attorney stated they wanted to settle the matter. The judge issued an order dismissing the appeal. This order stated that Mr. Scallon would pay a penalty within 2 years and remove all trash, dry wall, appliances, and miscellaneous debris within 60 days or September 30, 2012. The DNR attempted to work with Mr. Scallon and his attorney to enter into a consent amendment that would allow for Mr. Scallon to pay the penalty in installments. The consent amendment was agreed upon in February 2013. In addition to the payment plan, Mr. Scallon was also required to submit landfill receipts from the disposal within 10 days of the removal.

In November 2012, Mr. Miller visited Mr. Scallon's properties to determine if the cleanup had been completed. While at the properties, Mr. Scallon noted that the solid waste remained and a large hole had been dug on one of the properties. In December 2012, Mr. Miller returned to the properties and noted the solid waste was gone and the large hole had been filled in.

In November 2013, Mr. Miller sent Mr. Scallon a letter of inquiry to determine what had happened to the solid waste. The letter required Mr. Scallon to submit the landfill receipts and if they were not submitted by December 31, 2013, the DNR would presume the solid waste and appliances were buried onsite and the matter would be referred.

At no point has Mr. Scallon or his attorney contacted the DNR and landfill receipts have not been submitted. Based on this information, the DNR believes that the solid waste and appliances have been buried on site.

Not only has Mr. Scallon violated the administrative order, the ALJ's order and the consent amendment to the order by not properly disposing of the solid waste and appliances and submitting the landfill receipts but he has also likely violated other solid waste regulations. 567 IAC 100.4 prohibits dumping of solid waste at any place other than a permitted landfill. Mr. Scallon initially violated the solid waste provisions by disposing of the material at his property rather than at the landfill and then the violation continued following the court order and consent amendment when the solid waste remained on site and was likely buried on site rather than taken to the landfill. Additionally, 567 IAC 113 provides the permitting and operating provisions for landfills. By burying the solid waste on site, Mr. Scallon has created an unpermitted landfill.

Mr. Scallon has violated an administrative order and a court order by failing to properly dispose of the solid waste. Additionally he has gained an economic benefit by likely burying the solid waste on site rather than disposing of it at a landfill. DNR Field Office 2 has worked patiently and continuously with these properties to ensure cleanup.

May 2014

Environmental Protection Commission Minutes

Commissioner Cindy Greiman inquired into the cost of proper disposal. Kelli Book estimated it would cost \$650 to dispose of 4 tons of solid waste.

Commissioner Max Smith inquired into Mr. Scallon's payments for the violation. Kelli Book shared with the Commission Mr. Scallon is off schedule and has \$700 of the \$3,000 left to go.

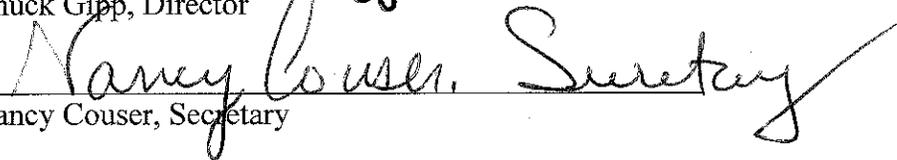
Motion was made by Brent Rastetter to refer Jim Scallon to the Attorney General. Seconded by Max Smith. Motion carried unanimously

REFERRED

Chairperson Boote adjourned the Environmental Protection Commission meeting at 1:03 p.m., Tuesday, May 20, 2014.



Chuck Gipp, Director



Nancy Couser, Secretary

Agenda

Environmental Protection Commission

Tuesday, May 20, 2014
Country Inn & Suites
Conference Room
711 Diamond Jo Lane
Northwood, IA 50459

Monday, May 19, 2014 – Education Tour – Kuennen’s Quarry Park Shelter – 1555 450th St., Northwood

10:30 AM – Welcome & Introductions

11:30 AM – Lunch

12:30-4 PM – Driving tour of Rice Lake, Silver Lake, and Wastewater Facility

6 PM – Signatures Supper Club at 728 Central Ave, Northwood

Tuesday, May 20, 2014 – EPC Business Meeting – Country Inn & Suites, 711 Diamond Jo Lane, Northwood

9:00 AM – Coffee Hour with Winnebago-Worth Counties Betterment Council

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

1:00 PM – Referrals to the Attorney General

Agenda topics

- 1 Approval of Agenda
- 2 Approval of Minutes
- 3 Director’s Remarks
- 4 Election of Officer
- 5 Derelict Building Grant Program – Grant Recommendations
Scott Flagg
(Decision)
- 6 Contract with the University of Iowa on Behalf of the State Hygienic Laboratory for Ambient Stream Biological Monitoring and Laboratory Services
Roger Bruner
(Decision)
- 7 Contract with The University of Iowa on behalf of The State Hygienic Laboratory
Roger Bruner
(Decision)
- 8 Contract with Quality Consulting Inc. for DNR Water Use Database Enhancements
Charlotte Henderson
(Decision)
- 9 Final Rule, Chapter 61, Water Quality Standards, Section 401 Certification of Regional Permit 7 (RP 7)
Christine Schwake
(Decision)
- 10 Air Quality - Title V Fee Budget Review
Wendy Walker
(Decision)
- 11 Contract with Iowa State University Extension and Outreach for Development and Testing on-line MAC Pilot Program
Bill Ehm
(Decision)
- 12 Referral to the Attorney General – Jim Scallon
Kelli Book
(Decision)

13	Contract with The University of Iowa on behalf of The State Hygienic Laboratory for NRSA Sampling Support	Roger Bruner (Decision)
14	Monthly Reports	Bill Ehm (Information)
15	General Discussion	
16	Items for Next Month's Meeting	
	<ul style="list-style-type: none"> • June 17, 2014 – EPC Business Meeting, Windsor Heights • July 14, 2014 – EPC Educational Tour, Scott County • July 15, 2014 – EPC Business Meeting, Scott County 	

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.

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

ITEM

5

DECISION

TOPIC

Derelict Building Grant Program – Grant Recommendations

The Derelict Building Grant Program is a program established by 2011 Legislation Senate File 509 (Amendment to Iowa Code 455E.11). As established in Code, not more than four hundred thousand dollars (\$400,000.00) to the department for purposes of providing funding assistance to eligible communities to address abandoned buildings by promoting waste abatement, diversion, selective dismantlement of building components, and recycling. Eligible communities include a city with a population of 5,000 or fewer. Eligible costs for program assistance include but are not limited to asbestos and other hazardous material abatement and removal, the recovery processing of recyclable or reusable material through the selective dismantlement of abandoned buildings, and reimbursement for purchased recycled content materials used in the renovation of buildings.

The Department received 40 applications, requesting \$1,854,598.55 in financial assistance, for consideration during the February 2014 round of funding. 21 projects were selected for funding with a total request amount of \$674,034.50. Five (5) of the 21 projects exceed \$25,000.000 and are therefore subject to EPC review and approval. Due to the requested amount of funds exceeding \$400,000.00, the group of selected applicants will be awarded in fiscal year 2015 which begins on July 1, 2014.

The review committee consisted of five persons representing: the Land Quality Bureau, Iowa Economic Development Authority, Iowa Solid Waste Operations, Iowa Recycling Association, and Keep Iowa Beautiful.

At this time, the Department is requesting Commission approval to enter into contracts with selected applicants whose awards will be in excess of \$25,000 subject to satisfactory review of additional requested information, negotiation of budget, match, deliverables, and other requested information.

Scott Flagg, Environmental Specialist Senior
Iowa Department of Natural Resources

**DERELICT BUILDING GRANT PROGRAM
PROPOSAL RECOMMENDATIONS**

The following provides a description of each project that is \$25,000 or greater, the project type, and the amount of funding assistance.

<p>City of Manson</p> <p>Contact: Becky Thompson</p> <p>Description:</p>	<p align="right">Award: \$ 84,900.00 Cash Match: \$ 74,000.00 Total Project Cost: \$158,900.00 Phone: 712-469-3759</p> <p>The City of Manson has targeted the use of these grant funds towards the following:</p> <ul style="list-style-type: none"> • Abate and dispose of any identified asbestos and hazardous material at the project site. • Deconstruct three commercial buildings located on Main Street and market vacated site to interested local business contractor who wants to build a new building and shop and hire additional staff.
<p>City of Glidden</p> <p>Contact: Suzanne Danner</p> <p>Description:</p>	<p align="right">Award: \$ 40,000.00 Cash Match: \$285,500.00 Total Project Cost: \$325,500.00 Phone: 712-659-3010</p> <p>The City of Glidden has targeted the use of these grant funds toward the following:</p> <ul style="list-style-type: none"> • The City plans to renovate a vacant commercial building and transform it into a public recreation center that will feature new bathrooms, a walking track, and exercise equipment in the front and a multi-purpose room in the back of the building. The center will be supported financially by membership fees paid from the local community.
<p>City of Ackley</p> <p>Contact: Cyndee Roskens</p> <p>Description:</p>	<p align="right">Award: \$ 88,500.00 Cash Match: \$379,850.00 Total Project Cost: \$468,350.00 Phone: 641-847-3332</p> <p>The City of Ackley has targeted the use of these grant funds toward the following:</p> <ul style="list-style-type: none"> • Inspect for asbestos at the project site. • Abate and dispose of any identified asbestos and hazardous material at the project site. • The City plans to deconstruct two adjacent vacant buildings. A neighboring business plans to expand its operation and the City plans to sell the remaining land for commercial development.
<p>City of Melcher-Dallas</p> <p>Contact: Lori Davis</p> <p>Description:</p>	<p align="right">Award: \$ 89,000.00 Cash Match: \$158,078.91 Total Project Cost: \$247,078.91 Phone: 641-947-6700</p> <p>The City of Melcher Dallas has targeted the use of these grant funds toward the following:</p> <ul style="list-style-type: none"> • Inspect for asbestos at the project site. • Abate and dispose of any identified asbestos and hazardous material at the project site. • The City plans to renovate the building and transform it into a new library and community building.
<p>City of Shelby</p> <p>Contact: Chris Martin</p> <p>Description:</p>	<p align="right">Award: \$ 49,075.00 Cash Match: \$ 86,675.00 Total Project Cost: \$135,750.00 Phone: 712-5442404</p> <p>The City of Rockford has targeted the use of these grant funds toward the following:</p> <ul style="list-style-type: none"> • The City plans to renovate the vacant building and transform the building into a new City Council chambers and public meeting space.

The Iowa Department of Natural Resources: Financial Assistance Options

The Derelict Building Grant Program

DERELICT BUILDING GRANT PROGRAM

2014 grant funding round

- 40 applications received
 - \$1.8 million requested
- 21 projects selected
 - \$674,000 awarded
 - Projects to begin in July



DERELICT BUILDING GRANT PROGRAM CITY OF MANSON PROJECT



IOWA DEPARTMENT OF NATURAL RESOURCES 
CHUCK GIFF, DIRECTOR

DERELICT BUILDING GRANT PROGRAM CITY OF GLIDDEN PROJECT



IOWA DEPARTMENT OF NATURAL RESOURCES 
CHUCK GIFF, DIRECTOR

DERELICT BUILDING GRANT PROGRAM CITY OF GUTHRIE CENTER PROJECT



IOWA DEPARTMENT OF NATURAL RESOURCES 
CHUCK GIFF, DIRECTOR

DERELICT BUILDING GRANT PROGRAM CITY OF ACKLEY PROJECT



IOWA DEPARTMENT OF NATURAL RESOURCES 
CHUCK GIFF, DIRECTOR

DERELICT BUILDING GRANT PROGRAM CITY OF COLLINS PROJECT



IOWA DEPARTMENT OF NATURAL RESOURCES
CHUCK GIFF, DIRECTOR



DERELICT BUILDING GRANT PROGRAM CITY OF MELCHER-DALLAS PROJECT



IOWA DEPARTMENT OF NATURAL RESOURCES
CHUCK GIFF, DIRECTOR



DERELICT BUILDING GRANT PROGRAM CITY OF SHELBY PROJECT



IOWA DEPARTMENT OF NATURAL RESOURCES
CHUCK GIFF, DIRECTOR



DERELICT BUILDING GRANT PROGRAM CITY OF IMOGENE PROJECTS



IOWA DEPARTMENT OF NATURAL RESOURCES
CHUCK GIFF, DIRECTOR



DERELICT BUILDING GRANT PROGRAM CITY OF BRIDGEWATER PROJECT



IOWA DEPARTMENT OF NATURAL RESOURCES
CHUCK GIFF, DIRECTOR



DERELICT BUILDING GRANT PROGRAM CITY OF HULL PROJECT



IOWA DEPARTMENT OF NATURAL RESOURCES
CHUCK GIFF, DIRECTOR



DERELICT BUILDING GRANT PROGRAM CITY OF ROLAND PROJECT



IOWA DEPARTMENT OF NATURAL RESOURCES 
CHUCK GIFF, DIRECTOR

DERELICT BUILDING GRANT PROGRAM CITY OF POCAHONTAS PROJECT



IOWA DEPARTMENT OF NATURAL RESOURCES 
CHUCK GIFF, DIRECTOR

DERELICT BUILDING GRANT PROGRAM CITY OF LOHRVILLE SCHOOL PROJECT



IOWA DEPARTMENT OF NATURAL RESOURCES
CHUCK GIFF, DIRECTOR



DERELICT BUILDING GRANT PROGRAM CITY OF HEDRICK PROJECT



IOWA DEPARTMENT OF NATURAL RESOURCES
CHUCK GIFF, DIRECTOR



DERELICT BUILDING GRANT PROGRAM

Contact Information

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Land Quality Bureau

Financial and Business Assistance Section

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- For more information on these and other Derelict Building Grant projects please visit:

www.iowadnr.gov/EABA

And click on the Derelict Building Grant Program link.

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

ITEM

6

DECISION

TOPIC

**Contract with the University of Iowa on Behalf of the State Hygienic Laboratory for
Ambient Stream Biological Monitoring and Laboratory Services**

Recommendations:

Commission approval is requested for a 1.25 year-service contract with the University of Iowa on Behalf of the State Hygienic Laboratory of Iowa City, Iowa. The contract will begin on July 1, 2014 and terminate on September 30, 2015. The total amount of this contract shall not exceed \$ 973,696.35.

Funding Source:

This contract will be funded through authority to contract/Environment First Appropriation.

Background:

The biological data have been used to assess the health of the interior rivers and streams in the state of Iowa. DNR uses the biological data to look at trends over time, to assess the degree to which Iowa waterbodies support their state-designated aquatic life uses (as required of all states on a biennial basis) by Section 305(b) and Section 303(d) of the 1972 amendments to the Federal Water Pollution Control Act (commonly known as the Clean Water Act), and for many other important uses.

Purpose:

The parties propose to enter into this Contract for the purpose of retaining the Contractor to provide: Field sampling and laboratory analysis of water and benthic macroinvertebrates.

Contractor Selection Process:

the University of Iowa on Behalf of the State Hygienic Laboratory was chosen using the intergovernmental contracting process. the University of Iowa on Behalf of the State Hygienic Laboratory was chosen for this project because of their expertise in these areas.

Roger Bruner
Supervisor
Water Quality Bureau within the Environmental Services Division
May 20, 2014

Attachment(s): Special Conditions for Contract

STATEMENT OF WORK

5.1 Statement of Work. Contractor shall perform the following tasks. Contractor shall complete its obligations under this Contract by the Task Milestone Dates set out in the following table.

Obligation	Task Milestone Date
<p>Task 1: Calibrated Wadeable Stream Reference Site Sample Collection</p> <p>Description: One full biocriteria (IBI) sampling event shall be completed by the Contractor at each of the 27 sites identified in Exhibit A, which is attached to and shall by this reference become a part of this Contract. All biological and physical habitat data shall be entered by the Contractor directly into the DNR’s online Bionet database. All other recorded observations shall be reported to the DNR in a DNR-approved electronic format.</p> <p>Contractor shall provide the following Deliverables to DNR:</p> <ul style="list-style-type: none"> a) Sample Collection: benthic macroinvertebrates and fish (2001 revised DNR IBI protocols, 2011 revised DNR field forms); quantitative transect-based habitat survey (2001 revised DNR intensive habitat protocol; 2011 revised DNR intensive habitat field forms); benthic chlorophyll, water quality grab sample and field analytes (expanded aquatic life parameter suite; see Table 1). b) Fish and Benthic Macroinvertebrate Sample Analysis of samples collected under Task 1a: Field Form submittal, Fish, Benthic Macroinvertebrate, Physical Habitat and Field Form Data Entry. c) QA/QC of all data entered into the Bionet database under Task 1b. 	<p>No later than:</p> <ul style="list-style-type: none"> a) October 15, 2014 b) April 1, 2015 c) May 1, 2015 <p>Any deviation from this schedule shall be approved in writing by DNR prior to the change.</p>
<p>Task 2: Headwater Stream Candidate Reference Site, HW Stream Temporal Candidate Reference Site and HW Stream Gear Comparison Candidate Reference Site Sample Collection</p> <p>Description: <u>HW Stream Candidate Reference Site sampling:</u> One full biocriteria (IBI) sampling event shall be completed by the Contractor at each of the 28 sites identified and described in Exhibit A. 21 of the full-bio samples shall be collected in the July 15 - August 31 and September 15 - October 15, 2014 periods and seven of the samples shall be collected during May 15 - June 30, 2015 as described in Exhibit A.</p> <p><u>HW Stream Temporal Candidate Reference Site Sampling:</u> 21 full-bio samples shall be collected at seven sites in each of three periods: July 15 - August 31, 2014; September 15 –October 15, 2014; May 15 - June 30, 2015 as described in Exhibit A.</p> <p><u>HW Stream Gear Comparison Candidate Reference Site Sampling:</u> three additional semi-quantitative benthic macroinvertebrate samples shall be collected at six sites in each of three periods: July 15 - August 31, 2014; September 15 - October 15, 2014; May 15 - June 30, 2015 as described in Exhibit A.</p> <p>All biological and physical habitat data shall be entered by the Contractor directly into the DNR’s online Bionet database. All other recorded observations shall be reported to the DNR in a DNR-approved electronic format.</p> <p>Contractor shall provide the following Deliverables to DNR:</p> <ul style="list-style-type: none"> a) HW Stream Candidate Reference Site Sample Collection: benthic macroinvertebrates and fish (2001 revised DNR IBI protocols, 2011 revised DNR field forms); quantitative transect-based habitat survey (2001 revised DNR intensive habitat protocol; 2011 revised DNR intensive habitat field forms); benthic chlorophyll, water quality grab sample and field analytes (expanded aquatic life parameter suite; see Table 1). b) HW Stream Temporal Candidate Reference Site Sample Collection: benthic macroinvertebrates and fish (2001 revised DNR IBI protocols, 2011 revised DNR field forms); quantitative transect-based habitat survey (2001 revised DNR intensive habitat protocol; 2011 revised DNR intensive habitat field 	<p>No later than:</p> <ul style="list-style-type: none"> a) 1/3 by August 31, 2014; 1/3 by October 15, 2014; 1/3 by June 30, 2015 b) 1/3 by August 31, 2014; 1/3 by October 15, 2014; 1/3 by June 30, 2015 c) 1/3 by August 31, 2014; 1/3 by October 15, 2014; 1/3 by June 30, 2015 d) 2/3 by April 1, 2015; 1/3 by September 1, 2015

<p>forms); benthic chlorophyll, water quality grab sample and field analytes (expanded aquatic life parameter suite; see Table 1).</p> <p>c) HW Stream Gear Comparison Candidate Reference Site Sample Collection: benthic macroinvertebrates (2001 revised DNR IBI protocols, 2011 revised DNR field forms).</p> <p>d) Fish and Benthic Macroinvertebrate Sample Analysis of samples collected under Tasks 2a-c; Field Form submittal, Fish, Benthic Macroinvertebrate, Physical Habitat and Field Form Data Entry.</p> <p>e) QA/QC of all data entered into the Bionet database under Task 2d.</p>	<p>e) 2/3 by May 1, 2015; 1/3 by September 30, 2015</p> <p>Any deviation from this schedule shall be approved in writing by DNR prior to the change.</p>
<p>Task 3: Headwater Stream Survey Site Sample Collection</p> <p>Description: One full biocriteria (IBI) sampling event shall be completed by the Contractor in each of the three periods: July 15 - August 31, 2014; September 15 – October 15, 2014; May 15 - June 30, 2015 at one of the sites as identified and described in Exhibit A. All biological and physical habitat data shall be entered by the Contractor directly into the DNR’s online Bionet database. All other recorded observations shall be reported to the DNR in a DNR-approved electronic format.</p> <p>Contractor shall provide the following Deliverables to DNR:</p> <p>a) HW Stream Survey Site Sample Collection: benthic macroinvertebrates and fish (2001 revised DNR IBI protocols, 2011 revised DNR field forms); quantitative transect-based habitat survey (2001 revised DNR intensive habitat protocol; 2011 revised DNR intensive habitat field forms); benthic chlorophyll, water quality grab sample and field analytes (expanded aquatic life parameter suite; see Table 1).</p> <p>b) Fish and Benthic Macroinvertebrate Sample Analysis of samples collected under Task 3a; Field Form submittal, Fish, Benthic Macroinvertebrate, Physical Habitat and Field Form Data Entry.</p> <p>c) QA/QC of all data entered into the Bionet database under Task 3b.</p>	<p>No later than:</p> <p>a) 1/3 by August 31, 2014; 1/3 by October 15, 2014; 1/3 by June 30, 2015</p> <p>b) 2/3 by April 1, 2015; 1/3 by September 1, 2015</p> <p>c) 2/3 by May 1, 2015; 1/3 by September 30, 2015</p> <p>Any deviation from this schedule shall be approved in writing by DNR prior to the change.</p>
<p>Task 4: Coldwater Stream Reference Site Sample Collection</p> <p>Description: One full biocriteria (IBI) sampling event shall be completed by the Contractor at each of the four sites identified in Exhibit A. A thermal logger shall be placed at all stream sites in this task. All biological and physical habitat data shall be entered by the Contractor directly into the DNR’s online Bionet database. All other recorded observations shall be reported to the DNR in a DNR-approved electronic format.</p> <p>Contractor shall provide the following Deliverables to DNR:</p> <p>a) Coldwater Stream Reference Site Sample Collection: benthic macroinvertebrates and fish (2001 revised DNR IBI protocols, 2011 revised DNR field forms); quantitative transect-based habitat survey (2001 revised DNR intensive habitat protocol; 2011 revised DNR intensive habitat field forms); benthic chlorophyll, water quality grab sample and field analytes (expanded aquatic life parameter suite; see Table 1).</p> <p>b) Fish and Benthic Macroinvertebrate Sample Analysis of samples collected under Task 4a; Field Form and thermal data submittal, Fish, Benthic Macroinvertebrate, Physical Habitat and Field Form Data Entry.</p> <p>c) QA/QC of all data entered into the Bionet database under Task 4b.</p>	<p>No later than:</p> <p>a) October 15, 2014</p> <p>b) April 1, 2015</p> <p>c) May 1, 2015</p> <p>Any deviation from this schedule shall be approved in writing by DNR prior to the change.</p>
<p>Task 5: Watershed Improvement Section (WIS) Survey Site Sample Collection</p> <p>Description: One full biocriteria (IBI) sampling event shall be completed by the Contractor at each of the 11 sites identified in Exhibit A. A thermal logger shall be placed at all coldwater stream sites in this task as indicated in Exhibit A. All biological and physical habitat data shall be entered by the Contractor directly into the DNR’s online Bionet database. All other recorded observations shall be reported to the DNR in</p>	<p>No later than:</p>

<p>a DNR-approved electronic format.</p> <p>Contractor shall provide the following Deliverables to DNR:</p> <ul style="list-style-type: none"> a) Watershed Improvement Section (WIS) Survey Site Sample Collection: benthic macroinvertebrates and fish (2001 revised DNR IBI protocols, 2011 revised DNR field forms); quantitative transect-based habitat survey (2001 revised DNR intensive habitat protocol; 2011 revised DNR intensive habitat field forms); benthic chlorophyll, water quality grab sample and field analytes (expanded aquatic life parameter suite; see Table 1). b) Fish and Benthic Macroinvertebrate Sample Analysis of samples collected under Task 5a; Field Form and thermal data submittal, Fish, Benthic Macroinvertebrate, Physical Habitat and Field Form Data Entry. c) QA/QC of all data entered into the Bionet database under Task 5b. 	<ul style="list-style-type: none"> a) October 15, 2014 b) December 31, 2014 c) January 31, 2014 <p>Any deviation from this schedule shall be approved in writing by DNR prior to the change.</p>
<p>Task 6: Stream Nutrient Criteria Sample Collection</p> <p>Description: The Contractor shall perform sample collection to support development of stream nutrient criteria.</p> <p>Contractor shall provide the following Deliverables to DNR:</p> <ul style="list-style-type: none"> a) Water, Chlorophyll and Biological Sample Collection. Surface water and benthic chlorophyll sampling shall occur biweekly between July 1 and September 21, 2014 at six stream sites identified in Exhibit A. A total of six sets of samples shall be collected. Five sets shall be collected under this task and analyzed for parameters listed in Table 1. A sixth set of samples shall be collected concurrently with collection of a full biocriteria sample (benthic macroinvertebrates, fish, intensive habitat) and analyzed for parameters listed in Table 1. The sixth set of samples and the full biocriteria sample shall either be covered by this task (5 sites) or under Task 4 (1 site) as indicated in Exhibit A. A densimeter reading and current velocity measurement shall be taken at each benthic chlorophyll sampling point. All biological and physical habitat data shall be entered by the Contractor directly into the DNR's online Bionet database. All other recorded observations shall be reported to the DNR in a DNR-approved electronic format. b) Data logger deployment. A data logger shall be deployed at each site for a ten-week period between July 1 and September 21, 2014. The instruments shall be programmed to record dissolved oxygen and water temperature at six-minute intervals continuously throughout the deployment period. A flow measurement and two mini-flow measurements shall be taken at deployment, retrieval and each two-week sampling / data logger maintenance visit. A submersible pressure transducer logger and an atmospheric pressure logger shall be deployed at each site. The loggers shall be programmed to record pressure measurements at 15-minute intervals throughout the deployment period. c) Supplemental Benthic Macroinvertebrate Sample Collection. A supplemental benthic macroinvertebrate IBI sample (2001 revised DNR IBI protocols, 2011 revised DNR field forms) shall be collected at each site in conjunction with a water and benthic chlorophyll sampling visit. Sampling shall occur no sooner than two weeks following data logger deployment and shall be separated by at least four weeks before or after full biocriteria sample. The field forms – benthic macroinvertebrate, RBP-qualitative habitat, Stressor ID, and flood disturbance shall be completed at each benthic macroinvertebrate IBI site. All biological and physical habitat data shall be entered by the Contractor directly into the DNR's online Bionet database. All other recorded observations shall be reported to the DNR in a DNR-approved electronic format. d) field form submittal, submission (electronic) of densimeter and current velocity measurements, data logger readings and flow measurements 	<p>No later than:</p> <ul style="list-style-type: none"> a) July 1 – September 21, 2014 b) July 1 – September 21, 2014 c) July 30 – September 21, 2014 d) December 1, 2014

<ul style="list-style-type: none"> e) Fish and Benthic Macroinvertebrate Sample Analysis of samples collected under Tasks 7a and 7c; Field Form and thermal data submittal, Fish, Benthic Macroinvertebrate, Physical Habitat and Field Form Data Entry. f) QA/QC of all data entered into the Bionet database under Task 5b. 	<ul style="list-style-type: none"> e) April 1, 2015 f) May 1, 2015 <p>Any deviation from this schedule shall be approved in writing by DNR prior to the change.</p>
<p>Task 7: Large River Benthic Macroinvertebrate Index Development Sample Collection</p> <p>Description: The Contractor shall perform sample collection and analysis to support development of a benthic macroinvertebrate index for large wadeable and non-wadeable streams.</p> <p>Contractor shall provide the following Deliverables to DNR:</p> <ul style="list-style-type: none"> a) Benthic macroinvertebrate and phytoplankton sample collection. One set of benthic macroinvertebrate samples consisting of three semi-quantitative subsamples and one qualitative sample (2001 DNR IBI protocols; 2011 revised DNR field forms) and one phytoplankton composition sample shall be collected at 66 DNR/SHL monthly stream monitoring locations as described in Exhibit A. Semi-quantitative samples shall be collected using either a Hess sampler or multi-plate (Hester-Dendy type) artificial substrates to be determined by the Contractor. Whenever possible, as determined by the Contractor, artificial substrate deployment and benthic macroinvertebrate sampling visits shall coincide with scheduled ambient monthly monitoring visits. For sampling gear comparison purposes, a second set of semi-quantitative subsamples shall be collected concurrently with the primary set at 15 sites to be identified by the Contractor. The secondary set shall be collected using either a Hess sampler or artificial substrates, whichever is not the primary sampling gear used by the Contractor. A rapid habitat assessment form shall be completed at each site. b) Data logger deployment. A multi-parameter data logger shall be deployed for a one month period between July 1 and September 15, 2014 at six sampling locations as described in Exhibit A. Data loggers shall be deployed approximately four weeks prior to benthic macroinvertebrate sample collection. The data logger shall be programmed to record dissolved oxygen, pH, specific conductance, temperature, and turbidity in six-minute intervals continuously throughout the deployment period. Datalogger data shall be reported to DNR in a standardized electronic spreadsheet format approved by DNR. c) Field form submittal, submission (electronic) of data logger readings d) Benthic macroinvertebrate sample analysis of samples collected under Task 9a; field form and benthic macroinvertebrate data entry. Identification of benthic macroinvertebrates shall be completed to the lowest practical taxonomic level. In all of the semi-quantitative subsamples, the target level for organisms belonging to the aquatic Dipteran family of Chironomidae shall be genus or species. All biological and physical habitat data shall be entered by the Contractor directly into the DNR's online Bionet database. All other recorded observations shall be reported to the DNR in a DNR-approved electronic format. e) Phytoplankton sample analysis of samples collected under Task 9a and data entry. Identification of phytoplankton taxa shall be completed to the genus taxonomic level whenever feasible. Results shall be reported to DNR in a standardized electronic spreadsheet format approved by DNR. 	<p>No later than:</p> <ul style="list-style-type: none"> a) July 15 – October 15, 2014 b) July 1 – September 15, 2014 c) December 31, 2014 d) September 30, 2015 e) September 30, 2015 <p>Any deviation from this schedule shall be approved in writing by DNR prior to the change.</p>
<p>Task 8: Water Quality Sample Analysis and Data Submission</p> <p>Description: The Contractor shall perform the analyses on the water quality and chlorophyll samples collected in Tasks 1-7.</p>	<p>No later than:</p>

<p>Contractor shall provide the following Deliverables to DNR:</p> <ul style="list-style-type: none"> a) Benthic Chlorophyll and Water Sample Analysis and submission (electronic) of samples collected under Task 1a. b) Benthic Chlorophyll and Water Sample Analysis and submission (electronic) of samples collected under Tasks 2a and 2b. c) Benthic Chlorophyll and Water Sample Analysis and submission (electronic) of samples collected under Task 3a. d) Benthic Chlorophyll and Water Sample Analysis and submission (electronic) of samples collected under Task 4a. e) Benthic Chlorophyll and Water Sample Analysis and submission (electronic) of samples collected under Task 5a. f) Benthic Chlorophyll and Water Sample Analysis and submission (electronic) of samples collected under Tasks 6a and 6b. 	<ul style="list-style-type: none"> a) December 1, 2014 b) 2/3 by December 1, 2014; 1/3 by August 1, 2015 c) 2/3 by December 1, 2014; 1/3 by August 1, 2015 d) December 1, 2014 e) December 1, 2014 f) December 1, 2014 <p>Any deviation from this schedule shall be approved in writing by DNR prior to the change.</p>
<p>Task 9: Site Reconnaissance and Landowner Contacts</p> <p>Description: The Contractor shall provide assistance to DNR for completing desktop review and field reconnaissance of sites and contacting landowners to prepare for SFY2016 field season.</p>	<p>No later than:</p> <p>June 30, 2015</p> <p>Any deviation from this schedule shall be approved in writing by DNR prior to the change</p>
<p>Task 10: Data Transfer</p> <p>Description: SHL shall make the (water chemistry/water quality) 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>

Table 1. Expanded Aquatic life suite water quality sampling parameters, frequency and fee for Task 8.

Parameter	Cost/ Test	# Sampling Sites	Total # of Samples	Total Fee
Boron	\$13.50	86	129	\$1,741.50
Bromide	\$13.50	86	129	\$1,741.50
Calcium	\$13.50	86	129	\$1,741.50
Carbonaceous Biochemical Oxygen Demand (CBOD)	\$34.50	86	129	\$4,450.50
Chloride	\$13.50	86	129	\$1,741.50
Chlorinated Hydrocarbon Insecticides*	\$138.50	61	68	\$9,418.00
Chloroacetanilide Pesticides + ESA/OXA*	\$294.00	61	68	\$19,992.00
Chlorophyll-A (periphyton)	\$41.00	86	129	\$5,289.00
Chlorophyll-A (sediment)				
Chlorophyll-A (water)				
Field Measurements: (Dissolved Oxygen, pH, Stream Flow, and Water Temperature)	\$36.00	86	129	\$4,644.00
Fungicides*	\$346.50	61	68	\$23,562.00
Hardness (as CaCO3)	\$13.50	86	129	\$1,741.50
Magnesium	\$13.50	86	129	\$1,741.50
Metals (Low-Level)**	\$275.00	69	249	\$68,475.00
Nitrogen-containing Herbicides*	\$138.50	61	68	\$9,418.00
Ammonia Nitrogen	\$61.50	86	129	\$7,933.50
Nitrite + Nitrate Nitrogen				
Total Kjeldahl Nitrogen				
Organophosphate Insecticides*	\$138.50	61	68	\$9,418.00
Dissolved Orthophosphate	\$27.00	86	129	\$3,483.00
Total Phosphorus				
Potassium	\$13.50	86	129	\$1,741.50
Sodium	\$13.50	86	129	\$1,741.50
Sulfate	\$13.50	86	129	\$1,741.50
Total Dissolved Solids	\$13.50	86	129	\$1,741.50
Total Suspended Solids	\$13.50	86	129	\$1,741.50
Total Volatile Suspended Solids	\$27.50	86	129	\$3,547.50
Turbidity	\$12.50	86	129	\$1,612.50
Sub-total	\$		Sub-total	\$200,977.50
* Analyte not collected in Tasks 5, 6 and 7 and in spring sampling of Tasks 2 and 3.				
** Analyte not collected in Tasks 5, 6 and 7 and three samples collected for each sampling session.				

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

ITEM

7

DECISION

TOPIC

Contract with THE UNIVERSITY OF IOWA on behalf of THE STATE HYGIENIC LABORATORY

Recommendations:

Commission approval is requested for a 1 year-service contract with the University of Iowa on behalf of the State Hygienic Laboratory. The contract will begin on May 31, 2014 and terminate on May 31, 2015. The total amount of this contract shall not exceed \$1,022,600.16.

Funding Source:

This contract will be funded through Watershed and Assessment Monitoring Funds (through the Rebuild Iowa Infrastructure Appropriation) cost center HB8A.

Background:

The Clean Water Act requires the monitoring of State waters to determine the status and trends in water quality. These data are used to determine impairment, develop new water quality standards, and provide information to decision makers regarding the effectiveness of water pollution prevention programs. Since 1999, the DNR has contracted with SHL to collect water samples at streams across the State of Iowa and to test water samples for general chemistry, nutrients, and sediment content. Data are loaded into publicly available datasets and are used by a wide variety of stakeholders for water quality programs, scientific research and general education.

Purpose:

The parties propose to enter into this Contract for the purpose of retaining the Contractor to provide: assistance to DNR in monitoring the condition of water bodies in the state of Iowa. Assistance will include sampling, analysis, and reporting of streams and rivers for a variety of water chemistry parameters.

Contractor Selection Process:

The University of Iowa was chosen for this project because of their expertise in water quality monitoring sample collection and laboratory analysis. The authority for this contract is 11 Iowa Administrative Code section 118.4, which states that a state agency may enter into an intergovernmental service agreement with the another governmental entity and is not required to use competitive selection.

Contract History:

This contract is the 17th contract with the University of Iowa –State Hygienic Laboratory for ambient stream water monitoring and analytical services. This contract amount is approximately \$300,000 less than the previous (FY14) contract amount due to a reduction in pesticide monitoring from monthly to quarterly testing.

Presenter's name: Roger Bruner

Presenter's Title: Environmental Program Supervisor

Presenter's Bureau and Division: Water Quality Bureau of the Environmental Services Division

Commission Date: May 20, 2014

15ESDWQBMSKOP0001

Statement of Work

Obligation	Task Milestone Date
<p>Task 1: Non-City Sample Collection Description: SHL shall collect stream grab samples from 52 non-city sites, on the same day of the month, if possible, monthly from May 20, 2014, through May 31, 2015. See Table 1A for sites. Samples collected as part of this activity shall be coded as 01WQFMM. All samples submitted to SHL by Department or SHL staff shall be coded to a specific monitoring activity and shall include a detailed list of the analysis provided by DNR to be performed, unless other arrangements have been made before shipment of the sample to SHL. SHL log-in procedures shall accommodate this code. The DNR project manager shall receive an email each time samples are logged in. The log-in email shall contain the SHL accession number, date the sample was collected, date received and any quality assurance issues related to the received sample. Any deviation from normal sampling procedures, including but not limited to a change in the sampling location, or omission of samples for analysis, shall be identified to DNR in writing prior to transmittal of analytical results.</p>	<p>Each month, samples shall be taken by the 15th of the month, or as early as possible in the month pending any sampling or scheduling constraints. The Contractor shall notify the DNR of all sampling dates beyond the 15th of the month in writing.</p>
<p>Task 2: Non-City Sample Analysis Description: Contractor shall analyze samples collected under Task 1 for the parameters listed in Table 1B. For analytical results below the quantitation limit, the test quantitation limit shall be reported as “less than”. Any results including E. coli for tests run on samples after recommended holding times have been exceeded shall be so indicated.</p>	<p>Samples shall be analyzed no later than established holding times listed in Exhibit A with the exception of bacteria, which shall have a holding time of 24 hrs for purposes of this task. For purposes of invoices, the effective Task Milestone Date shall be the last day of the month.</p>
<p>Task 3: City Water Collection Description: SHL shall collect stream grab samples from 24 city sites, on the same day of the month, if possible, monthly from May 20, 2014 through May 31, 2015. See Table 2A for sites. Samples collected as part of this activity shall be coded as 08WQCITY. All samples submitted to SHL by Department or SHL staff shall be coded to a specific monitoring activity and shall include a detailed list of the analysis provided by DNR to be performed unless other arrangements have been made before shipment of the sample to SHL. SHL log-in procedures shall accommodate this code. The DNR project manager shall receive an email each time samples are logged in. The log-in email shall contain the SHL accession number, date the sample was collected, date received and any quality assurance issues related to the received sample. Any deviation from normal sampling procedures, including but not limited to a change in the sampling location, or omission of samples for analysis, shall be identified to DNR in writing prior to transmittal of analytical results.</p>	<p>Each month, samples shall be taken by the 15th of the month, or as early as possible in the month pending any sampling or scheduling constraints. The Contractor shall notify the DNR of all sampling dates beyond the 15th of the month in writing.</p>
<p>Task 4: City Sample Analysis Description: Contractor shall analyze samples collected under Task 3 for the parameters listed in Table 2B. For analytical results below the quantitation limit, the test quantitation limit shall be reported as “less than”. Any results including E. coli for tests run on samples after recommended holding times have been exceeded shall be so indicated.</p>	<p>Samples shall be analyzed no later than established holding times listed in Exhibit A with the exception of bacteria, which shall have a holding time of 24 hrs for purposes of this task. For purposes of invoices, the effective Task Milestone Date shall be the last day of the month.</p>
<p>Task 5: Follow-Up Sample Analysis Description: Contractor shall analyze and report water samples collected the Department staff or SHL staff as part of follow-up monitoring to verify results of regular fixed monitoring or to investigate contamination not covered elsewhere in this statement of work. Contractor shall analyze samples for parameters specified by DNR staff and approved in writing by the Water Quality Monitoring and Assessment Section Supervisor.</p>	<p>Samples shall be analyzed no later than established holding times listed in Exhibit A with the exception of bacteria, which shall have a holding time of 24 hrs for purposes of this task. For purposes of invoices, the effective Task Milestone Date shall be the last day of the month.</p>

<p>Samples collected for this activity shall be coded as WQSPEC. All samples submitted to SHL by DNR or SHL staff shall be coded to a specific monitoring activity and shall include a detailed list of the analyses to be performed unless other arrangements have been made in writing before shipment of the sample to SHL. SHL log-in procedures shall accommodate this code. The DNR project manager shall receive an email each time samples are logged in. The log-in email shall contain the SHL accession number, date the sample was collected, date received and any quality assurance issues related to the received sample. Any deviation from normal sampling procedures, including but not limited to a change in the sampling location, or omission of samples for analysis, shall be identified to DNR in writing prior to transmittal of analytical results.</p>	
<p>Task 6: QA/QC Procedures Contractor shall submit information on data quality requirements and assessments (such as detection limit, quantitation limit, estimated accuracy, 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 Manuals to the Department upon request. Copies of manuals and procedures shall be available from the laboratory.</p>	<p>The Task shall be completed no later than 30 working days after a request is made by DNR.</p>
<p>Task 7: 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>
<p>Task 8: Equipment Purchase Description: Contractor shall purchase equipment and supplies as needed for tasks listed above.</p>	<p>This Task shall be completed no later than May 30, 2015.</p>
<p>Task 9: Repair Description: Contractor shall repair existing equipment, as needed for tasks listed above.</p>	<p>This Task shall be completed no later than May 30, 2015.</p>
<p>Task 10: Shipping Samples Description: Contractor shall ship samples as needed to meet required holding times.</p>	<p>This Task shall be completed no later than May 30, 2015.</p>

Table 1A. Non-City Stream Sampling Locations

Stream Name	Ambient Monitoring Station Locations	River Basin¹	STORET #
E. Fork Des Moines River	County Rd. B63 bridge north of St. Joseph	DSM	10550001
West Fork Des Moines River	County Rd. two miles south of Humboldt	DSM	10460001
Boone River	Bells Mills Rd. bridge, 6.5 mi NE of Stratford	DSM	10400001
North Raccoon River	Level B road. Bridge one mile downstream of Sac City, Section 13/24.	DSM	10810001
Beaver Creek	NW 70th Avenue bridge, two miles east of Grimes	DSM	10770001
South Raccoon River	Bridge 0.75 mi SE of Redfield	DSM	10250001
North River	County Rd. R57 bridge, SE of Norwalk at USGS gage.	DSM	10910002
Middle River	USGS gage 1.5 mi west of Highway 65-69, near Indianola	DSM	10910001
South River	State Highway 92 bridge near Ackworth	DSM	10910003
Whitebreast Creek	Three mi SW of Knoxville	DSM	10630001
Cedar Creek	State Highway 156 (County Rd. G71) bridge, 1.5 mi NW of Bussey	DSM	10630002
Yellow River	County Rd X36 bridge three miles south of Highway 76	NE	10030002
Volga River	County Rd. X3C bridge north of Elkport	NE	10220002
Wapsipinicon River	County Rd. bridge 0.5 mi west of County Rd. D16, north of Independence (Otterville Access)	NE	10100001
No. Fork Maquoketa River	County Rd. north of Maquoketa, SE of Hurstville	NE	10490001
Upper Iowa River	Highway 76 bridge three mi south of Dorchester	NE	10030001
Maquoketa River	Highway 61 bridge NW of Maquoketa	NE	10490002
Wapsipinicon River	Highway 956 bridge three mi south of DeWitt	NE	10820001
Turkey River	County Rd. C43 (Jupiter Rd.) south of Garber at USGS gage	NE	10220001
Bloody Run Creek	Highway 18 bridge, 0.5 mi west of Marquette	NE	10220003
Big Spring	Big Spring Fish Hatchery	NE	30220001
Indian Creek	Gravel Rd. bridge 1.8 mi east of Green Castle, 4.8 mi north of Colfax	SK	10500001
South Skunk River	Highway 63 bridge north of Oskaloosa	SK	10620001
Cedar Creek	Gravel road bridge three mi SW of Oakland Mills	SK	10440001
North Skunk River	180th Ave. bridge SW of Sigourney, west of Highway 149	SK	10540001
West Nishnabotna River	Three mi east of Malvern	S	10650001
Chariton River	Highway 5 bridge 2.5 mi north of Centerville	S	10040001
East Nishnabotna River	Highway 59 bridge north of Shenandoah	S	10360001
East Nodaway River	State Highway 2 bridge 2.5 mi east of Clarinda	S	10730002
West Nodaway River	County Rd. J53 bridge near Shambaugh	S	10730001
Thompson Fork-Grand River	U.S. Highway 69 bridge at Davis City	S	10270001
Little Sioux River	Gravel Rd. bridge 1.2 miles west of Milford, 0.5 mi upstream of mouth of Mill Creek	W	10300001
Rock River	County Rd. B40 bridge north of Hawarden	W	10840001
Little Sioux River	County Rd. C16 bridge 5.2 mi east of Larabee	W	10180001
Floyd River	County Rd. C70 bridge three mi north of Sioux City	W	10750001
Little Sioux River	Two mi NE of Smithland	W	10970001
Maple River	At Highway 141-175 bridge 0.25 mi north of Mapleton	W	10670002
West Fork Little Sioux River	Highway 141 bridge 1.0 mi east of Hornick at USGS gage	W	10970002
Soldier River	County Rd. F20 bridge west of Pisgah	W	10430002

Non-City Stream Sampling Locations (cont.)			
Boyer River	County Rd. F58 bridge 2.5 miles NE of Missouri valley	W	10430001
Cedar River	County Rd. bridge four mi SE of Charles City, near Carrville	IC	10340001
Shell Rock River	County Rd. C45 bridge in Shell Rock, below the dam downstream of USGS gage station	IC	10120001
Cedar River	County Rd. north of Janesville 0.25 mi east of Highway 218, upstream of USGS gage	IC	10090001
West Fork Cedar River	County Rd. T71 bridge in Finchford at USGS gage	IC	10070003
Beaver Creek	County Rd. T75 bridge 3.5 mi NW of Cedar Falls	IC	10070001
Black Hawk Creek	Ridgeway Avenue bridge SW of Waterloo	IC	10070004
Iowa River	County Rd. D53 bridge 1.8 mi NE of Gifford	IC	10420001
Wolf Creek	At Main St. bridge in La Porte City	IC	10070002
English River	County Rd. W61 bridge south of Riverside	IC	10920001
Cedar River	County Rd. G28 bridge NE of Conesville	IC	10700001
Iowa River	County Rd W66 (660 th Street) bridge at USGS gauge SW of Lone Tree	IC	10580001
Old Man's Creek	County Rd. W62 bridge 5.0 mi SW of Iowa City	IC	10520001

Table 1B. Non-City Stream Monitoring Analytes Sample Analysis for 52 Non-city Sites				
Parameter	Cost/Test	# Sampling Sites	Frequency of Sampling	Total Cost
Temperature	\$6.50	52	12	\$4,056.00
pH	\$6.50	52	12	\$4,056.00
DO	\$6.50	52	12	\$4,056.00
Flow - gage*	\$6.50	47	12	\$3,666.00
Flow - manual*	\$16.50	4	12	\$792.00
Ammonia Nitrogen	\$13.50	52	12	\$8,424.00
Nitrite + Nitrate Nitrogen	\$13.50	52	12	\$8,424.00
Total Kjeldahl Nitrogen	\$34.50	52	12	\$21,528.00
Dissolved Othophosphate (as P)	\$13.50	52	12	\$8,424.00
Total Phosphate (as P)	\$13.50	52	12	\$8,424.00
Total Dissolved Solids	\$13.50	52	12	\$8,424.00
Total Volatile Suspended Solids	\$27.50	52	12	\$17,160.00
Total Suspended Solids	\$13.50	52	12	\$8,424.00
Turbidity	\$12.50	52	12	\$7,800.00
Hardness (as CaCO3)	\$13.50	52	12	\$8,424.00
Chloride	\$13.50	52	12	\$8,424.00
Sulfate	\$13.50	52	12	\$8,424.00
CBOD5	\$34.50	52	12	\$21,528.00
Escherichia coli	\$17.00	52	12	\$10,608.00
N&P Pesticides	\$138.50	52	4	\$28,808.00
Chloroacetanilides parent & deg	\$294.00	52	4	\$61,152.00
Chlorophyll a	\$41.00	52	12	\$25,584.00
Pharmaceuticals in Water	\$332.00	52	12	\$207,168.00
SUB-TOTAL			Sub-total	\$493,778.00

Table 2A. City Stream Monitoring Locations

City¹	Stream Name	Monitoring Station Location	STORET #
Spencer US1	Little Sioux River	Highway 18 bridge NW of Spencer	10210002
Spencer US2	Ocheyedan River	County Rd. M38 bridge SW of Spencer	10210001
Spencer DS1	Little Sioux River	County Rd. M50 bridge east of Spencer	10210003
Ames US1	South Skunk River	Sleepy Hollow Canoe Access, gravel road bridge east of Highway 69 north Ames	10850003
Ames DS1	South Skunk River	County Rd. E55 bridge near Cambridge	10850002
Des Moines US1	Des Moines River	Bridge at NW 66 th Ave. between Johnston and Saylorville	10770002
Des Moines DS1	Des Moines River	State Highway 316 bridge south of Runnells	10770003
Des Moines US2	Raccoon River	County Rd. R16 bridge at Van Meter (at USGS gage)	10250002
Marshalltown DS1	Iowa River	County Rd. E35 bridge east of Marshalltown	10640002
Marshalltown US1	Iowa River	State Highway 330 bridge NW of Marshalltown	10640003
Fort Dodge US1	Des Moines River	County Rd. D14 bridge NW of Fort Dodge	10940002
Fort Dodge US2	Lizard Creek	US Highway 169 bridge near Fort Dodge	10940001
Fort Dodge DS1	Des Moines River	County Rd. P59 bridge at Kalo	10940003
Mason City US1	Winnebago River	U.S. Highway 65 bridge north of Mason City	10170002
Mason City DS1	Winnebago River	Bridge on 250th Street just east of intersection of 250th Street and County Road S56	10170003
Waterloo US1	Cedar River	Below the dam on East Main St. in Cedar Falls	10070005
Waterloo DS1	Cedar River	County Rd. D38 bridge at Gilbertville	10070006
Cedar Rapids DS1	Cedar River	Highway 30 bridge east of Cedar Rapids	10570001
Cedar Rapids US1	Cedar River	County Rd. E36 bridge east of Palo (Blairs Ferry Rd.)	10570002
Iowa City US1	Iowa River	County Rd. W66 bridge (Dubuque St.) north of Iowa City	10520002
Iowa City DS1	Iowa River	County Rd. F62 bridge east of Hills	10520003
Ottumwa DS1	Des Moines River	Gravel Rd. (Cliffland Rd.) bridge near Cliffland SE of Ottumwa	10900002
Ottumwa US1	Des Moines River	County Rd. T67 bridge at Chillicothe NW of Ottumwa	10900003
Sac City US1	North Raccoon River	230 th Street bridge NW of Sac City	10810002

Table 2B. Sample Analyses and Costs for 24 City Sites

Parameter	Cost/Test	#Sampling Sites	Frequency of Sampling	Total Cost
Temperature	\$6.50	24	12	\$1,872.00
pH	\$6.50	24	12	\$1,872.00
DO	\$6.50	24	12	\$1,872.00
Flow - gage	\$6.50	23	12	\$1,794.00
Flow - Manual	\$16.50	1	12	\$198.00
Ammonia Nitrogen	\$13.50	24	12	\$3,888.00
Nitrite + Nitrate Nitrogen	\$13.50	24	12	\$3,888.00
Total Kjeldahl Nitrogen	\$34.50	24	12	\$9,936.00
Dissolved Orthophosphate (as P)	\$13.50	24	12	\$3,888.00
Total Phosphate (as P)	\$13.50	24	12	\$3,888.00
Total Dissolved Solids	\$13.50	24	12	\$3,888.00
Total Volatile Suspended Solids	\$27.50	24	12	\$7,920.00
Total Suspended Solids	\$13.50	24	12	\$3,888.00
Turbidity	\$12.50	24	12	\$3,600.00
Hardness (as CaCO ₃)	\$13.50	24	12	\$3,888.00
Chloride	\$13.50	24	12	\$3,888.00
Sulfate	\$13.50	24	12	\$3,888.00
CBOD ₅	\$34.50	24	12	\$9,936.00
Escherichia coli	\$17.00	24	12	\$4,896.00
N&P Pesticides	\$138.50	24	4	\$13,296.00
Chloroacetanilides parent & deg	\$294.00	24	4	\$28,224.00
Chlorophyll a	\$41.00	24	12	\$11,808.00
Pharmaceuticals in Water	\$332.00	24	12	\$95,616.00
SUB-TOTAL			Sub-total	\$227,832.00

Environmental Protection Commission
Iowa Department of Natural Resources

ITEM

8

DECISION

TOPIC

Contract with Quality Consulting Inc. for DNR Water Use Database Enhancements

Recommendations:

Commission approval is requested for a two-year service contract with Quality Consulting Inc. (QCI) of Des Moines, Iowa. The contract is anticipated to begin on June 18, 2014 and terminate on March 25, 2016. The total amount of this contract shall not exceed \$173,500.00.

Funding Source:

The Water Use program budget receives a combination of general fund appropriations and water fees authorized by 567 IAC 50.4(2) (17A, 455B). However, funding of this contract will come from the portion of the water use fees that were collected but not spent in the previous year.

Background:

The Department of Natural Resources (DNR) has jurisdiction over the surface and groundwater of the state to establish and administer a comprehensive program to ensure that the water resources of the state be put to beneficial use to the fullest extent possible, that the water or unreasonable use, or unreasonable methods of use of water be prevented, and that the conservation and protection of water resources be required with the legislatively-directed purpose to assure their reasonable and beneficial use in the interest of the people. The statutory requirements for water use are covered under 567-50 (455B) of the Iowa Administrative Code.

A 2011 technology upgrade (Phase I) was initiated as a result of external stakeholder process review and requests. The application now allows customer convenience through access via the Internet. The application is used by DNR staff and Permit Holders to manage and report on Water Usage for over 4,000 permit holders and is maintained through in-house IT staff. Phase 2 of this project was identified in resolution to “bugs” that have been identified needing to be fixed along with many enhancements that were planned for this phase of the project.

This contract is for Phase 2 enhancements to the application. The enhancements were defined in a joint effort between the Iowa IT staff and the Water Use Engineering staff and are listed in Attachment #5 of the RFP. Briefly outlined, these pertain to Administrative rights, data migration corrections, infrastructure adjustments, map feature fixes, user interface streamlining, payment reconciliation and improvements in reporting.

Purpose:

The parties propose to enter into this Contract for the purpose of retaining the Contractor to provide C# application development for the Water Use web-based application. C# is a programming language developed by Microsoft, and the Water Use web-based application was originally written in this programming language.

Contractor Selection Process:

QCI was recruited using the Formal Procurement process and was chosen for this project because this vendor scored the highest points in comparison to the other candidates for their corporate and personnel experience, the viability and usefulness of the work plan, and the total cost of services.

Charlotte Lafargue Henderson
Water Quality Bureau
Environmental Protection Division

Section 4

Scope of Work Requirements

4.1 Overview

The DNR reserves the right to determine whether the supportive materials submitted by the Vendor demonstrate the Vendor will be able to comply with the Mandatory Requirements. If the DNR determines the supportive materials do not demonstrate the Vendor will be able to comply with the Mandatory Requirements, the DNR may disqualify the Bid Proposal. The successful Vendor shall be obligated to provide all goods and/or services specified in this Section.

The successful Vendor shall provide the goods and/or services to DNR using the Contract in accordance with the specifications and technical requirements as provided in this Section. The Vendor shall address each requirement in this Section and indicate whether or not it will comply with the requirement. If the context requires more than a yes or no answer or the section specifically indicates, the Vendor shall explain how it will comply with the requirement. Proposals must address each requirement. Merely repeating the requirements may be considered non-responsive and may disqualify the Vendor. Proposals must identify any deviations from the requirements of this RFP or requirements the Vendor cannot satisfy. If the Vendor deviates from or cannot satisfy the requirement(s) of this section, the DNR may reject the Proposal.

4.2 Mandatory Requirements

All deliverables must use the DNR templates. The successful Vendor shall perform a detailed review of the technical and function requirements of the Water Use enhancement project. The Vendor shall thoroughly review and confirm all the technical and functional requirements specified in the RFP. In addition, the successful Vendor shall work with the State staff to fully understand the scope, purpose and implications of each requirement by holding joint application development sessions, site visits, or interviews with the DNR personnel.

- a) Vendor shall conform to the **Systems Requirements Specifications Document, Attachment #5**, which contains the business requirements documentation including process flows, use case scenarios, screen mockups and detailed requirements. The System Requirements Specification Document includes functional and non-functional requirements (e.g. quality attributes, legal and regulatory requirements, standards, performance requirements and design constraints).
- b) Vendor shall conform to the architecture and design specified in the **Attachment #5**. Vendor shall notify the DNR Project Manager within 30 days of the project start date of any proposed alterations to the architecture and design. DNR has the right to accept or reject the proposed alteration.
- c) The Systems Requirements Specifications Documents contains screen prototypes that are to be used as a reference. The Vendor may propose alterations by notifying the Project Manager. The DNR has the right to accept or reject the proposed alteration.
- d) The Vendor shall provide an iterative timeline to break testing releases into 4 workable units that shall contain
 - 1). Authentication, new roles and data issues, sections 3.1.1 thru 3.1.20 or the SRS.
 - 2). Payments, section 3.1.24 thru 3.1.41 of the SRS.
 - 3). Infrastructure and User Interface, sections 3.1.43 thru 3.1.68 and 3.1.84 thru 3.1.104 of the SRS.
 - 4). Mapping and Reports section 3.1.21 thru 3.1.23 and 3.1.72 thru 3.1.83 of the SRS.
- e) Vendor shall update architecture of the existing application
 - 1). From Reporting Services 2005 to Reporting Services 2012 with view and report lists for the existing 13 reports as well as all new reports.
 - 2). From Visual Studio 2008 to Visual Studio 2010.
 - 3). MS SQL from 2005 to MS SQL 2012.
- f) Vendor shall update the existing **Technical Documentation** which must include at a minimum any changes in the architectural design, database, application interfaces, services and rdl listing of reports. The database description shall include table categories, stored procedures, triggers, views or user defined functions.
- g) Vendor shall hold/attend a requirements walk-through. The emphasis shall be placed upon the most critical areas which are: (a) account balancing (b) payment history and (c) reports missing. This may be held just prior to the commencement of development for that section of the Software Requirements Specification.

4.3 Mandatory Development Standards and Guidelines

Application development must meet the following State of Iowa and Department of Natural Resources standards and guidelines. Vendors may contact the issuing officer to request access to the on-line resource room.

- 1) Application code must meet the usability standard of **Universal Design and Section 508** of the U.S. Rehabilitation Act of 1973 (**Group B Requirement**) - The solution should employ principals of Universal Design to the greatest extent possible. Universal Design is the design of products and environments to be usable by all people of all ages and abilities without the need for adaptation. It is preferred that the selected solution be compliant with Section 508 of the U.S. Rehabilitation Act of 1973, as amended (29 U.S.C. 794d) to remove barriers for persons with disabilities. Reference: <http://www.access-board.gov/sec508/guide/index.htm> . Bidder shall discuss in its proposal if and how its solution complies with or goes further than Section 508 in making the application accessible to persons with disabilities
- 2) *S-012-001 Information Security*
http://das.ite.iowa.gov/standards/documents/080318_information_security.pdf
- 3) *S-012-010 Information Security Compliance*
http://das.ite.iowa.gov/standards/documents/091202_information_security_compliance.pdf
- 4) *S012-011 Web Application Security Standard*
http://das.ite.iowa.gov/standards/documents/20100607_Web_Application_Security_Standard.pdf
- 5) *Authentication and Authorization(A&A) Wiki*
https://forge.iowa.gov/wiki/index.php/Enterprise_A%26A_Home_Page
- 6) *Web Presentation Guidelines* Available in GForge On-line resource room
- 7) *DNR Current Technology Environment* Available in GForge On-line resource room
- 8) *SQL Programming Guidelines* Available in GForge On-line resource room
- 9) *CSharp* Available in GForge On-line resource room
- a) All roles must be implemented in the State of Iowa Authentication and Authorization (A&A) system to support compliance with the State of Iowa Web Application Security Standard.
- b) The MS SQL 2012 database table and field extended properties must be annotated to provide for documentation of table and field descriptions.
- c) DNR will conduct two formal code reviews of the developed application. The first review must be done within 30 days of the initial development. The final code review must be done when the vendor has completed 80% of the changes. Vendor must implement DNR directed coding changes.
- d) All application testing must occur on the DNR test server hosted by the Information Technology Enterprise.
- e) Vendor's developer shall be onsite for kickoff of the DNR application testing and provide a system demonstration. The DNR is not asking the vendor to train our user community, but would expect an overview the day of the testing kickoff.
- f) Application must pass a security scan by the State of Iowa Information Security Office. Any security issue identified as critical or high or within that range of vulnerabilities must be fixed by the vendor.
- g) Application error logging shall be implemented using Microsoft Enterprise Framework exception handling and logging to email support staff and store errors in a centralized database table.
- h) Application shall include all DNR General Application Requirements (Attachment #7).
- i) Application must conform to the DNR standard Style Cop configuration.

4.4 Project Management

Vendor shall provide project management during the life of the contract. Vendor's proposal must include a sample or draft **Work Plan** for the project. The successful Vendor shall be required to provide further detail regarding each aspect of the Project Work Plan, and to obtain DNR approval within two weeks of the Contract start date.

The Work Plan shall include, but is not limited to:

A description of how the project will be managed, prioritized, and controlled, including a description of project management structure and an organization chart. The plan should specify each person working toward a task. This shall include the involvement of DNR and other resources required at each stage. The Work Plan should identify risks and how they will be managed (**Risk Management Plan**) and the plan for post-implementation support.

- a) Vendor shall conduct a **Kick-off Meeting** within 5 working days of the start date of the Contract.
- b) Vendor shall provide **Weekly Status Report** and **Weekly Meetings**. Vendor's project team shall meet weekly with DNR personnel to discuss progress made by the Vendor during the performance of this Contract. The meetings shall occur, either in person or by telephone conference call, at specific times that will be agreed between the parties. The Weekly Status Report shall contain at a minimum: An executive summary; any issues encountered during the previous week and their current disposition; any testing status and test results; a list of deadlines that were met and not met, and reasons for any missed deadlines; any issues that need to

be addressed before proceeding with an uncompleted task.; identify tasks as either complete, not complete or provide a percentage completed between 0% and 100%; proposed changes to the project schedule, if any.

4.5 Training

Vendor shall provide a system demonstration and basic training during the initial DNR testing session. It is intended that DNR staff participating in the project team will become proficient using the system during the testing period and will be able to train additional DNR staff as necessary during the implementation of the application.

4.6 Post Development Warranty

The Vendor shall provide 12 months of warranty beginning on implementation to production for the fix any application errors or bugs. Enhancements during this period may be requested and paid for on an hourly basis.

4.7 Description of Statement of Work

Vendor shall perform the following tasks. Vendor shall complete its obligations under this Contract set out in the following table, using agreed-upon dates:

- 1). The DNR will make available a work space for two persons for performing the work required in this RFP.
- 2). The Vendor shall provide a brief summary of its proposal to review, test and accept completed tasks and deliverables at no later than five days following the date the contract is signed by both parties.
- 3). The Vendor shall schedule and attend a Kick-Off meeting no later than five days following the agencies acceptance of section 4.5 item #2.
- 4). The Vendor shall provide:
 - a. Authentication, new roles and data issues, sections 3.1.1 thru 3.1.20 or the SRS.
 - b. Payments, section 3.1.24 thru 3.1.41 of the SRS.
 - c. Infrastructure and User Interface, sections 3.1.43 thru 3.1.68 and 3.1.84 thru 3.1.104 of the SRS
 - d. Mapping and Reports section 3.1.21 thru 3.1.23 and 3.1.72 thru 3.1.83 of the SRS.
 - e. Update Reporting Services 2005 to Reporting Services 2012 with view and report lists for the existing 13 reports as well as all new reports.
 - f. Update Visual Studio 2008 to Visual Studio 2010.
 - g. Update MS SQL from 2005 to MS SQL 2012.
 - h. Vendor shall update the existing **Technical Documentation** which must include at a minimum any changes in the architectural design, database, application interfaces, services and rdl listing of reports. The database description shall include table categories, stored procedures, triggers, views or user defined functions.
- 5). Vendor shall hold/attend a requirements walk-through with the developer. The emphasis shall be places upon the most critical areas which are a) reports missing b) payment history c) account balancing. This shall be held just prior to the commencement of development for that section of the Software Requirements Specification.

Iowa Department of Natural Resources
Environmental Protection Commission

ITEM

9

DECISION

TOPIC

Final Rule, Chapter 61, Water Quality Standards, Section 401 Certification of Regional Permit 7 (RP 7)

The Commission is asked to approve the attached Final Rule which will amend Chapter 61.2(2) “g” to allow the Department to grant Section 401 Water Quality Certification for the Corps of Engineers (Corps) 2014 Regional Permit 7 (RP 7). This certification is a state water quality agency’s certification that a proposed activity will not violate state water quality standards and is required before the Corps can issue a Section 404 permit.

Section 401 water quality certifications are required by federal law prior to the issuance of nationwide and regional permits. This rule making constitutes certification by the State of Iowa that Army Corps of Engineers’ (Corps’) nationwide and regional permits, including Regional Permit 7 (RP 7), are consistent with Iowa’s water quality standards. All of the listed nationwide and regional permits will be certified through the date of adoption. Without certification, contractors on these projects (e.g., dredging and filling in waters of the United States) would have to seek other means of approval from the State of Iowa, including submitting an individual permit from the Corps for approval. The average time to process a nationwide or regional permit is 2-4 weeks whereas the average time for an individual permit is closer to 2-4 months. This would add substantial delays to these projects.

RP 7 is a general permit issued to authorize work on bridges and road crossings of streams in Iowa and has been used since 1979. The Corps revised RP 7 to include information regarding the 2008 EPA/Corps Mitigation Rule as well as revising some of the conditions to be the same as those that would be included in an individual permit for bridge or road crossings. The 2008 Mitigation Rule is now effective and must be included in the new permit.

The proposed amendment to the Environmental Protection Commission’s water quality standards was published in the Iowa Administrative Bulletin as ARC 1370C on April 4, 2014. The Public Hearing was held on April 9, 2014 with public comments (oral or written) due by COB on April 18, 2014. The public did not attend the public hearing. There was one written comment submitted to the Department. The commenter has heard from some county engineers that they want less paperwork to fill out in order to obtain permits and want to be able to make small alterations to streams to decrease the number of bridges required to be built. RP 7 does allow for small alterations to be made to streams. This rule making effort cannot change the requirements for applying for a federal permit. If the Commission approves the final rules, they will become effective on July 16, 2014.

Christine Schwake
Water Quality Bureau
Environmental Services Division

April 21, 2014

ENVIRONMENTAL PROTECTION COMMISSION [567]

Adopted and Filed

Pursuant to the authority of Iowa Code sections 455B.105 and 455B.173, the Environmental Protection Commission (Commission) hereby amends Chapter 61, "Water Quality Standards," Iowa Administrative Code.

This amendment provides water quality certification pursuant to Section 401 of the federal Clean Water Act (33 U.S.C. Section 1341) for U.S. Army Corps of Engineers' 2014 Regional Permit 7 (RP 7).

Section 404 of the Clean Water Act (CWA) requires a permit from the Corps of Engineers (Corps) for the discharge of dredged or fill materials into the nation's waters. Section 401 of the CWA requires that before the Corps can issue a Section 404 permit, the state water quality agency must certify that the proposed activity will not violate state water quality standards.

Section 404 authorizes the Corps to issue general permits on a state, regional or nationwide basis for categories of activities where such activities will have minimal adverse effects. The Corps has used its general permit authority to issue a number of general permits on a nationwide basis (i.e., nationwide permits) and regional basis (i.e., RP 7). General permits, including RP 7, can be issued for a period not exceeding five years, and a state water quality agency must provide Section 401 certification for a Section 404 general permit before the general permit is valid for that particular state. The Commission previously provided Section 401 certification for the existing nationwide and regional permits. These permits are referenced in 567 IAC 61.2(2) "g."

The Corps issued the final 2014 RP 7 and it will expire on December 31, 2018. This amendment would provide Section 401 certification for RP 7.

The Notice of Intended Action was published in the Iowa Administrative Bulletin on March 19, 2014, as ARC 1370C. No changes were made from the Notice of Intended Action.

With the adoption of this amendment, the DNR is certifying Regional Permit 7.

This amendment is intended to implement Iowa Code chapter 455B, division III, part 1.

This amendment will become effective on July 16, 2014.

The following amendment is adopted.

Item #1: Amend paragraph 61.2(2)'g' as follows:

g. This policy shall be applied in conjunction with water quality certification review pursuant to Section 401 of the Act. In the event that activities are specifically exempted from flood plain development permits or any other permits issued by this department in 567–Chapters 70, 71, and 72, the activity will be considered consistent with this policy. Other activities not otherwise exempted will be subject to 567–Chapters 70, 71, and 72 and this policy. United States Army Corps of Engineers (Corps) nationwide permits 3, 4, 5, 6, 7, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 25, 27, 29, 30, 31, 32, 33, 34, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 48, 49, 50, 51, and 52 as well as Corps regional permits 7, 27, 33, and 34 as ~~promulgated~~ revised through June 20, 2012July 16, 2014, are certified pursuant to Section 401 of the Clean Water Act subject to the following Corps regional conditions and the state water quality conditions:

(1) Side slopes of a newly constructed channel will be no steeper than 2:1 and planted to permanent, perennial, native vegetation if not armored.

(2) Nationwide permits with mitigation may require recording of the nationwide permit and pertinent drawings with the registrar of deeds or other appropriate official charged with the responsibility for maintaining records of title to, or interest in, real property and may also require the permittee to provide proof of that recording to the Corps.

(3) Mitigation shall be scheduled prior to, or concurrent with, the discharge of dredged or fill material into waters of the United States.

(4) For newly constructed channels through areas that are unvegetated, native grass filter strips, or a riparian buffer with native trees or shrubs a minimum of 35 feet wide from the top of bank must be planted along both sides of the new channel. A survival rate of 80 percent of desirable species shall be achieved within three years of establishment of the buffer strip.

(5) For single-family residences authorized under nationwide permit 29, the permanent loss of waters of the United States (including jurisdictional wetlands) must not exceed 1/4 acre.

(6) For nationwide permit 46, the discharge of dredged or fill material into ditches that would sever the jurisdiction of an upstream water of the United States from a downstream water of the United States is not allowed.

(7) For projects that impact an outstanding national resource water, outstanding Iowa water, fens, bogs, seeps, or sedge meadows, an individual Section 401 Water Quality Certification will be required (Iowa Section 401 Water Quality Certification condition).

(8) For nationwide permits when the Corps' district engineer has issued a waiver to allow the permittee to exceed the limits of the nationwide permit, an individual Section 401 Water Quality Certification will be required (Iowa Section 401 Water Quality Certification condition).

(9) Heavy equipment shall not be used or operated within the stream channel. If in-stream work is unavoidable, it shall be performed in such a manner as to minimize the duration of the disturbance, turbidity increases, substrate disturbance, bank disturbance, and disturbance to riparian vegetation. This condition does not further restrict otherwise authorized drainage ditch maintenance activities (Iowa Section 401 Water Quality Certification condition).

Written verification by the Corps or 401 certification by the state is required for activities covered by these permits as required by the nationwide permits or the Corps, and the activities are allowed subject to the terms and conditions of the nationwide and regional permits. The department will maintain and periodically update a guidance document listing special waters of concern. This document will be provided to the Corps for use in determining whether preconstruction notices should be provided to the department and other interested parties prior to taking action on applications for projects that would normally be covered by a nationwide or regional permit and not require a preconstruction notice under nationwide permit conditions.

Date

Chuck Gipp, Director

**Administrative Rules
FISCAL IMPACT STATEMENT**

Date: 1/2/14

Agency: Environmental Protection Commission / Department of Natural Resources

IAC Citation: 567 IAC 61.2(2)"g"

Agency Contact: Christine Schwake, 281-6615, Christine.schwake@dnr.iowa.gov

Summary of the Rule: The proposed rule constitutes a certification by the State of Iowa that Army Corps of Engineers' (Corps') nationwide and regional permits, including Regional Permit 7 (RP 7), are consistent with Iowa's water quality standards. All of the listed nationwide and regional permits will be certified through the date of adoption but RP 7 is the only one that has changed since June 20, 2012.

Section 401 water quality certifications are required by federal law prior to the issuance of nationwide and regional permits. This rule making constitutes certification of the current nationwide and regional permits. Without certification, contractors on these projects (e.g., dredging and filling in waters of the United States) would have to seek other means of approval from the State of Iowa, including submitting an individual permit from the Corps for approval. The average time to process a nationwide or regional permit is 2-4 weeks whereas the average time for an individual permit is closer to 2-4 months. This would add substantial delays to these projects.

Fill in this box if the impact meets any of 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 proposed recertification will result in no change in costs. A failure to recertify would require additional staff resources to review and certify individual permits required in lieu of the nationwide or regional permit.

Fill in the form below if the impact meets this criteria:

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

* Fill in the rest of the Fiscal Impact Statement form.

Assumptions:

Describe how estimates were derived:

Estimated Impact to the State by Fiscal Year

	<u>Year 1 (FY 2012)</u>	<u>Year 2 (FY 2013)</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)	0\$	0\$
	<hr/>	<hr/>
	0\$	0\$
TOTAL EXPENDITURES		

NET IMPACT

This rule is required by State law or Federal mandate.

Please identify the state or federal law:

Section 401 of the Clean Water Act requires the Corps to obtain a certification from the state verifying that a proposed permit will not violate state water quality standards. 33 U.S.C. 1341.

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:

No additional costs are anticipated.

Fiscal impact to persons affected by the rule:

The proposed rule will allow permit applicants to avoid individual Corps permit fees of \$10 for private development and \$100 for commercial development. The certification of the nationwide or regional permit will minimize the time necessary for project approval and thereby avoid costs related to construction delays such as increased material and labor costs.

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

RP 7 is often utilized by county or local governments for the repair or replacement of bridges and road crossings of streams. The approval of this rule will minimize the regulatory burden associated with obtaining Corps authorization for this work.

In addition to the benefits of the adoption of RP 7, the other nationwide and regional permits also benefit regulated entities by speeding approval times and lowering costs. Because only RP 7 has been revised, there are no additional impacts related to the other nationwide and regional permits which are reauthorized by this rule making.

PUBLIC PARTICIPATION RESPONSIVENESS SUMMARY

for

**CHAPTER 61, WATER QUALITY STANDARDS
CORPS OF ENGINEERS' 2014 REGIONAL PERMIT 7**

DEPARTMENT OF NATURAL RESOURCES

April 2014

RESPONSIVENESS SUMMARY

The following is a summary of the comment received in response to a proposed amendment to the Environmental Protection Commission's water quality standards published in the Iowa Administrative Bulletin as ARC 1370C on March 19, 2014. The amendment as proposed will provide Section 401 water quality certification for the reissued U. S. Army Corps of Engineers' 2014 Regional Permit 7 (RP 7).

The Corps of Engineers (Corps) issued the proposed RP 7 in a Public Notice on July 3, 2013 with an August 1, 2013 expiration date. After comments from the Iowa Department of Transportation, some changes were made and the final version of RP 7 can be obtained from the Department of Natural Resources' (DNR) and Rock Island District Corps of Engineers' websites.

One public hearing was held on April 9, 2014, in Des Moines with notice of the hearing being advertised in the EcoNews Wire and Listserv and on the DNR's website. Oral notice was given at the DNR Client Contact meeting, the Environmental Protection Commission meeting, and the Administrative Rules Review Committee meeting. Comments on the proposed rule were received through April 18, 2014. This responsiveness summary addresses the written comment received. The public did not attend the public hearing.

Comment and Discussion

Mr. Mark Bohner, via email, received on March 27, 2014 @ 8:36 PM

Comment:

I have met with several county engineers in NW IA this winter. Many of them complain about the paperwork and very slow approval time on small road changes that affect small streams. One county has a road that crosses the same stream 4 times in one half mile. With budgets being stretched, counties can't afford 4 bridges in that short of distance. The probability of the road being closed is high. A small alteration the stream path makes sense, partially on a stream that doesn't always have enough water to flow. This is an example of what could be done with a little less red tape.

Mark Bohner

Response:

General permits, like RP 7, are adopted for the specific purpose of making it easier to authorize types of activities that have minimal individual and cumulative adverse effects on the aquatic environment. When project impacts to waters of the U.S. are kept to a minimum and a general permit can be used to authorize a project, the processing time for the permit is much less than the processing time for an individual permit.

The Corps of Engineers and DNR have tried to reduce the requirements for obtaining permits. There is a single application form that is filled out once, copies made and sent to both agencies for review. This rule making effort cannot change the requirements for applying for permits.

Once all practicable measures have been taken to avoid and minimize impacts to waters of the U.S., RP 7 allows minor stream shaping and channel realignment where necessary to provide adequate flow conveyance and proper alignment of the channel through the road crossing. Such activities must occur within 500' upstream and downstream of the centerline of the pre-existing roadway. Mitigation will be required for impacts to waters of the U.S.

No changes to the rule are recommended.

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

ITEM

10

DECISION

TOPIC

Air Quality - Title V Fee

The Commission is asked to approve the annual Title V fee at \$56.00 per ton of air pollution emitted from Title V Operating Permit subject sources. This represents a 0% increase from last year's fee. The maximum allowable fee in the Iowa Administrative Code is \$56.00 (567 IAC 22.106). The Air Quality Bureau's (Bureau) Title V budget is summarized in the attachment for information. The Bureau's budget is comprised of Title V fees, federal grants, and state funds. This proposal relates only to the Title V fee portion of the Bureau's budget.

Program Background

The Title V operating permit program is required by the federal Clean Air Act as amended in 1990. The Air Quality Bureau (Bureau) developed the Title V fee structure, including eligible program activities, with stakeholder collaboration in the early 1990s.

What is a Title V operating permit?

A Title V operating permit is required for those facilities with potential emissions that exceed the major stationary source thresholds. A major stationary source is a facility that has the potential to emit 100 tons per year (tpy) or more of any air pollutant; or the potential to emit 10 tpy or more of any individual hazardous air pollutant; or the potential to emit 25 tpy or more of any combination of hazardous air pollutants; or the potential to emit equal to or greater than 100,000 tpy CO₂e, and 100 tpy greenhouse gas mass basis are now subject to Title V program.

Currently Iowa has 286 Title V facilities. Examples of Title V facilities include electric utilities, food and grain processors, manufacturing operations, natural gas pipelines, ethanol plants, and cement plants.

The Title V fee is based on the first 4,000 tons of each regulated air pollutant emitted each year from each major stationary source in the state. Regulated pollutants include: particulate matter less than 10 micrometers in diameter (PM₁₀), sulfur dioxide (SO₂), nitrogen oxides (NO_x), volatile organic compounds (VOC), lead (Pb), and hazardous air pollutants (HAP). Neither carbon monoxide nor greenhouse gas emissions are subject to Title V fees. The fee is used to support the development and administration of activities associated with major sources subject to the Title V Operating Permit Program.

The Title V fees are due each July 1 and fund the program for the entire year. For example, the Title V fees to be paid on July 1, 2014, are based on 2013 emissions and will fund the program for SFY 2015, or July 1, 2014, to June 30, 2015.

Budget Development

The Bureau begins the budget cycle earlier than other parts of the Department to allow for stakeholder involvement. The Bureau began preparing estimates of the upcoming budget in October 2013 and met with a representative group of the Title V fee payers on November 7, 2013, to discuss the budget. The Bureau also discussed budget issues with various stakeholders in meetings following the November 2013 meeting and at the quarterly Air Quality Client Contact meetings.

Contracts for professional services to the State Hygienic Lab and the Iowa Air Emissions Assistance Program and state aid to Linn and Polk Counties are under negotiation and are anticipated to be on the agenda for approval at the June Commission meeting. The amounts listed in the draft budget are estimates only. Communications and other miscellaneous office expenses have been reduced to reflect prior year or anticipated expenses. IT expenses have been reduced to reflect anticipated expenses.

Last year the emissions were 153,917 tons. The Bureau anticipated receiving 148,864 tons for SFY 2015. The current estimate is 149,500 tons based on the emission inventories received to date.

Wendy Walker, Environmental Specialist Senior
Program Development Section, Air Quality Bureau
Environment Services Division

Memo date: May 9, 2014

Draft SFY 2015 Title V Budget
May 2014 EPC Meeting

	Draft SFY 2015 Title V Budget
FTE	55.25
Personnel	4,522,630
Travel in state	7,100
State vehicle	15,700
Depreciation	30,900
Travel out of state	11,000
Office supplies	2,600
Facility maintenance supplies	50
Equipment maintenance	6,000
Other supplies	1,100
Printing and binding	550
Uniforms	1,500
Postage	100
Communications	54,500
Rental	173,000
Monitoring utilities	25,000
UNI Small Business Assistance agreement	301,034
SHL agreement	1,412,307
Professional Services	1,713,341
Outside Services	33,000
Advertisement in publications	3,000
Reimbursement to other agencies	5,600
ITS reimbursement	750
Govt/Transfer Attorney General	30,000
Air monitoring equipment	100,000
Equipment non-inventory	1,100
IT Equipment & software	102,000
Other expenses	8,000
State Aid	1,412,070
Indirect charges	531,409
Total Expenditure	8,792,000
Title V Revenue	
Balance forward	400,000
Fund interest	20,000
Under and over payments	
Title V fees	8,372,000
<i>annual tons (est)</i>	<i>149,500</i>
<i>\$/ton</i>	<i>56.00</i>
Total Revenue	8,792,000
Title V Balance/Shortfall	0

Environmental Protection Commission
Iowa Department of Natural Resources

ITEM

11

DECISION

TOPIC

Contract with Iowa State University Extension and Outreach for Development and Testing on-line MAC Pilot Program

Recommendations:

Commission approval is requested for a one year-service contract with Iowa State University Extension and Outreach of Ames, Iowa. The contract will begin on June 1, 2014 and terminate on May 31, 2015. The total amount of this contract shall not exceed \$31,850.

Funding Source:

This contract will be funded through legislative appropriation.

Background:

Iowa law requires manure applicators for confinement livestock operations larger than Small Animal Feeding Operations to be properly certified to land apply the manure. One option for certification is completion of educational courses. In the 2013 legislative session, House File 312 was adopted and requires the educational courses be available via the internet. This requirement is now found at Iowa Code section 459.315(3)(d).

Purpose:

The parties propose to enter into this Contract for the purpose of retaining the Contractor to develop the training materials for internet access.

Contractor Selection Process:

Iowa State University Extension and Outreach was chosen using the University selection process. Iowa State University Extension and Outreach was chosen for this project because they develop and present the in-person training each year and they were specifically mentioned in House File 312.

Bill Ehm
Division Administrator

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

ITEM

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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).

- Jim Scallon (Hardin County) – Solid Waste

Edmund J. Tormey, Chief
Legal Services Bureau

April 22, 2014

LITIGATION REPORT for JIM SCALLON
May 2014 EPC MEETING

LITIGATION REPORT

Prepared By: Kelli Book
Date: May 20, 2014

I. Summary

The DNR seeks referral of Jim Scallon to the Attorney General's Office for an appropriate enforcement action. This referral includes the following violations: 1) failure to comply with the terms of Administrative Order No. 2011-SW-32, a July 2012 Order Dismissing Appeal, and Consent Amendment to Administrative Order No. 2011-SW-32; 2) improper solid waste disposal; and 3) operation of an unpermitted landfill.

II. Alleged Violator

Jim Scallon
PO Box 1
Austinville, Iowa 50608

III. Description of Facility

Jim Scallon owns properties located at 10935 320th Street and 11352 320th Street in Ackley, Iowa.

IV. Alleged Violations

a. Facts

1. In September 2010, DNR Field Office 2 personnel visited Mr. Scallon's properties and observed the improper disposal of solid waste including appliances, carpeting, furniture, and dry wall. Between September 2010 and July 2011, DNR Field Office 2 personnel sent several letters to Mr. Scallon and made several visits to the properties in an effort to ensure that Mr. Scallon cleaned up the properties. Mr. Scallon took no meaningful action to clean up the properties.

2. In December 2011, DNR issued Administrative Order No. 2011-SW-32 to Mr. Scallon for the solid waste disposal violation first discovered by the field office in September 2010.

3. The order was appealed and on July 16, 2012, a contested case hearing was held. At the hearing, the parties informed the administrative law judge that a settlement had been reached. The administrative law judge issued an Order Dismissing Appeal. The Order stated that Mr. Scallon would pay the

LITIGATION REPORT for JIM SCALLON
May 2014 EPC MEETING

\$3,000.00 penalty within two years and remove all trash, dry wall, appliances, and miscellaneous debris from his properties within 60 days of August 1, 2012 (September 30, 2012).

4. On November 5, 2012, David Miller, DNR Field Office 2 environmental specialist, visited Mr. Scallon's properties and noted that some scrap metal had been removed, but most of the solid waste remained on the properties. Mr. Miller noted a large hole had been dug at the 109352 320th Street property.

5. On December 3, 2012, Mr. Miller returned to Mr. Scallon's properties and noted that a large amount of the solid waste had been removed and that the large hole had been filled in.

6. In February 2013, the parties entered into a Consent Amendment to Administrative Order No. 2011-SW-32. The consent amendment included a payment plan for the payment of the penalty. The consent amendment noted the requirement to have the solid waste removed within 60 days of August 1, 2012. The consent order required that the disposal receipts be submitted to the field office within 10 days of disposal.

7. On November 22, 2013, DNR sent a Letter of Inquiry to Mr. Scallon regarding the failure to comply with the solid waste disposal provisions of Administrative Order No. 2011-SW-32. DNR explained what Mr. Miller observed at the properties on November 5, 2012 and December 3, 2012. The letter required that the receipts documenting that the solid waste and appliances were properly disposed be submitted by December 31, 2013. The letter informed Mr. Scallon that if the solid waste disposal receipts were not submitted by December 31, 2013, that the DNR would presume that the solid waste and appliances were unlawfully buried at Mr. Scallon's properties and would recommend referral to the Attorney General's Office for further enforcement.

8. At the time of this referral, the solid waste disposal receipts have not been received and Mr. Scallon has not contacted the DNR.

b. Law

1. **Administrative Order No. 2011-SW-32, a July 2012 Order Dismissing Appeal, and Consent Amendment to Administrative Order No. 2011-SW-32** required that Mr. Scallon properly dispose of the solid waste and appliances on his properties within 60 days of August 1, 2012 and submit the disposal receipt to the DNR within 10 days of the disposal. No documentation of proper disposal has been submitted. In November and December 2012, DNR Field Office 2 found evidence that the solid waste and appliances had not been disposed of properly and was likely buried on one or more of Mr. Scallon's properties.

LITIGATION REPORT for JIM SCALLON
May 2014 EPC MEETING

2. **567 Iowa Administrative Code (IAC) 100.4** prohibits dumping or depositing, or permitting dumping or depositing, of any solid waste at any place other than a facility permitted by the DNR, unless otherwise provided by rule. No documentation has been submitted. In November and December 2012, DNR Field Office 2 found evidence that the solid waste and appliances had not been disposed of properly and was likely buried on one or more of Mr. Scallon's properties.

3. **567 IAC 113** provides the permitting and operating provisions for sanitary landfills. Mr. Scallon's likely burial of the solid waste and appliances constitutes the operation of an unpermitted landfill.

4. **Iowa Code section 455B.307** authorizes the Attorney General to institute legal proceedings necessary to secure enforcement of the solid waste provisions of the law. **Iowa Code section 455B.307(3)** authorizes civil penalties of up to \$5,000 per day of violation of statutory provisions or DNR rules.

V. Witnesses

David Miller will be available during the May 2014 EPC meeting to answer additional questions.

Environmental Protection Commission
Iowa Department of Natural Resources

ITEM

13

DECISION

TOPIC

Contract with THE UNIVERSITY OF IOWA on behalf of
THE STATE HYGIENIC LABORATORY for NRSA Sampling Support

Recommendations:

Commission approval is requested for a <1 year-service contract with THE UNIVERSITY OF IOWA on behalf of THE STATE HYGIENIC LABORATORY of Coralville, Iowa. The contract will begin on June 1, 2014 and terminate on December 31, 2014. The total amount of this contract shall not exceed \$ 64,817.28.

Funding Source:

This contract will be funded through statutory authority in Chapter 455B.103 and is funded through US EPA funds provided to the DNR through Chapter 106 of the Clean Water Act..

Background:

The US EPA conducts a national survey of aquatic resources on an annual basis that focuses on one type of resource (e.g. wetland, lakes, or streams). The work cycles through each type so that the resource is re-surveyed every five years. The State of Iowa has participated in this program for the last seven years.

Purpose:

The parties propose to enter into this Contract for the purpose of retaining the Contractor to provide: sample collection and handling of multi-media environmental samples.

Contractor Selection Process:

THE UNIVERSITY OF IOWA on behalf of THE STATE HYGIENIC LABORATORY was chosen using the intergovernmental agreement process used process. THE UNIVERSITY OF IOWA on behalf of THE STATE HYGIENIC LABORATORY was chosen for this project because of their previous experience successfully working with this program.

Roger Bruner
Supervisor
Water Quality Bureau of the Environmental Services Division
May 20, 2014

Attachment(s): Special Conditions for Contract

Statement of Work. Contractor shall perform the following tasks. Contractor shall complete its obligations under this Contract by the Task Milestone Dates set out in the following table.

Obligation	Task Milestone Date
<p>Task 1: <u>Landowner contact and site reconnaissance.</u> Description: The Contractor shall obtain access permission and shall conduct reconnaissance for 13 stream sites listed in Exhibit A which is attached to and by this reference made a part of this Contract. If a site(s) listed in Exhibit A do not meet the US EPA sampling criteria http://water.epa.gov/type/rsl/monitoring/riverssurvey/upload/NRSA200809_SiteEvaluationGuidelines_20090216_FINAL_web.pdf or updated manual, the Contractor shall obtain the names and locations of alternate sites, to be provided by US EPA NRSA personnel. The Contractor shall inform DNR in writing if alternative sites are designated.</p>	<p>No later than October 15, 2014</p>
<p>Task 2: <u>Sample collection, processing, and transfer.</u> Description: The Contractor shall collect 14 complete sets of NRSA samples (13 sites plus 1 revisit) and field observations for 13 stream sites listed in Exhibit A or alternate sites provided by US EPA. The Contractor shall follow the sampling parameters and procedures specified in US EPA NRSA standard operating procedures http://water.epa.gov/type/rsl/monitoring/riverssurvey/upload/NRSA_Field_Manual_4_21_09.pdf or updated manual. All samples and observational data records shall be processed and transferred to the US EPA-designated laboratory or data facility in accordance with NRSA protocols.</p>	<p>No later than December 31, 2014</p>
<p>Task 3: <u>Acquisition of required sampling equipment.</u> Description: The Contractor shall acquire sampling equipment, as needed, the value of which shall not exceed \$1,000.00 (one thousand dollars).</p>	<p>No later than December 31, 2014</p>

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

Name, Location and Region Number	Program	Alleged Violation	DNR Action	New or Updated Status	Date
Grain Processing Corporation Muscatine (6) UPDATED	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
				Consent Decree (\$1,500,000 Civil Penalty, Conversion to Natural Gas, Corrective Action and Permanent Injunction	3/27/14
				Iowa Farm Bureau Federation et. al. Polk Co. (5)	Wastewater
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
May, 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	2/11/14				
Resistance to Motion	2/24/14				
Peeters Development Co., Inc.; Mt. Joy Mobile Home Park Davenport (6)	Wastewater	Monitoring/Reporting; Compliance Schedule; Discharge Limits; Operation Violations; Certified Operator Discipline	Referred to Attorney General	Referred	3/18/14
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

**Iowa Department of Natural Resources
Environmental Services
Quarterly Report of WW By-passes**

During the period January 1, 2014 through March 31, 2014, 52 reports of a wastewater by-pass were received. A general summary and count by field office is presented below. This does not include by-passes resulting from precipitation events or by-passes resulting in basement backups.

Month	Total	Avg. Length (days)	Avg. Volume (MGD)	Sampling Required	Fish Kill
1 ST Quarter '14	52(53)	0.379	0.007	4	0(0)
2 ND Quarter '13	97(35)	0.171	0.035	22	0(0)
3 RD Quarter '13	46(57)	0.251	0.054	3	0(0)
4 TH Quarter '13	46(40)	0.185	0.002	1	0(0)

(numbers in parentheses are for same period last year)

Total Number of Incidents per Field Office This Quarter:

Field Office	1	2	3	4	5	6
Reports	8	6	11	4	4	19

Monthly Variance Report
March 2014

Item No.	Facility/City	Program	DNR Reviewer	Subject	Decision	Date
1	Pine Lake Corn	Air Quality	Ann Seda	variance to extend stacktesting date	Approved	3/4/2014
2	Iowa DOT Bridge & Approach Road Grades	Flood Plains	Jeff Simmons	variance for bridge backwater during Q50 or lesser flood events	Approved	3/4/2014
3	City of Cedar Rapids	Wastewater	Mark Valmore	variance to install portions of 8-inch PVC sanitary sewer by jacking and boring and horizontal directional drilling.	Approved	3/4/2014
4	Jester Park Conservation Cnt	Wastewater	Marty Jacobs	variance from design standards	denied	3/5/2014
5	Pello Corp-Sioux	Air Quality	Ann Seda	variance to modify operating limits	Approved	3/7/2014
6	Quarry Services	Air Quality	Ann Seda	variance to operate temporary engine/generator	Approved	3/12/2014
7	City of Sioux City	Wastewater	Din Gupta	variance from design standards	Approved	3/13/2014
8	City of Grimes Water Dept	Water Supply	Mark Moeller	variance to allow proposed 800-gallon diesel fuel tank for a standby generator to be located approximately 90 feet from existing well.	Approved	3/14/2014
9	Big River United Energy LLC	Air Quality	Ann Seda	variance to increase production and ship greater than 120 million gallons of ethanol/year	Approved	3/14/2014
10	Hach Co	NPDES	Courtney Cswerko	refund overpayment of application fee.	Approved	3/17/2014
11	Henderson City of STP	NPDES	Courtney Cswerko	refund overpayment of application fee.	Approved	3/17/2014
12	Great River Regional Waste	Sanitary Disposal	Matthew Phoenix	variance to amend ERRAP requirements	denied	3/18/2014
13	MidAmerican Energy-Walter Scott	Air Quality	Ried Bermel	variance to deviate from minimum lime injection for flue gas desulfurization system while undergoing repairs	Approved	3/18/2014
14	Des Moines WRA	Wastewater	Mark Valmore	variance to install gravity sewer line by using trenchless construction	Approved	3/21/2014
15	City of Sioux City STP	Wastewater Construction	Laura Knispel	variance from design standards to install gravity sanitary sewer at 0.18% slope instead of minimum slope of 0.22%.	Approved	3/25/2014
16	Western Iowa Energy LLC	Air Quality	Ann Seda	variance to replace existing electric pump	Approved	3/27/2014
17	Jeid-Wen Window Division	Air Quality	Ried Bermel	request extension for required source testing of spray gun	denied	3/28/2014
18	City of Manchester	Wastewater	Marty Jacobs	variance from design standards for installing gravity sewer lines	Approved	3/31/2014
19	EHS Inc	Air Quality	Dennis Thielen	variance from testing requirements	Approved	3/31/2014
20	Cargill Inc	Air Quality	Dennis Thielen	variance to extend stacktesting date	Approved	3/31/2014
21	Western Iowa Power Admin.	Flood Plains		variance to allow permit amendment to allow placement of articulating concrete block revetment system in place of riprap.	Approved	2/12/2014

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

May, 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. 4/14 - Penalty and SEP paid. Case closed.
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	Internal meeting set for 4/22/14.
1/31/11	Griffin Pipe products Co., Inc.	4	Tax Certification Request	AQ	Preziosi	Settled in concept 1/28/14. Last communication with appellant 4/18/14.

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

May, 2014

DATE RECEIVED	NAME OF CASE	F.O.	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
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 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. Last communication with appellant March 2014.
8-27-12	Ag Processing, Inc.; Sergeant Bluff	4	Permit Conditions	AQ	Preziosi	Met with appellant 1/31/14. Met with appellant 3/12/14. Negotiations continuing. Appellant to submit further information in April.
11-21-12	Ag Processing Inc.	6	Permit Conditions	AQ	Preziosi	Continuing negotiations. Last communication internally 4/17/14.
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. Decision final
6-10-13	Mike Jahnke	1	Dam Application	FP	Schoenebaum	Hearing scheduled for April 9, 2014, Mr. Jahnke requested a continuance. Status conference with Judge is scheduled for April 23, 2014, at this time a new hearing date may be selected.
9-09-13	David Hansen; Debra D. Imhoff	6	Order/Penalty	FP	Schoenebaum	Appeal filed 9/9/13.

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

May, 2014

DATE RECEIVED	NAME OF CASE	F.O.	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
10-28-13	Regional Environmental Improvement Commission/Iowa Co. SLF	6	Variance	WW	Tack	Negotiating before filing.
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. 4/2014- Linn County in agreement to install chlorination/construction permit application submitted to Dept. Permit amendment to be issued.
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. Meeting with appellant was held 3/12/14. Negotiations continuing. Waiting for appellant to submit timeline for plan for continuing communications and submission of permit application.
4/17/14	REIC/Iowa Co. Sanitary Landfill	6	Permit Conditions	WW	Tack	New case.

DATE: May, 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
Kyle Schimmer Ida Co. (3)	Air Quality	Open Burning	Consent Order \$750	4/02/14
Corey DeRocher; DeRocher Bros. Farms Plymouth Co. (3)	Animal Feeding Operation	Operational Violations; Failure to Update Plan; Land Application Separation Distance	Consent Order \$2,000	4/15/14
Dairy Venture LLC Linn Co. (1)	Animal Feeding Operation	Prohibited Discharge – Confinement; WQ Violations – General Criteria	Consent Order \$3,000 \$421.26/Fish \$873.32/Invest.	4/18/14

IOWA DEPARTMENT OF NATURAL RESOURCES
 ENVIRONMENTAL PROTECTION COMMISSION
 RULE MAKING STATUS REPORT
 May, 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	4/15/14	*5/14/14			6/16/14	6/16/14						
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	5/20/14					
3. Ch. 61 – Water Quality Standards; Surface Water Classification; Batch 4														
4. Ch. 64, 65 – CAFOS/NPDES Permit Requirement	1/22/14	2/19/14 3/05/14	3/18/14	4/16/14	1421C		5/6,7,8,9 and 12/14	5/13/14						



**Iowa Department of Natural Resources
Environmental Services Division
First Quarter Report of Manure Releases**

During the period January 1, 2014, through March 31, 2014, 4 reports of manure releases were forwarded to the central office. A general summary and count by field office is presented below.

		Total Incidents		Surface Water Impacts		Feedlot		Confinement		Land Application		Transport		Hog		Cattle		Poultry		Other	
Month	Year	Cur*	Yr Ago**	Cur	Yr Ago	Cur	Yr Ago	Cur	Yr Ago	Cur	Yr Ago	Cur	Yr Ago	Cur	Yr Ago	Cur	Yr Ago	Cur	Yr Ago	Cur	Yr Ago
Jan	2014	2	1	1	0	1	0	1	1	0	0	0	0	1	1	1	0	0	0	0	0
Feb	2014	1	12	0	0	0	0	0	12	0	0	1	0	0	12	0	0	1	0	0	0
Mar	2014	1	14	1	0	0	0	1	14	0	0	0	0	1	14	0	0	0	0	0	0
Total		4	27	2	0	1	0	2	27	0	0	1	0	2	27	1	0	1	0	0	0

Total Number of Incidents per Field Office for the Selected Period	Field Office 1		Field Office 2		Field Office 3		Field Office 4		Field Office 5		Field Office 6	
	Current	Previous										
Total	0	1	2	5	1	2	0	5	0	1	1	0

* Manure releases during January of 2014 also include 1 Continuous Release Air Emission report required by federal regulation. The Continuous Release Air Emissions report is an initial report of ammonia and hydrogen sulfide released as part of the normal breakdown of manure at animal feeding operations. This release occurred in Field Office 2 in January.

** Manure releases during January, February, and March of 2013 also include 25 Continuous Release Air Emission reports required by federal regulation. These Continuous Release Air Emissions reports are initial reports of ammonia and hydrogen sulfide released as part of the normal breakdown of manure at animal feeding operations. These reports were summarized in the First Quarter 2013 Report of Manure Releases.



Iowa Department of Natural Resources
 Environmental Services Division
 First Quarter Report of Hazardous Conditions

During the period January 1, 2014, through March 31, 2014, 209 reports of hazardous conditions were forwarded to the central office. A general summary and count by field office is presented below. This does not include releases from underground storage tanks, which are reported separately.

		Substance								Mode											
		Total Incidents		Agrichemical		Petroleum Products		Other Chemicals		Transport		Fixed Facility		Pipeline		Railroad		Fire		Other*	
Month	Year	Cur	Yr Ago	Cur	Yr Ago	Cur	Yr Ago	Cur	Yr Ago	Cur	Yr Ago	Cur	Yr Ago	Cur	Yr Ago	Cur	Yr Ago	Cur	Yr Ago	Cur	Yr Ago
Jan	2014	68	57	7	4	40	32	21	21	11	9	48	43	0	1	2	1	2	1	5	2
Feb	2014	68	50	5	1	47	32	16	17	18	15	36	32	1	0	4	1	4	1	5	1
Mar	2014	73	53	1	1	48	45	24	7	19	11	46	35	2	2	4	1	0	0	2	4
Total		209	160	13	6	135	109	61	45	48	35	130	110	3	3	10	3	6	2	12	7

*Other includes dumping, theft, vandalism and unknown

Total Number of Incidents per Field Office This Selected Period	Field Office 1		Field Office 2		Field Office 3		Field Office 4		Field Office 5		Field Office 6	
	Current	Year Ago										
Total	30	19	34	30	13	14	34	22	51	41	47	34

IOWA DEPARTMENT OF NATURAL RESOURCES
COMPLIANCE AND ENFORCEMENT BUREAU

DATE: May 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	3,876	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	9,795	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
# 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	4,275	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
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
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
Corey DeRocher; DeRocher Bros. Farms (Plymouth Co.)	AFO	3,000	5-15-14
	TOTAL	350,272	

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
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

#Animal Feeding Operation

BOLD Entries Have Been Referred to DRF

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	1,125	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	45,265	

The following administrative penalties have been appealed:

NAME/LOCATION	PROGRAM	AMOUNT
Dallas County Care Facility (Adel)	WW	5,000
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; (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
David Hansen; Debra Imhoff (Wilton)	FP	6,000
	TOTAL	96,961

The following administrative penalties have been collected:

NAME/LOCATION	PROGRAM	AMOUNT
Joseph E. Skelley; Ssippi Valley Saloon, LLC (Burlington)	AQ	2,000
River Highlands Homeowner's Association	WS	750
Kyle Schimmer (Galva)	AQ	750
Finney Industrial Painting, Inc. (Fairfield)	AQ/WW	250
Albert Miller (Kalona)	AQ/SW	5
Daryl & Karen Hollingsworth d/b/a Medora Store(Indianola)	UT	50
Michael Lee Liphardt aka Melvin Liphardt (Clinton Co.)	AQ/SW	500
Ellsworth Excavating Co. (Muscatine Co.)	AQ/SW	75
Royal Oaks Development; A.J. Spiegel (Dubuque Co.)	SW	8,000
Poweshiek Water Association (Benton Co.)	WW	3,500
Dairy Venture LLC (Central City)	AFO	3,000
	TOTAL	18,880

#Animal Feeding Operation

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