

MINUTES
OF THE
ENVIRONMENTAL PROTECTION COMMISSION
MEETING
OCTOBER 21, 2014

DNR AIR QUALITY
7900 HICKMAN ROAD
WINDSOR HEIGHTS

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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 10:00 a.m. on October 21, 2014 at the DNR Air Quality facility in Des Moines, Iowa.

COMMISSIONERS PRESENT

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

COMMISSIONERS ABSENT

- Chad Ingels

ADOPTION OF AGENDA

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

APPROVED AS PRESENTED

APPROVAL OF MINUTES

Motion was made by Brent Rastetter to approve the September 16, 2014 EPC meeting minutes. Seconded by Cindy Greiman. Motion carried unanimously.

APPROVED AS PRESENTED

MONTHLY REPORTS

Bill Ehm shared with the Commission:

- The State of Iowa Auditor's report was distributed to Commissioners. A 1.5% penalty for late and overdue payment of fines was not being collected by the Department. The Department is working with the Department of Revenue for collection of the late and overdue penalties. EPA delegation of the Title V program requires an advisory board which currently does not exist. The Department is working with the Governor's Office for the creation of a state board.
- The Pollution Prevention internship program summary booklet was distributed to Commissioners. The program places top engineering students with Iowa businesses to reduce air pollution, water use and loss, and solid waste.
- Bill Ehm has been named the Chair of the Environmental Council of the States' Planning Committee.

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

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

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

INFORMATION

DIRECTORS REMARKS

Director Gipp shared with the Commission the Administrative Rules Review Committee reviewed the final rules for the CAFO Workplan and these rules become effective on October 22nd. The rules will provide that if a manure release from a confinement feeding operation reaches a waters of the U.S. the Department may issue a NPDES permit if the release is not permanently remedied.

INFORMATION

PUBLIC COMMENT

Whitney Garman – Self

Whitney Garman distributed handouts to the Commission and expressed concern for a proposed hog confinement near New Sharon. He referenced a map of the homes in relationship to the facility and stated that although the facility meets separation distances, it is going to impact the residents. He provided a list of people who have signed a petition. He asked the Commission to deny the permit.

Terry Brown – Self

Terry Brown shared with the Commission he is a neighbor to the proposed New Sharon hog facility. He expressed concern with the number of semi-trucks with grain and liquid manure traveling on the road an estimated 15-20 times per day. He believes as the crow flies, the facility does not meet the separation distance requirements to the neighbors. The smell from these types of facilities stink and one can't enjoy being outside. The hog building is too close to residents. In a bad rain storm, manure will get to the creek.

Joyce Otto – Self

Joyce Otto hasn't been to EPC for a while but while she has been absent, she has done some research. On the DNR website, it states the EPC is comprised of nine citizens who provide policy oversight for environmental protection. To be asked to serve on the board is an honor and she pleaded for the Commissioners to be the oversight body in Iowa's environmental protection efforts for clean air and clean water. Each Commissioner was provided a 4 year period to be on the commission. In 4 years, a Commissioner should be able to look and see that the number of impaired waters have gone down during their term rather than gone up. The DNR's 2012 Integrated Report stated the causes of fish kills is animal waste and then unknown pollutants. You can do something to prevent further animal waste releases.

Chris Petersen – Self

Chris Petersen shared with the Commission his career as a pig farmer and at his age, the best place for pigs is on the grill. He is proud to be one of the people reclaiming farms for family farmers. Government and Farm Bureau are shills for the factory farm industry which owns 91% of pig facilities and 41% of cattle facilities. A pass to pollute has been given to the factory farm industry and has driven family farms out of business. Family farmers treat their neighbors well. Iowa needs clean water. Family farmers will make it right, just give them time.

Jess Mazour – ICCI

Jess Mazour shared with the Commission in July 2012 the EPA investigated the DNR and found the DNR failed to issue permits, issue fines, and inspect facilities. If the DNR doesn't start using the new CAFO rules, they will continue to fail. Just this summer, there have been six spills totaling 200,000 gallons of manure, which has polluted 30 miles of stream and affected the state's drinking water. If factory farms are repeat offenders, they need to be shut down. In addition, DNR needs to impose stronger fines and penalties, and conduct proper inspections. There have been 762 manure spills since the start of the program. There are five Commissioners who have a financial interest in factory farms, but 100% of Iowans drink water. There are only 8,500 owners of factory farms. She demanded to know which group the Commission works for.

Deborah Bunka – ICCI

Deborah Bunka described a manure spill in 2013 with 5,000 gallons of manure which made it to the creek. The factory farm had 3 spills prior to the 2013 spill with 2 just 5 days apart. The Department needs a three strikes and you are out policy, and it needs to impose tougher fines and conduct proper inspections. The reaction by the DNR was to conduct a desktop assessment. DNR is not taking its oversight duties seriously. A transparent database for the public is needed. In the above example, there are no records of which body of water the manure reached, no list of fines or penalties, and no explanation of why spills kept happening at the facility. She asked for Clean Water Act permits for every factory farm, tougher fines and penalties, and a three strikes and you are out rule.

Brenda Brink – ICCI

Brenda Brink summarized DNR records of a 200,000 gallon manure spill on October 2nd at the Van Meter feedyard for a facility with 14,000 cattle and holding an NPDES permit. This was the 5th spill for this facility. The last inspection of the facility was over 3 years ago and DNR instructed the facility to take precautions to fix a pivot elbow. She asked for inspections that will find problems and fix them before a spill. If a facility needs to be shut down while it is being updated then that must happen. There are small towns that don't create that much waste but they are required to fix their wastewater problems. Why not animal manure? She asked why factory farms are getting a pass.

Lee Barclay – ICCI

Lee Barclay shared with the Commission that now that the Clean Water Act CAFO rule has been passed the DNR needs to enforce it. The Maschhoff family has numerous facilities and ship their pork to China and don't

live here. They leave their manure in Iowa to pollute Iowa. One facility has had 3 manure spills in the past 3 years. The DNR was not notified within 6 hours of the spill. They had an inspection a few months before the spill. For the most recent spill, they were fined \$10,000 which is pocket change to the corporation. DNR has favored the corporations too long. By issuing clean water permits to all factory farms the DNR can deter future pollution.

Barbara Lang – ICCI

Barbara Lang believes many factory farmers feel they are above the law. She taught school for years and experienced all types of personalities, including students who felt the rules didn't apply to them. These type of people are just older and more arrogant now. Iowa Select did not build its facility correctly and the DNR found the facility deficient. The facility had a manure spill from a clogged drainage line. She has a lot of questions about the follow up, required improvements, and why no fines were assessed. Factory farms ignore the rules and the penalties are not strong enough to impact their business.

Joe Fagan – ICCI

Joe Fagan described a manure spill from a hog facility in Jasper County. The facility did not notify the DNR within 6 hours. The DNR report says the manure reached a body of water but it doesn't identify which stream. The manure came from a side wall leak which piled outside of the building and rain carried the manure to the stream. There was no initial action to stop the spill. This factory farm has had 2 spills and numerous other violations and hasn't been inspected since 2006. The facility was fined \$348 which is pathetic. This fine will not deter future pollution. Factory farms needs to be referred to the Attorney General for stronger fines. Get in the spirit of fixing the environment.

Larry Ginter – ICCI

Larry Ginter stated that Summit Dairy did not notify DNR of its spill in August 2014. Mill Creek had 28 miles of stream polluted and fish killed. Fining the facility \$160,000 is good but the facility needs a clean water permit. DNR was onsite in April 2014; he asked why this inspection did not prevent the spill. He asked for tough inspections to find and fix problems along with follow up action. The public needs more information on this facility.

Jim Yungclas – ICCI

Jim Yungclas shared with the Commission Iowa's topsoil has gone from 18 inches to 5 inches over the past century. His car maintains speed if his tank is full or has ¼ tank of gas but will stop when the gas runs out. Agriculture is on the same path. Once the topsoil runs out, agriculture will stop too. DNR doesn't have oversight for soil conservation but rather clean air and water. Just because it is profitable doesn't mean it is right. It is the Commission's role to make it right. It is up to the Commission and us to make sure children have a future.

Shari Hawk – ICCI

Shari Hawk appealed to the Commission for a sense of decency and caring for human beings. The Commission's choices are making people's life miserable. We hate pollution of our water and air. She believes the Commission has voted for its personal and financial benefit. We hate you for imprisoning a man to his home. We hate you for ruining a woman's outdoor recreation business. Your decisions are deteriorating the water. Your task is to improve the environment. You must not have any children or grandchildren because you haven't considered ours.

Vern Tigges – ICCI

Vern Tigges summarized a manure spill caused by poor design of the operation's pipes. A desktop inspection or Google Earth review will not see the pipes. An onsite inspection is the only way to inspect the pipes. If the pipes are at fault, the facility should be shut down and fixed. The same facility owner had a whistleblower disclose animal cruelty. An ag "gag law" was passed to prevent this type of whistleblowing in the future.

Mary Clark – ICCI

Mary Clark shared with the Commission her story of having a polluted rural well. Her first child was often sick. Her second child came early and passed away. With her third child, a family member recommended having her well water tested. The results showed nitrate standards that were 4 times higher than allowed for human consumption. Waste from animals have high nitrates and pollute our waters.

Adam Mason – ICCI

Adam Mason stated the law that DNR may issue permits when manure reaches the waters of the U.S. and the cause of the release is not permanently remedied. The Sierra Club, DMWW, and ICCI tried to help make the CAFO rules clearer. The rule does not say that you can't issue tougher fines, conduct inspections leading to the issuance of permits, or revoke a permit. DNR needs to issue permits to those facilities that have had manure spills reaching the waters of the U.S.

END OF PUBLIC COMMENT

SOLID WASTE ALTERNATIVES PROGRAM – CONTRACT RECOMMENDATION

Tom Anderson, Executive Office of the Business & Financial Assistance Section of the Land Quality Bureau presented the following item.

The Department received 12 proposals requesting \$604,959 in financial assistance during the July 2014, round of funding. The review committee previously selected nine (9) projects for funding for a total of \$371,306. Three (3) of these proposals recommended for funding greater than \$25,000 were presented and received Commission approval at their September meeting.

Mentioned during the September Commission meeting was the possibility of a fourth proposal being recommended for funding pending an on-site interview and inspection. This on-site visit took place September 23rd and resulted in the review committee's recommendation to award a combination forgivable (\$20,000) and 0% interest loan (\$137,275).

The review committee consisted of five persons representing the Land Quality Bureau (2), Iowa Society of Solid Waste Operations (1), Iowa Recycling Association (1), and the Iowa Waste Exchange (1).

The Department requested Commission approval to enter into a contract with the selected applicant. A description of this recommended project, the project type, and the amount and type of funding assistance was provided.

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

APPROVED AS PRESENTED

CONTRACT – GRESHAM, SMITH AND PARTNERS (GS&P) – SOLID WASTE ALTERNATIVES PROGRAM ADVISORY COUNCIL CONSULTANT

Jennifer Wright, Environmental Program Supervisor of the Business and Financial Assistance Section of the Land Quality Bureau presented the following item.

The Department requested Commission approval of a contract in the amount of \$124,325.00 with the Gresham, Smith and Partners (GS&P) for eighteen (18) months to provide the following:

1. Provide assistance and guidance to DNR staff and the EMS Council
2. EMS Participant Assistance
3. Manage the contract/program

Funding Source:

This project will be funded by solid waste tonnage fees through the Solid Waste Alternatives Program (SWAP).

Background:

In the spring of 2008, the Iowa Legislature passed House File (HF) 2570, legislation that provides financial assistance from the existing SWAP fund to develop and implement Environmental Management Systems (EMS) in solid waste planning areas across Iowa. The legislation identified six specific areas in which areas requesting EMS designation must make efforts: yard waste management, hazardous household waste collection, water quality improvement, greenhouse gas reduction, recycling services, and environmental education. The legislation also requires an annual compliance report that provides the means to determine if the EMS is making continuing progress in each area. Presently there are thirteen participants in the program, serving 30 counties.

Purpose:

The purpose of this agreement is to contract with a consulting firm to provide the expertise needed to develop and deliver EMS training to program participants. EMS participants require assistance to effectively adopt and install the Environmental Management System. EMS benefits the State of Iowa by improving environmental quality. GS&P will also support the DNR and the EMS Council in their efforts to assist program participants as they strive for continuous improvement.

Selection Process:

The request for proposals (RFP) was posted on the state’s official Web site for notifying targeted small businesses and posted on the state’s official bid opportunities Web site. There was one (1) respondent.

Firm Name

Gresham, Smith and Partners (GS&P)

Each EMS Council member received printed copy of the submitted proposal. A quorum of seven Council members attended the September 18th EMS Council meeting. There was a motion and second to accept the proposal. There was discussion. GS&P is the consulting firm that has worked on the EMS project since 2009. The vote was called by the Council Chair. All votes were aye. The motion carried.

Scope of Work:

For an outline of the **scope of work**, please see the attached.

Based on the vote of the EMS Council, the Department recommend the contract for \$124,325.00 be awarded to Gresham, Smith and Partners (GS&P).

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

APPROVED AS PRESENTED

PAST SWAP GRANTEE - DAVID PHILLIPS, CEO OF REWALL – POST GRANT PRESENTATION

Jennifer Wright, Environmental Program Supervisor of the Business and Financial Assistance Section of the Land Quality Bureau introduced David Phillips and provided a summary of his SWAP grant. David Phillips shared with the Commission a PowerPoint presentation outlining the recycled material products produced.

INFORMATION

NOTICE OF INTENDED ACTION – CHAPTER 64: “WASTEWATER CONSTRUCTION AND OPERATION PERMITS”, TO INCLUDE WELL CONSTRUCTION AND WELL SERVICE WASTEWATER DISCHARGES

Wendy Hieb, Environmental Specialist Senior of the NPDES Section of the Water Quality Bureau presented the following item.

The Commission was asked to approve the Notice of Intended Action to initiate rulemaking to amend Chapter 64, “Wastewater Construction and Operation Permits.” These proposed rules will amend Chapter 64 to renew General Permit 6 which authorizes discharge of wastewater generated during well construction and related well service activities. Through the use of best management practices (BMP’s), the renewed General Permit will continue to require compliance with general water quality criteria and the monitoring of the wastewater effluent to determine sufficiency of the BMP’s. The renewed General Permit will continue to authorize the Department to take enforcement action against any permittee or co-permittee who fails to establish or maintain the required BMP’s or meet the general water quality criteria.

The following is a summary of the proposed amendment to Chapter 64:

- Establish updated effective and expiration dates for the General Permit #6.

If approved, the reissuance of GP6 would continue the following requirements:

1. Require the issuance of a General Permit #6 for any water well construction and well services related discharges that reach Waters of the United States.
2. Exempt water well construction and well services related discharges which are authorized by and meet the standards as found in General Permit #6 from the requirement of submitting a Notice of Intent.
3. Add the ability of the department to suspend or revoke any General Permit #6 if the well construction and well services related wastewater is not managed in a manner consistent with General Permit #6.
4. Establish a time period of 5 years for the permit to be effective.

Stakeholders participated in the development of these proposed rules. The department also plans to hold one public hearing to obtain additional public comment.

Motion was made by Gene VerSteege to approve the agenda item as presented. Seconded by LaQuanda Hoskins. Motion carried unanimously

APPROVED AS PRESENTED

CONTRACT – IOWA DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP – RATHBUN LAKE SPECIAL PROJECT - SUBWATERSHEDS 2013

Steve Hopkins, Executive Officer of the Watershed Improvement Section of the Water Quality Bureau presented the following item.

The Department requested Commission approval of a contract in the amount of \$417,699 with the Iowa Department of Agriculture and Land Stewardship for October 21, 2014 – June 30, 2016.

Funding Source: Federal – Environmental Protection Agency
This project will be funded through Section 319 of the Clean Water Act.

Background:

The Rathbun Lake watershed includes slightly more than 354,000 acres. The six counties in the Rathbun Lake watershed are Appanoose, Clarke, Decatur, Lucas, Monroe and Wayne. The Wayne Soil and Water Conservation District (SWCD), in cooperation with other partners of the Rathbun Land and Water Alliance, have undertaken a highly effective approach to water quality protection. This project proposes to initiate implementation of best management practices in two new targeted sub-watersheds in the Rathbun Lake watershed. Project activities will assist landowners to apply best management practices (BMPs) that will reduce sediment and phosphorus delivery to Rathbun Lake and its tributaries. This contract will provide funding for staff support and watershed outreach activities until June 30, 2015 and BMP cost-share until June 30, 2016.

Purpose:

The parties propose to enter into this contract for the purpose of supporting staff and implementing best management practices for watershed improvement.

Contractor Selection Process:

This project was chosen using a grant proposal application and committee review process.

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

APPROVED AS PRESENTED

2015 EPC DATES

Jerah Sheets, Board Administrator of the Environmental Protection Commission presented the following item.

The Department requested permission from the Commission to proceed with scheduling the 2015 Environmental Protection Commission meeting dates and locations.

January 20, 2015 – EPC Business Meeting

January 21, 2015 – Legislative Meet & Greet Event, State Capitol 7-9:30 a.m.

January 21, 2015 – Joint NRC/EPC Meeting – 10 a.m. - 1 p.m. Wallace State Office Building

February 17, 2015 – EPC Business Meeting

March 17, 2015 – EPC Business Meeting

April 14, 2015 – EPC Business Meeting

May 18, 2015 – Proposed Education Tour

May 19, 2015 – EPC Business Meeting

June 16, 2015 – EPC Business Meeting

July 20, 2015 – Proposed Education Tour

July 21, 2015 – EPC Business Meeting

August 18, 2015 – EPC Business Meeting

September 14, 2015 – Proposed Education Tour

September 15, 2015 – EPC Business Meeting

October 20, 2015 – EPC Business Meeting

November 17, 2015 – EPC Business Meeting

December 15, 2015 – EPC Business Meeting

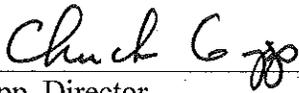
Motion was made by Brent Rastetter to approve the agenda item as presented. Seconded by Max Smith. Motion carried unanimously

APPROVED AS PRESENTED

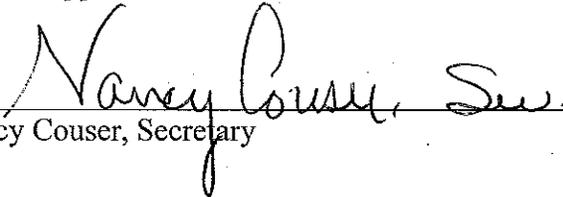
GENERAL DISCUSSION

- Chair Boote discussed with the Commission the importance of the upcoming annual report and requested that volunteers assemble a draft for the Commission to review.

Chairperson Boote adjourned the Environmental Protection Commission meeting at 12:20 p.m., Tuesday, October 21, 2014.



Chuck Gipp, Director



Nancy Couser, Secretary

Public Comment
Handout Whitney Garman

My name is Whitney Garman.

I am here today representing the people of our neighborhood. Unfortunately many of them are unable to attend due to harvest. However we as a community have provided you with a signed petition along with a map of the location of our homes. We are respectfully asking you to deny the permit to build this confinement in the middle of our rural community.

What was supposed to be home building project has now transformed into a hog confinement project. So instead of welcoming a new member to our community we are preparing for an invasion. An invasion to our health, home values and most importantly quality of life. Our beautiful country living that some of our residents have been able to enjoy for over 20+ years, will cease to exist.

We are a welcoming community. However this is not a welcome change.

Many of the residents have been in this community a long time. My wife and I were fortunate to join this community a little over 7 years ago! Now we find that a hog confinement is going up ½ mile from us. When we purchased the property, we felt safe that no confinements would be built in that area. So much for our dreams! Ours is now threatened due to this confinement.

This confinement may be for the greater good of 1, but comes at the cost of many. This will be a permanent nuisance in our lives. We will be unable to open our windows on nice spring days. Unable to enjoy backyard barbeques with family and friends, and could you even envision trying to sell our homes with a confinement so close.

We know the distances that the law requires. As well as the guide line requirements. However we believe this is a unique case. We also believe every case should be looked at individually. Not only will the stouts not live by this confinement, they own no land by it either. They have chosen to build this confinement right in the middle of our community with no regards to the people who will be affected by it.

We fill helpless in this situation. We were here first! My grandpa always told me (rights right and wrongs wrong). Those words have never read more true. Building this confinement in our back yard is definitely wrong. You are our last hope at stopping this. We know there's not many of us, but we also know that we are the ones directly affected. We strongly but respectfully ask you to please take the time and look at the location of our properties in regards to the location of this confinement and deny the permit to build confinement in this location.

Thank You,

Whitney Garman

Public Comment
Handout
Whiting Garner



1320 ft

1888750.43, 522055.29

Parcel ID 0334300006
Sec/Twp/Rng 34-77-15
Property Address 2525 160TH
NEW SHARON

Alternate ID 229
Class R
Acreage n/a

Owner Address Stout Land L L C
% Stout, Justin
2327 135th St
New Sharon, IA 50207-

District UNION TWP

Brief Tax Description S 305' E 500' SW SW

(Note: Not to be used on legal documents)

Agenda

Environmental Protection Commission

Tuesday, October 21, 2014
DNR Air Quality Suite 1
7900 Hickman Road
Windsor Heights, Iowa

EPC Business Meeting

10:00 AM – EPC Business Meeting begins

Public Participation¹ – Requests to speak during the business meeting Public Participation must be submitted to Jerah Sheets at Jerah.Sheets@dnr.iowa.gov, 502 East 9th Des Moines, IA 50319, 515-313-8909, or in-person by the start of the business meeting. Please indicate who you will be representing (yourself, an association, etc.), the agenda item of interest, and your stance of For, Opposed, or Neutral.

If you are unable to attend the business meeting, comments may be submitted via mail and email for the public record. The Commission encourages data, reports, photos, and additional information provided by noon the day before the meeting to allow ample time for review and consideration.

Agenda topics

- | | | |
|----------------------|--|----------------------------------|
| 1 | Approval of Agenda | |
| 2 | Approval of Minutes | |
| 3 | Monthly Reports | Bill Ehm
(Information) |
| 4 | Director's Remarks | Chuck Gipp
(Information) |
| Public Participation | | |
| 5 | Solid Waste Alternatives Program – Contract Recommendation | Tom Anderson
(Decision) |
| 6 | Contract – Gresham, Smith and Partners (GS&P) – Solid Waste Alternatives Program Advisory Council Consultant | Jennifer Wright
(Decision) |
| 7 | Past SWAP Grantee - David Phillips, CEO of ReWall – Post grant presentation | Jennifer Wright
(Information) |
| 8 | Notice of Intended Action – Chapter 64: “Wastewater Construction and Operation Permits”, to include Well Construction and Well Service Wastewater Discharges | Wendy Hieb
(Decision) |
| 9 | Contract – Iowa Department of Agriculture and Land Stewardship – Rathbun Lake Special Project - Subwatersheds 2013 | Steve Hopkins
(Decision) |
| 10 | 2015 EPC Schedule | Jerah Sheets
(Decision) |
| 11 | General Discussion | |
| | • EPC Annual Report | |
| 12 | Items for Next Month's Meeting | |
| | • November 19, 2014 – EPC Business Meeting, Windsor Heights | |
| | • December 16, 2014 – EPC Business Meeting, Windsor Heights | |

For details on the EPC meeting schedule, visit

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

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

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

Name, Location and Region Number	Program	Alleged Violation	DNR Action	New or Updated Status	Date
BCB Ag, LLC Inwood (3)		Uncertified Applicator; Lack of Signage for Manure Service on Vehicle	Referred to Attorney General	Referred Petition Filed	4/15/14 7/29/14
Hoffman, Matt Hinton (3)	Animal Feeding Operation	Failure to Submit MMP and Fees	Referred to Attorney General	Referred	4/15/14
Iowa Farm Bureau Federation et. al. Polk Co. (5) UPDATED	Wastewater	Judicial Review of Antidegradation Rules	Attorney General	Petition Filed State's Answer Motion to Intervene by Sierra Club Motion to Intervene by Iowa Environmental Council and Environmental Law & Policy Center Hearing on Intervention Ruling Granting Intervention State's Motion for Summary Judgment; Undisputed Facts; Affidavits; Appendix and Memorandum Hearing on Petitioners' Motions Ruling Denying Petitioners' Motions Petitioner's Application for Interlocutory Appeal Petitioner's Motion for Stay State's Resistance to Application State's Resistance to Motion for Stay Hearing on Motion for Stay Supreme Court Denial of Interlocutory Appeal Petitioners' Motion for Stay Hearing Withdrawn Petitioners' Motion for Summary Judgment and Cross-Motion for Summary Judgment Hearing on Motions for Summary Judgment Ruling Granting State's Motion for Summary Judgment Notice of Appeal Petitioner's Proof Brief State's Proof Brief State's Designation of Appendix Appendix Filed Respondent-Intervenors' Proof Brief Petitioners' Proof Reply Brief Petitioner's Final Brief Petitioner's Final Reply Brief State's Final Brief Respondent-Intervenor's Final Brief Oral Argument before Iowa Supreme Court Supreme Court Opinion Rejecting Challenge to Antidegradation Rules Bill of Costs to Petitioners Procedendo to District Court Costs Paid by Petitioners	10/04/10 10/27/10 11/03/10 12/15/10 1/20/11 2/03/11 4/29/11 9/30/11 10/14/11 10/31/11 11/08/11 11/14/11 11/16/11 11/30/11 11/23/11 11/30/11 12/21/11 1/18/12 3/29/12 4/26/12 9/28/12 11/28/12 11/28/12 1/23/13 12/03/12 2/05/13 2/06/13 2/06/13 2/06/13 2/08/13 10/09/13 7/11/14 8/14/14 8/14/14 9/17/14

**DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION COMMISSION
ATTORNEY GENERAL REFERRALS
October, 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
				State's Motion to Compel	5/07/14
				Order Compelling Discovery	5/27/14
				Motion for Sanctions	7/09/14
				Hearing on Sanctions	8/18/14
				Default Judgment (\$60,000 Civil/ Injunction)	8/20/14
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 Denying Jury Demand	1/17/14
				Motion to Clarify Ruling	1/23/14
				Nunc Pro Tunc Order	1/28/14
				Jury Demand Allowed for 3 rd Party Defendant	
				State's Motion to Strike or Sever 3 rd Party Petition	2/11/14
				Resistance to Motion to Strike	2/24/14
				Application for Default Judgment	3/12/14
Order Granting Default Judgment Against 3 rd Party Defendant	3/13/14				
Trial Date	3/31/15				
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
Pet Memories, Inc. Warren Co. (5)	Solid Waste	Judicial Review	Defense	Petition Filed	2/05/14
				Answer	3/05/14
				Hearing Date	1/21/15
Scallon, Jim Austinville (2)	Solid Waste	Illegal Disposal	Referred to Attorney General	Referred	5/20/14

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

Name, Location and Region Number	Program	Alleged Violation	DNR Action	New or Updated Status	Date
Sioux-Preme Packaging Co. Sioux Center (3) UPDATED	Wastewater	Prohibited Discharge; Operation Violations; WQ Violations – General Criteria	Referred to Attorney General	Referred Petition Filed Consent Decree (\$54,000/Civil; \$20,282.94/Fish Restitution; \$2,785.16 Investigation Costs; Permanent Injunction)	9/17/13 8/28/14 8/28/14

Monthly Variance Report
August 2014

Item No.	Facility/City	Program	DNR Reviewer	Subject	Decision	Date
1	Dubuque Stamping & Manufacturing Inc	Air Quality	Ann Seda	variance to modify & construct prior to receiving construction permit modification	denied	7/29/2014
2	City of Toledo	Water Supply	Taroon Bidar	variance to fuel tank separation distance from well	approved	8/4/2014
3	CF Industries	Air Quality	Ann Seda	variance to extend deadline to complete construction	approved	8/4/2014
4	Koch Nitrogen	Air Quality	Ann Seda	variance to install and operate portable emission control system (PECS)	approved	8/4/2014
5	IPL Lansing	Air Quality	Dennis Thielen	variance to burn bituminous coal in boiler	approved	8/6/2014
6	Rathbun Regional Water Assoc	Water Supply	Mark Moeller	variance to rehabilitate chemical feed systems using positive-placement pumps with associated programmable logic controllers to measure chemical feed rates and volumes in lieu of tanks and weighing scales	approved	8/6/2014
7	Cargill Inc	Air Quality	Dennis Thielen	variance to extend deadline to perform stack testing	approved	8/11/2014
8	Cargill Sioux City	Air Quality	Ann Seda	variance to install and operate new stack	approved	8/12/2014
9	Woodbine Manufacturing	Air Quality	Reid Bermel	variance to remove hourly operating restrictions of five paint booths prior to obtaining modified permits	approved	8/18/2014
10	3M Knoxville Plant	Air Quality	Reid Bermel	variance to modify and operate 2NA Coating Line prior to obtaining modified permits	approved	8/19/2014
11	POET	Air Quality	Dennis Thielen	variance to extend deadline to perform stack testing	approved	8/19/2014
12	City of Coggon	Wastewater	Marty Jacobs	variance from required 1000-foot separation distance form proposed new wastewater treatment plant to fourteen inhabitable residences.	denied	8/19/2014
13	City of Iowa City South STP	Wastewater	Mark Valmore	variance to design standards	approved	8/25/2014
14	Nishnabotna River	flood plain	Karen Smith	variance from freeboard criterion from 3 feet above 50 year flood elevation to equal to 50 flood elevation. variance from backwater criterion.	approved	8/25/2014
15	Eagle Window & Decor	Air Quality	Ann Seda	variance to install and use paint booth prior obtaining construction permit.	denied	8/25/2014
16	City of Missouri Valley STP	Wastewater	Mark Valmore	variance to install pvc pipe gravity sewer line by using horizontal directional drilling.	approved	8/29/2014

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

October, 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.
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	Settled. Appeal was withdrawn and a consent amendment was signed. Back tank fees have been paid. Case closed.
2/25/10	Higman Sand & Gravel Inc.	3	Order/Penalty	FP	Clark	6/13/14 – Higman President agrees to have its engineer document completion of mitigation work and to pay penalty in Order upon his return to Iowa and execution of consent amendment to Order.
3/11/10	Bondurant, City of	5	Order/Penalty	WW	Hansen	7/2013-On hold pending further investigation.
12/29/10	Griffin Pipe Products Co., Inc.	4	Permit Conditions	AQ	Preziosi	Met with appellant 9/22/14.
1/31/11	Griffin Pipe products Co., Inc.	4	Tax Certification Request	AQ	Preziosi	Settled in concept. Met with appellant 9/22/14.
2/28/11	Manson, City of	3	Order/Penalty	WS	Hansen	4/1/11 – Settlement conference held with City. 6/22/11- Settlement offer received from City attorney. 6/28/11- More information requested from City attorney concerning the settlement proposal. 11/29/11- Settlement meeting with City 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

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

October, 2014

DATE RECEIVED	NAME OF CASE	F.O.	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
						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. 5/23/14- Test well drilled but not successful. City Council to determine next step. 6/20/14- Letter sent to City requesting plan of action and schedule by 8/30/14 for returning to compliance with order.
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. Settled in concept. Last communication with appellant on 5/22/14. Communication from appellant 7/22/14. Internal meeting 9/5/14.
11-21-12	Ag Processing Inc.	6	Permit Conditions	AQ	Preziosi	Continuing negotiations. Last communication with appellant on 5/20/14. Communication from appellant 7/22/14. Internal meeting 9/5/14.
3-04-13	Anderson Excavating Co., Inc.	4	Order/Penalty	SW	Tack	Landfill closure underway. Settlement will occur after closure. Inspection on 8/20/14. Closure to be completed this fall.
6-10-13	Mike Jahnke	1	Dam Application	FP	Schoenebaum	Hearing held 7/30/14. ALJ upheld the permit issued by the Department.
10-28-13	Regional Environmental Improvement Commission/Iowa Co. SLF	6	Variance	WW	Tack	REIC meeting with WES on 6/17/14. Facility plan submitted 8/29/14. Antidegradation analysis needed next.
1-02-14	P & J Pork, LLC		Construction Permit Denial	AFO	Clark	6/10/14 – Proposed decision affirming DNR permit denial. 6/18/14 – P & J Pork appeals proposed decision. 8/19/14 – EPC reverses proposed decision.
1/16/14	Council Bluffs Water Works	4	Permit Conditions	WW	Tack	DNR response to settlement proposal sent on 9/08/14.
1/21/14	AG Processing, Inc.		Permit Conditions	AQ	Preziosi	Negotiations continuing. Last communication with appellant on 5/20/14. Communication from appellant 7/22/14. Internal meeting 9/5/14.
4/17/14	REIC/Iowa Co. Sanitary Landfill	6	Permit Conditions	WW	Tack	REIC meeting with WES on 6/17/14. REIC to submit facility plan.
9/08/14	Craig Ver Steegh	5	Permit Conditions	WW	Tack	New case.

DATE: October, 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
Niehouse Cleaners & Draperies Marshalltown (5)	Air Quality	Air Quality Violations – Other	Consent Order \$3,000	9/08/14
Van Diest Supply Company Webster City (2)	Air Quality	Construction Without Permit; Construction Contrary to Permit; Operation Without Permit; Other – Fugitive Dust	Consent Order	9/09/14
Treven Howard; Northwest Manure Mgmt. Inc. Ocheyeden (3)	Animal Feeding Operation	Failure to Report a Release; Uncertified Applicator	Consent Order \$6,000	9/09/14
Donna J. Jensen Ringsted (3)	Air Quality Solid waste	Open Burning; Illegal Disposal	Consent Order \$3,000	9/17/14
David Dahlgren Clarion (2)	Animal Feeding Operation	Uncertified Applicator	Consent Order \$3,000	9/17/14
Charles & Patricia Henningsen Ruthven (3)	Animal Feeding Operation	Failure to Update Plan	Consent Order \$2,000	9/19/14

IOWA DEPARTMENT OF NATURAL RESOURCES
LEGAL SERVICES BUREAU

DATE: October 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	3,825	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
* Floyd Kroeze (Butler Co.)	AFO	1,500	2-20-01
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	9,780	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
# 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
Jon Knabel (Clinton Co.)	AQ/SW	2,000	12-16-08
# Rick Renken (LeMars)	AFO	996	7-03-09
# Robert Fangmann (Dubuque Co.)	AFO	1,000	7-15-09
# Brian Lill (Sioux Co.)	AFO	3,037	7-18-09
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
# 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

#Animal Feeding Operation
BOLD Entries Have Been Referred to DRF

# Joe McNeill (Kossuth Co.)	AFO	2,460	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	8,445	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	3,275	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
Noah Coppess (Cedar Co.)	AQ/SW	7,500	2-23-13
Shane Rechkemmer (Fayette Co.)	SW	1,000	3-01-13
Keith Durand; Durand Construction (Lee Co.)	WW	500	3-07-13
B Petro Corporation (Cedar Rapids)	UT	7,728	5-13-13
Ken Odom (Iowa Co.)	AQ/SW	5,000	4-26-13
Robert Downing (Mahaska Co.)	AQ/SW	10,000	11-20-13
Shriners Hospital for Children, Inc. (Des Moines)	UT	8,890	12-03-13
Larry Eisenhauer (Woodbury Co.)	AQ/SW	4,675	3-01-14
Randy Wise; Wise Construction (Buena Vista Co.)	AQ/SW	3,000	4-10-14
Advanced Electroforming, Inc. (Cedar Co.)	AQ	1,500	4-03-14
Audra Early; Mid-States Mfg. & Engr. (Van Buren Co.)	AQ	2,500	4-03-14
Western Iowa Telephone Assoc. (Lawton)	WW	4,000	5-24-14
# Larrell DeJong; Jodi DeJong (Osceola Co.)	AFO	2,250	6-20-14
Wendall Abkes (Parkersburg)	SW	3,000	7-30-14
	TOTAL	322,412	

The following penalties have been assessed but are not due at this time:

# Treven Howard; Northwest Manure Mgmt. (Ocheyedan)	AFO	6,000	10-09-14
Donna J. Jensen (Ringsted)	AQ/SW	3,000	10-17-14
# Charles and Patricia Henningsen (Ruthven)	AFO	2,000	10-19-14
Dennis Habben (Sioux Co.)	SW	10,000	11-01-14
	TOTAL	21,000	

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
# 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
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	415	10-15-14
Air Advantage, Inc. (Mt. Pleasant)	WW	1,500	4-01-15
Ellsworth Excavating Co. (Muscatine Co.)	AQ/SW	750	10-01-14

#Animal Feeding Operation

BOLD Entries Have Been Referred to DRF

# Steve Grettenberg; Dragster LLC	AFO	3,000	1-20-14
Stephan A. Palen (Wapello Co.)	AQ	520	9-01-14
Millard Elston III; The Earthman (Jefferson Co.)	AQ/SW	2,000	2-15-13
Simon Simonson (Kossuth Co.)	SW	4,600	9-30-14
ADA Enterprises, Inc. (Worth Co.)	WW	5,000	8-15-14
Niehouse Cleaners & Draperies, Inc. (Marshalltown)	AQ	2,500	9-15-14
# David Dahlgren (Clarion)	AFO	3,000	9-15-14
	TOTAL	47,466	

The following administrative penalties have been appealed:

Dallas County Care Facility (Adel)	WW	5,000
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
Anderson Excavating Company, Inc. (Pottawattamie Co.)	SW	10,000
	TOTAL	63,461

The following administrative penalties have been collected:

# Steve Grettenberg; Dragster LLC	AFO	500
Warren Garrett; Garrett Painting & Sandblasting (DM Co.)	AQ	1,500
Simon Simonson (Kossuth Co.)	SW	100
Patrick Baker; Stockton Auto (Davenport)	AQ/SW	83
Air Advantage, Inc. (Mt. Pleasant)	WW	1,500
Ellsworth Excavating Co. (Muscatine Co.)	AQ/SW	75
Jacob Reed (Mahaska Co.)	AQ/SW	1,500
River Trading Company, Ltd. (Muscatine)	WW	3,000
Bernard Michelson (Hancock Co.)	AQ/SW	2,500
Stephan A. Palen (Wapello Co.)	AQ	104
Stephan A. Palen (Wapello Co.)	AQ	104
Niehouse Cleaners & Draperies, Inc. (Marshalltown)	AQ	500
George Kramer (Clinton Co.)	AQ/SW	1,500
Stuart Yoder (Johnson Co.)	AQ/SW	224
# Lane Bachman (Calhoun Co.)	AFO	3,885
* Craig Burns (Postville)	WW	950
# Robert Fangmann (Dubuque Co.)	AFO	397
Karl Molyneux (What Cheer)	AQ/SW	960
Newbury Living; Elsie Mason Manor (Des Moines)	AQ	3,000
Mid River Marine Service and Storage (North Liberty)	WS	5,720
Lonnie Bryant; Sierra Bryant; Bryant's MHP (Keokuk)	WW	100
James Bailey; James Bailey Construction (Van Buren Co.)	AQ/SW	634
# Paul and Steve Groth (Mitchell Co.)	AFO	3,000
John Kletsch (Dickinson Co.)	AQ	550
Toronto, City of	WW	5,000
Patrick Baker; Stockton Auto (Davenport)	AQ/SW	83
	TOTAL	37,469

#Animal Feeding Operation

BOLD Entries Have Been Referred to DRF

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

ITEM

5

DECISION

TOPIC: Solid Waste Alternatives Program – Contract Recommendation

The Department received 12 proposals requesting \$604,959 in financial assistance during the July 2014, round of funding. The review committee previously selected nine (9) projects for funding for a total of \$371,306. Three (3) of these proposals recommended for funding greater than \$25,000 were presented and received Commission approval at their September meeting.

Mentioned during the September Commission meeting was the possibility of a fourth proposal being recommended for funding pending an on-site interview and inspection. This on-site visit took place September 23rd and resulted in the review committee's recommendation to award a combination forgivable (\$20,000) and 0% interest loan (\$137,275).

The review committee consisted of five persons representing the Land Quality Bureau (2), Iowa Society of Solid Waste Operations (1), Iowa Recycling Association (1), and the Iowa Waste Exchange (1).

At this time, the Department is requesting Commission approval to enter into a contract with the selected applicant.

A description of this recommended project, the project type, and the amount and type of funding assistance is attached.

Tom Anderson, Executive Officer II
Land Quality Bureau
Environmental Services Division

Attachment

a) Proposal description

October 21, 2014

**SOLID WASTE ALTERNATIVES PROGRAM
PROPOSAL RECOMMENDATIONS**

The following provides a description of the project for which Commission approval is requested.

Sedore Inc.
28942 Hwy 16
Stockport, Iowa 52651

Forgivable Loan: \$ 20,000
0% Loan: \$137,275
Total Award Amount: \$157,275

Cash Match: \$ 52,425
Total Project Cost: \$209,700

Project Title: **Residential and Commercial Recycling Service Expansion**

Contact: Troy Sedore **Phone:** 319-288-0908

Project Type: Best Practices

Applicant: Private For Profit

Description: Sedore Inc. is a full service company providing solid waste and curbside recycling collection services for area communities, rural residences and commercial clients. Collected materials are delivered to the applicant's transfer station where recyclables are recovered from the solid waste stream and recyclables are sorted, processed and marketed. The facility provides drop off recycling containers for area residents and accepts shingles from area roofing projects. Curbside collection of appliances is also offered for no fee upon request.

Funding is requested for building modifications to improve material receiving and processing, curbside recycling containers and for screening of the property. A series of bay doors will be installed, one dedicated for each incoming material (cardboard, metals, plastic, shingles and general solid waste). Once processed, materials are moved into roll-off containers at each respective bay door and when full are marketed to the local recycling broker. Solid waste, once recyclables are recovered, is taken to the landfill for disposal. Corrugated cardboard is baled and loaded on to a semitrailer and when full is directly sold to an end market.

Service Area: Primary service area is Van Buren, Davis, Lee, Jefferson, Henry and Des Moines Counties

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

ITEM

6

DECISION

TOPIC

**Contract – Gresham, Smith and Partners (GS&P) – Solid Waste
Alternatives Program Advisory Council Consultant**

Recommendation:

The Department requests Commission approval of a contract in the amount of \$124,325.00 with the Gresham, Smith and Partners (GS&P) for eighteen (18) months to provide the following:

1. Provide assistance and guidance to DNR staff and the EMS Council
2. EMS Participant Assistance
3. Manage the contract/program

Funding Source:

This project will be funded by solid waste tonnage fees through the Solid Waste Alternatives Program (SWAP).

Background:

In the spring of 2008, the Iowa Legislature passed House File (HF) 2570, legislation that provides financial assistance from the existing SWAP fund to develop and implement Environmental Management Systems (EMS) in solid waste planning areas across Iowa. The legislation identified six specific areas in which areas requesting EMS designation must make efforts: yard waste management, hazardous household waste collection, water quality improvement, greenhouse gas reduction, recycling services, and environmental education. The legislation also requires an annual compliance report that provides the means to determine if the EMS is making continuing progress in each area. Presently there are thirteen participants in the program, serving 30 counties.

Purpose:

The purpose of this agreement is to contract with a consulting firm to provide the expertise needed to develop and deliver EMS training to program participants. EMS participants require assistance to effectively adopt and install the Environmental Management System. EMS benefits the State of Iowa by improving environmental quality. GS&P will also support the DNR and the EMS Council in their efforts to assist program participants as they strive for continuous improvement.

Selection Process:

The request for proposals (RFP) was posted on the state's official Web site for notifying targeted small businesses and posted on the state's official bid opportunities Web site. There was one (1) respondent.

Firm Name

Gresham, Smith and Partners (GS&P)

Each EMS Council member received printed copy of the submitted proposal. A quorum of seven Council members attended the September 18th EMS Council meeting. There was a motion and second to accept the proposal. There was discussion. GS&P is the consulting firm that has worked on the EMS project since 2009. The vote was called by the Council Chair. All votes were aye. The motion carried.

Scope of Work:

For an outline of the **scope of work**, please see the attached.

Based on the vote of the EMS Council, we recommend the contract for \$124,325.00 be awarded to Gresham, Smith and Partners (GS&P).

Jennifer Wright
Land Quality Bureau
Environmental Services Division

Statement of Work

Task 1: DNR/EMS Council Assistance

Description: Provide assistance and guidance to DNR staff and the EMS Council as needed. Tasks will include but not be limited to:

1. Training and advice
2. Annual EMS Conference/Workshop preparation and hosting
3. Gather information to develop and prepare a print-ready compilation of information from participants for the purpose of developing a "Success Stories" summary booklet.
4. Attend and/or speak at Professional Association Conferences or Council Meeting Attendance as requested
5. Other assistance as needed

Task 2: EMS Participant Assistance:

EMS training is provided to assist new Tier 1 participants to install the 10 EMS elements over a 16 -18 month period. On-going training will be provided for Tier 1 participants who have completed training and for Tier 2 participants.

Description: Provides training, training materials, guidance and assistance including but not limited to:

1. Tier 1 training for all new program participants – from initial acceptance into the EMS program through presentation of the 10 EMS Elements. Contractor duties:
 - a. Develop or continue to update training materials on the 10 Iowa Solid Waste EMS Elements plus other topics as needed
 - b. Set up and participate in participant site visits (Typically two for each new Tier 1 during the course of each Tier 1 training period)
 - c. Set up and participate in training meetings – at various locations. This may include Annual Internal Auditor/Assessor Training for all participants
 - d. Update or develop and host web-based training sessions for some of the topics.
 - e. Host periodic conference calls during Tier 1 training (Approx. 16 months for each new Tier 1 group), be available for questions and consultation by participants
 - f. On-going Participant coaching, homework review
2. Assist DNR in developing and hosting one Tier 2 training session each year as necessary. Provide ongoing training for both tiers at meetings as needed
3. The EMS Program Hosts an Annual Conference/Workshop for participants and other interested parties. This has typically been held as a 1-day event in Des Moines in November. Contractor Conference duties include but are not limited to: identification of potential speakers, attendance, preparation of materials for participants including printouts and PowerPoints, presentations
4. Additional EMS assistance as requested and agreed upon between DNR and the consultant

Task 3: Program Management

Description: Program documentation:

1. Project Management and scheduling

When invoicing, provide a breakdown of activities by Task and Staff Member. Indicate staff member hours per task and cost per hour. Provide costs and task assigned for all other invoices such as printing, phone, parking, car rental, plane etc.

The ReWall Company, LLC



EPC
October 21, 2014

Why should I listen to this guy?

VALUE



The beverage carton is a composite material, it is hard to recycle, and it is nearly 1% of the nation's waste stream. There are about 1.5M tons of it produced in the U.S. every year, the majority of which ends up in landfills, because paper mills want just paper, not poly or aluminum, and plastic and metal recyclers don't want paper.

What is a beverage carton?

Cartons are a type of packaging for food and beverage products you can purchase at the store. They are easy to recognize and are available in two types—shelf-stable and refrigerated.

Cartons are mainly made from paper in the form of paperboard, as well as thin layers of polyethylene (plastic). The shelf stable ones have also a thin layer of aluminum. Shelf-stable cartons contain on average 74% paper, 22% polyethylene and 4% aluminum. Refrigerated cartons contain about 80% paper and 20% polyethylene.



What is ReWall?

THE MOST EFFICIENT RECYCLING SOLUTION FOR MILK and JUICE (BEVERAGE) CARTONS.

ReWall is a 100% recycled composite panel made from beverage cartons. The manufacturing process is environmentally friendly and does not use water or chemicals that add VOCs – all products are formaldehyde free.

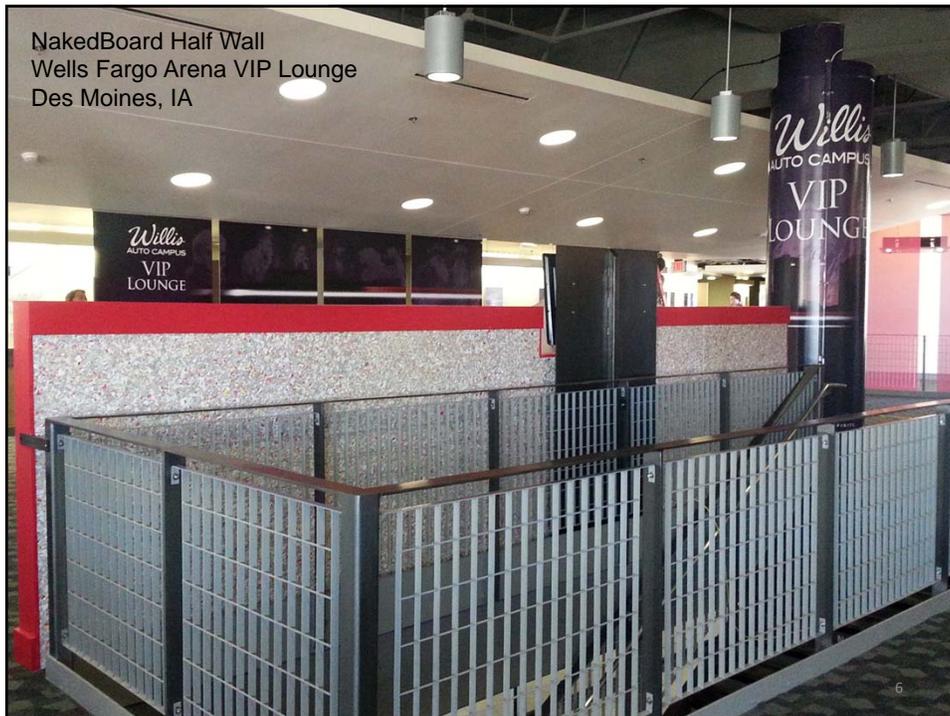
Uses:

- Structural boards**
- Finished panels**
- Tile backer/Underlayment**

- Utility boards**
- Ceiling tiles**
- Packaging**



NakedBoard





EssentialBoard

Exterior Sheathing
low permeability
100% recycled

Interior Wallboard
abuse & moisture resistant
no VOCs

Utility Board
made in Iowa
100% recyclable

Concrete Forms
lasts longer than
than OSB or plywood



EssentialBoard Exterior sheathing
for garage, Altoona, IA



EssentialBoard Interior Wallboard
Iowa Department of Natural Resources

Quarterback



Ceiling Tiles



Cleanroom
washable



Industrial Spaces
durable



Basements
no VOCs



Variety of Colors
cool

Washable Ceiling Tiles in Color



ReWall Competitive Advantage

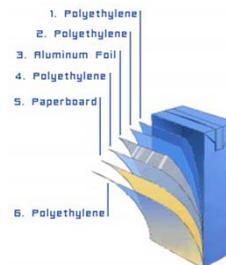
- ReWall has 20 years of experience in the market
- Price competitive
- Resource Conservation
 - 100% Recycled AND recyclable – we'll take it back and make more panels!
- Indoor Environmental Quality
 - Made with no glues or chemicals
- US Manufactured With Locally Sourced Raw Materials
 - Regional Expansion Plan
 - Green manufacturing jobs



We are Cleantech

Paper mills use hydropulpers to separate the carton components. The long fibers are recovered and pulped. The best mills recycle the poly and aluminum but most of them discard the poly aluminum and inks as mill residue.

Our zero-waste technology uses no water and very little electricity. An excellent composite carton makes an excellent composite panel. All we do is shred, press melt and cut our product to its final form.



One way to be different



Another way to be different



Yet another way to be different



Accomplishments

- First and only US company to recycle the entire carton
- Brought carton recycling to central Iowa within 10 months of establishing the first site
- Certified USDA BioPreferred
- Winner of the 2012 Iowa Governor's Environmental Excellence Award
- Winner of the 2012 Iowa Recycling Association's Murray J. Fox Recycling Award
- Winner of the 2013 Environmental Impact Award
- Winner of 2014 GDMP Innovation Award



Key Relationships

- Current: **BlueLinx** (distribution)
Kirei (distribution management)
Carton Council (grant)
Carton Recovery (west coast expansion)
Clean Technology Trade Alliance (marketing)
Cube Space USA (vertical)
- Developing: **Fyrewerks** (door cores)
Triton Incorporated (green roof waterproofing systems)
Chipotle (cup recycling)
WindSmart
2001 Companies
- Testing: **HB Fuller**
Cascades
- Targeting **Whole Foods, Other Green Roof Systems, ITW**

Time for Growth

Pilot Project in Iowa Complete

- New Machine Installed
- \$100K in revenue last year
- Implementing new strategies for baseline sales in a spot market

Expansion needed to scale operations, execute national distribution strategy, and have enough inventory on hand.

- *Getting financial assistance from Carton Council to encourage recycling*
- *Auditioned to compete on Shark Tank on ABC*
- *Pitching custom waste solutions to companies with polycoated paper waste.*

Considering Austin, Philadelphia, Atlanta and Pacific US/Canada

Want to be different? Here's my advice



Create a set of core values

3BL: People, planet, profit.

Adding value

sustainability = resource efficiency

- Only 30% of companies are pursuing sustainability goals.
- People want to be sustainable but businesses do not often reflect the values of individuals.
- Companies are not making the business case for sustainability.
- We need to focus on individual decisions and use ethics to guide us.
- We need the long view of resource efficiency.



Challenge yourself

Are your values just buzz words or do they define you?

- Is sustainability embedded or an add on?
- Is sustainability driving innovation?
- Is sustainability financially beneficial to the company as well as environment?
- Are you happy and are your employees and owners happy?



Win tomorrow using your values

1. Seek disruptive or breakthrough innovations, not just incremental change.
2. Provide a solution to global and social challenges, not just doing less harm. Zero footprint isn't good enough. Companies need a net positive strategy. Contribute through core business, not just charity giving.
3. Pay attention to human capital so that employees and partners experience sustainability.
4. Be socially inclusive. Close the gap between rich and poor. Gender balance in leadership positions makes good business sense.
5. Scale what you are doing to change rules of game. Sustainability needs to be scalable to be effective.
6. Add value by being better than others in your space.



Create a Team

- Make sure everyone shares your values and vision.
Lead, manage, hold team accountable.
Make sure the right people are in the right seats.
Remove obstacles so they can succeed.



Make Mistakes

Have your machines delivered late. Pay avoidable taxes and fees. Make a few thousand bad boards. Hire a few sales people who can't sell.

Set your plant on fire. Do it again.

After the third time, go ahead and dismantle that \$75,000 piece of machinery.



Change the Team

When the time is right, give up control to those Who can do it better.



Thank you

Be part of the ReWallution!

Contact:

David Phillips, Chairman
515.490.5200
dphillips@rewallmaterials.com



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

ITEM

8

DECISION

TOPIC

Notice of Intended Action – Chapter 64: “Wastewater Construction and Operation Permits”, to include Well Construction and Well Service Wastewater Discharges

The Commission is asked to approve the Notice of Intended Action to initiate rulemaking to amend Chapter 64, “Wastewater Construction and Operation Permits.” These proposed rules will amend Chapter 64 to renew General Permit 6 which authorizes discharge of wastewater generated during well construction and related well service activities. Through the use of best management practices (BMP’s), the renewed General Permit will continue to require compliance with general water quality criteria and the monitoring of the wastewater effluent to determine sufficiency of the BMP’s. The renewed General Permit will continue to authorize the Department to take enforcement action against any permittee or co-permittee who fails to establish or maintain the required BMP’s or meet the general water quality criteria.

The following is a summary of the proposed amendment to Chapter 64:

- Establish updated effective and expiration dates for the General Permit #6.

If approved, the reissuance of GP6 would continue the following requirements:

1. Require the issuance of a General Permit #6 for any water well construction and well services related discharges that reach Waters of the United States.
2. Exempt water well construction and well services related discharges which are authorized by and meet the standards as found in General Permit #6 from the requirement of submitting a Notice of Intent.
3. Add the ability of the department to suspend or revoke any General Permit #6 if the well construction and well services related wastewater is not managed in a manner consistent with General Permit #6.
4. Establish a time period of 5 years for the permit to be effective.

Stakeholders participated in the development of these proposed rules. The department also plans to hold one public hearing to obtain additional public comment.

Shelli Grapp, Chief
Water Quality Bureau
Environmental Services Division
October 21, 2014

ENVIRONMENTAL PROTECTION COMMISSION[567]

Notice of Intended Action

Pursuant to the authority of Iowa Code sections 455B.105(3) and 455B.198, the Environmental Protection Commission hereby gives Notice of Intended Action to amend Chapter 64, "Wastewater Construction and Operation Permits," Iowa Administrative Code.

The purpose of this rule making is to renew General Permit No. 6 which continues to authorize the discharge of wastewater associated with well construction activities through the use of best management practices (BMPs) and requires the monitoring of the wastewater effluent to determine compliance with the state's water quality standards.

Any interested person may file written comments on the proposed amendment on or before _____, 2014. Written comments or questions regarding the proposed action should be directed to Wendy Hieb, Iowa Department of Natural Resources, 502 E. 9th Street, Des Moines, Iowa 50309-0034; via fax at (515)281-8895; or via e-mail at wendy.hieb@dnr.iowa.gov.

Oral or written comments will also be accepted at a public hearing which will be held XXXXXXXX, 2014, at 1:30 p.m. in the Fourth Floor Conference Room of the Henry A. Wallace Building, 502 E. 9th Street, Des Moines, Iowa.

At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the content of the proposed amendments.

Any person who intends to attend the public hearing and has special requirements such as those related to hearing or mobility impairments should contact the Department to advise of any specific needs.

After analysis and review of this rule making, no impact on jobs has been found.

This amendment is intended to implement Iowa Code section 455B.198.

The following amendment is proposed.

Item 1. Amend the following subrule 64.15(6):

64.15(6) “Discharge Associated with Well Construction Activities,” NPDES General Permit No. 6, effective March 17, ~~2010~~2015, to February 28, ~~2015~~2020.

Date

Chuck Gipp, Director

P:64permit.doc/mg

IOWA DEPARTMENT OF NATURAL RESOURCES

**NATIONAL POLLUTANT DISCHARGE ELIMINATION
SYSTEM (NPDES)**

GENERAL PERMIT NO. 6

**EFFECTIVE DATES
MARCH 1, 2015 THROUGH FEBRUARY 28, 2020**

FOR

WELL CONSTRUCTION AND WELL SERVICE DISCHARGES

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PART I. COVERAGE UNDER THIS PERMIT

A. PERMIT AREA

This permit covers all areas of the State of Iowa

B. ELIGIBILITY

1. COVERAGE

Except for discharges identified under Part I.B.2, this permit authorizes well construction and well service related discharges that reach a Water of the United States.

2. LIMITATIONS ON COVERAGE

The following discharges are **not** authorized by this permit:

- A. Well construction and well service discharges mixed with sources other than well construction discharges.
 - B. Well construction and well service discharges resulting in acutely toxic substances reaching Waters of the United States.
 - C. Any well construction and well service discharge covered by an existing individual NPDES permit or which is issued an individual permit in accordance with Part I.C. of this permit.
 - D. Discharges of drilling fluid and drilling mud (567 IAC 49.11.)
 - E. Stormwater associated with industrial or construction activities.
 - F. Discharges from geothermal supply wells also known as “pump and dump wells” that are not under construction or reconstruction.
3. EXCLUSIONS NPDES permits are not required for well construction and well service discharges that do not reach Waters of the United States.

C. REQUIRING AN INDIVIDUAL PERMIT

1. The Department may require any person authorized to discharge under this permit to apply for and obtain an individual NPDES permit. The causes for such a request may include but are not limited to location of the discharge, amount of discharge or history of non-compliance with the general permit. When the Department notifies a discharger to apply for an individual permit, a deadline, not longer than one year, will be established for submitting the application. If a person fails to submit a complete individual NPDES permit application by the deadline established by the Department under this paragraph, his/her coverage under this general permit is automatically terminated at the end of the day specified for the application submittal.
2. Any person authorized to discharge by this permit may apply for an individual permit from the Department. The application for an individual permit shall include DNR NPDES Application Forms 1, 2 and 5, an antidegradation alternatives analysis (or justification for temporary and limited degradation) and all applicable fees and shall be submitted to the Department in accordance with 567 IAC 64.3(4)(a).
3. When an individual NPDES permit is issued to a discharger, the applicability of this general permit to the individual NPDES permit applicant is automatically terminated on the issuance date of the individual permit. When an individual NPDES permit is denied to a person for a discharge otherwise subject to this general permit, the applicability of this general permit to the individual NPDES permit applicant is automatically terminated on the date of such denial, unless otherwise specified by the Department.

D. AUTHORIZATION

1. Well construction and well service discharges that reach Waters of the United States are authorized so long as the conditions of this permit are satisfied.
2. Permittees shall notify the Department no earlier than five (5) calendar days prior to and no later than 24 hours after commencing well construction and/or well service activities on a site. Failure to notify the Department is a violation of this General Permit. Instructions for notification are

included in the DNR supplement named "Guidance Document for Well Construction and Well Service Discharges" and can be viewed or downloaded on the DNR web site: www.iowadnr.gov.

PART II. SPECIAL CONDITIONS, MANAGEMENT PRACTICES, AND OTHER NON-NUMERIC LIMITATIONS

A. PROHIBITION ON NON-WELL CONSTRUCTION AND WELL SERVICE DISCHARGES

All discharges authorized by this permit shall be composed entirely of well construction and well service discharge.

B. RELEASES IN EXCESS OF REPORTABLE QUANTITIES

Any owner or operator identified in the Well Water Pollution Prevention Plan ("WWPPP" or "Plan") is subject to the spill notification requirements as specified in 455B.386 of the Iowa Code. Iowa law requires that as soon as possible but not more than six hours after the onset of a "hazardous condition" the Department and local sheriff's office or the office of the sheriff of the affected county be notified. Well construction and well service activities must cease until the WWPPP described in Part III of this permit is modified to provide a description of the release and the circumstances leading to the release and to identify and provide for the implementation of steps to prevent the reoccurrence of such releases and to respond to such releases.

C. COMPLIANCE WITH EXISTING RULES

Well construction and well service discharges shall be in compliance with 567 I.A.C. 61.3(2).

PART III. WELL WATER POLLUTION PREVENTION PLANS

A site-specific Well Water Pollution Prevention Plan ("WWPPP" or "Plan") shall be developed or obtained by the permittee prior to commencement of well construction or service activities. Plans for public water supply wells must be developed prior to letting bids for the construction project. All well activities that use the services of an engineer shall have an engineer: a) prepare the WWPPP, b) prepare all revisions pursuant to Part III.C, and c) provide the following certification for the WWPPP and any revisions: "The WWPPP is designed using good engineering practices."

The Plan shall identify the anticipated quantities of pollution which may reasonably be expected to affect the quality of the well construction and well service discharge. In addition, the Plan shall describe and ensure the implementation of controls, identified as Best Management Practices or BMPs, which will be used to reduce the pollutants in well construction and well service discharge at the construction site and to assure compliance with the terms and conditions of this permit. Suggested BMPs are listed in the DNR supplement named "Guidance Document for Well Construction and Well Service Discharges" and can be viewed or downloaded on the DNR web site: www.iowadnr.gov.

A. DEADLINES FOR WWPPP PREPARATION AND COMPLIANCE

1. WWPPP PREPARATION DEADLINE

The WWPPP shall be completed prior to the commencement of well construction and well service activities and shall be updated as needed to ensure that the discharge complies with 567 IAC 61.3(2).

2. WWPPP COMPLIANCE DEADLINE

The WWPPP shall provide for compliance with the terms and schedule of the Plan prior to the commencement of well construction and well service activities.

B. SIGNATURE AND PLAN REVIEW

1. The Plan shall be signed in accordance with Part V.G. and be retained according to Part IV of this permit.

2. The permittee shall make Plans available to the Department for review upon request, or in the case of a discharge associated well construction and well service activities that discharges through a large or medium municipal separate storm sewer system with an NPDES permit, to the municipal operator of the system.
3. The Department may notify the permittee at any time that the Plan does not meet one or more of the minimum requirements of this Part. After such notification from the Department, the permittee shall make changes to the Plan and shall submit to the Department a written certification that the requested changes have been made. Unless otherwise provided by the Department, the permittee shall have seven (7) days after such notification to make the necessary changes.
4. All WWPPPs are considered reports that shall be available to the public under Section 308(b) of the CWA and Chapter 22 of the Code of Iowa. However, the permittee may claim any portion of a WWPPP as confidential in accordance with Chapter 22 of The Code of Iowa and Iowa Administrative Code (561)--2.5.

C. KEEPING PLANS CURRENT

The permittee shall amend the Plan whenever there is a change in design, construction, operation, or maintenance which has a significant effect on the discharge of pollutants to a Water of the United States and which has not been addressed in the Plan, or if the Plan proves to be ineffective in significantly minimizing pollutants from well construction and well service activity, or in otherwise achieving the general objectives of controlling pollutants in discharge associated with well construction and well service activity. In addition, the Plan shall be updated to identify any change or transfer of the permit and permit responsibilities or, if required, by the occurrence of a hazardous condition (as defined in Part VII.H of this permit). Amendments to the Plan may be reviewed by the Department in the same manner as Part III.B.2. The Department retains the right to request and review the Plan before or during the well construction and well service and for a period of six months after permit authorization as noted in Part IV.

D. CONTENTS OF THE WWPPP

The WWPPP shall include the following items:

1. SITE DESCRIPTION

Each Plan shall provide a description of the following:

- A. A description of the planned activity. For example, construction of a water supply well approximately 400 feet in depth. The description must also include ~~and~~ the types of constituents generated and products used in the well construction and well service activities that may be present in the wastewater discharge, e.g. bentonite drilling fluid, polymers, foaming agents, and other chemicals or products needed in well construction and well services that may be discharged with the wastewater.
- B. Estimates of the total amount of well construction and well service wastewater to be discharged.
- C. A site map indicating drainage patterns and approximate slopes, the location of structural and non-structural controls identified in the WWPPP, surface waters (including wetlands), and locations where well construction and well service wastewater is discharged to a surface water; and
- D. The location of the discharge, the point of entrance into the water body, and the name of the receiving water(s).

2. CONTROLS

Each Plan shall include a description of Best Management Practices that will be implemented at the well construction and well service site. The Plan will clearly describe the appropriate BMPs and the timing during the well construction and well service process that the measures will be implemented. (For example, retention ponds with a minimum of 10 minutes retention time will be utilized for air drilling, followed by retention ponds with 3 minutes retention time will be utilized for test pumping.)

The description of BMPs shall address the following minimum components:

A. EROSION AND SEDIMENT CONTROLS

1. **STABILIZATION PRACTICES** A description of temporary and permanent stabilization practices, including site-specific scheduling of the implementation of the practices. Site plans

should ensure that existing vegetation is preserved where attainable and that disturbed areas are stabilized. Stabilization practices may include: temporary seeding, permanent seeding, mulching, geotextiles, sod stabilization, vegetative buffer strips, protection of trees, preservation of mature vegetation, and other appropriate measures.

2. **STRUCTURAL PRACTICES** A description of structural practices to the degree attainable, to divert flows from exposed soils, store flows or otherwise limit runoff from exposed areas of the site. Such practices may include silt fences, earth dikes, brush barriers, drainage swales, sediment traps, check dams, subsurface drains, pipe slope drains, level spreaders, storm drain inlet protection, rock outlet protection, reinforced soil retaining systems, gabions, and temporary or permanent sediment basins.

B. OTHER CONTROLS

1. **WASTE DISPOSAL** All wastes composed of building materials or other solid or hazardous substances must be removed from the site for disposal in permitted disposal facilities. No such wastes or unused building materials shall be buried, dumped, or discharged at the site.
2. Off-site vehicle tracking of sediments shall be minimized.
3. The Plan shall ensure and demonstrate compliance with applicable State ~~and~~ local waste disposal, sanitary sewer or septic system regulations.

3. INSPECTIONS

Qualified personnel (provided by the permittee) shall inspect all control measures at least once every 6 hours during well construction and well service activities that result in discharge.

A. Based on the results of the inspection, the description of potential pollutant, the types of pollutants to be treated as identified in the Plan in accordance with paragraph III.D.1 of this permit and pollution prevention measures identified in the Plan in accordance with paragraph III.D.2. of this permit shall be revised as appropriate as soon as practicable after such inspection.

B. A report summarizing the scope of the inspection, name(s) and qualifications of personnel making the inspection, the date of the inspection, the time of inspection, major observations relating to the performance of the BMPs, and any actions taken to alter the BMPs shall be documented and retained as part of the WWPPP. The report shall be signed by the permittee or co-permittee in accordance with Part V.G. of this permit.

C. Any discharge deficiencies that are found during inspection that are not consistent with this permit require immediate corrective action and modification of the WWPPP.

4. CONTRACTORS

A. CO-PERMITTEE

The WWPPP must clearly identify for each BMP in the Plan the contractor(s) and/or subcontractor(s) that will install, manage, or alter the BMPs. All contractors and subcontractors identified in the Plan must sign a copy of the certification statement in Part III.D.4.B. of this permit in accordance with Part V.G. of this permit. Upon signing the certification, the contractor or sub-contractor is a co-permittee with the owner and other co-permittee contractors. All signatures and certifications must be included in the WWPPP.

B. CERTIFICATION STATEMENT

All contractors and subcontractors identified in a WWPPP in accordance with Part III.D.4.A. of this permit shall sign a copy of the following certification statement before conducting any professional service at the site identified in the WWPPP:

"I certify under penalty of law that I understand the terms and conditions of National Pollutant Discharge Elimination System (NPDES) general permit #6 that authorizes well construction and well service discharges from the construction or well services site. Further, by my signature, I understand that I am becoming a co-permittee, along with the owner(s) and other contractors and subcontractors signing such certifications. As a co-permittee, I understand that I, and my company, are legally required under the Clean Water Act and the Code of Iowa, to ensure compliance with the terms and

conditions of the Well Water Pollution Prevention Plan developed under this NPDES permit and other terms and conditions of this NPDES permit."

The certification must include the name and title of the person providing the signature; the name, address and telephone number of the contracting firm; the address (or other identifying description) of the site; and the date the certification is made.

The failure of any qualifying individual to provide a signed certification statement does not exempt that individual, or entity from whom they are employed, from meeting the requirements as found in the general permit if they meet the qualifications of a co-permittee.

PART IV. RETENTION OF RECORDS

The permittee shall retain copies of the WWPPP and all records required to be kept by this permit for a period of at least six months from the completion date of ~~the completed~~ well services that require the use of this permit.

If there is a construction trailer, shed, portable document mailbox or other covered structure located on the property the permittee shall retain a copy of the WWPPP and all associated records required by this permit at the construction site from the date of project initiation to the date of completion. If there is no construction trailer, shed or other covered structure located on the property, the permittee shall retain a copy of the Plan and associated records at a readily available alternative site and provide it for inspection upon request. If these documents are maintained at an off-site location such as a corporate office, it shall be provided for inspection no later than three hours after being requested.

PART V. STANDARD PERMIT CONDITIONS

A. DUTY TO COMPLY

The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Code of Iowa and the Clean Water Act and is grounds for enforcement action; for termination of coverage under this general permit; and/or, for denial of a request for coverage under a reissued general permit.

B. CONTINUATION OF THE EXPIRED GENERAL PERMIT

This permit expires on February 28, ~~2020~~15. An expired general permit continues in force until replaced by adoption of a new general permit.

C. NEED TO HALT OR REDUCE ACTIVITY NOT A DEFENSE

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

D. DUTY TO MITIGATE

The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

E. DUTY TO PROVIDE INFORMATION

The permittee shall furnish to the Department, within a reasonable time, any information which the Department may request to determine compliance with this permit. The permittee shall also furnish to the Department upon request copies of records required to be kept by this permit.

F. OTHER INFORMATION

When the permittee becomes aware that he or she failed to submit any relevant facts or submitted incorrect information in any report to the Department, he or she shall promptly submit such facts or information.

G. SIGNATORY REQUIREMENTS

All Well Water Pollution Prevention Plans, certifications or other information either submitted to the Department or that this permit requires be maintained by the permittee, shall be signed by the appropriate party as indicated in this general permit. If the signatory is not an individual, the person signing shall be as follows:

1. *Corporations.* In the case of corporation, a responsible corporate officer means:
 - A. A president, secretary, treasurer, or vice president in charge of a principal business function, or any other person who performs similar policy- or decision-making functions; or
 - B. The manager of manufacturing, production, or operating facilities, if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
2. *Partnerships.* In the case of a partnership, a general partner.
3. *Sole proprietorships.* In the case of a sole proprietorship, the proprietor.
4. *Municipality, state, federal, or other public agency.* In the case of a municipal, state, or other public facility, either the principal executive officer or the ranking elected official. A principal executive officer of a public agency includes:
 - A. The chief executive officer of the agency; or
 - B. A senior executive officer having responsibility for the overall operations of a unit of the agency.

H. CERTIFICATION

Any person signing documents under paragraph V.G. shall make the following certification: "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

I. OIL AND HAZARDOUS SUBSTANCE LIABILITY

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Section 311 of the Clean Water Act.

J. PROPERTY RIGHTS

The issuance of this permit does not convey any property rights of any sort, nor any exclusive privileges, nor does it authorize any injury to private property nor any invasion of personal rights, nor any infringement of Federal, State or local laws or regulations.

K. SEVERABILITY

The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit shall not be affected thereby.

L. PROPER OPERATION AND MAINTENANCE

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit and with the requirements of the Well Water Pollution Prevention Plans. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. Proper operation and maintenance requires the operation of backup or auxiliary facilities or similar systems, installed by a permittee only when necessary to achieve compliance with the conditions or this permit.

M. INSPECTION AND ENTRY

The permittee shall allow the Department or an authorized representative of EPA, the State, county, or, in the case of a facility which discharges through a municipal separate storm sewer, an authorized representative of the municipal operator or the separate storm sewer receiving the discharge, upon the presentation of credentials and other documents as may be required by law, to:

1. Enter upon the permittee's premises where a regulated facility or activity is located or conducted or where records must be kept under the conditions of this permit;
2. Have access to and copy at reasonable times, any records that must be kept under the conditions of this permit;
3. Inspect at reasonable times any facilities or equipment (including monitoring and control equipment); and
4. Sample any discharge of pollutants.

N. PERMIT ACTIONS

Coverage under this permit may be terminated for cause. The notification of planned changes or anticipated noncompliance does not stay any permit condition.

O. ENVIRONMENTAL LAWS

No condition of this permit shall release the permittee from any responsibility or requirements under other environmental statutes or regulations.

PART VI. ADDITIONAL PERMITTING CLAUSE

If there is evidence indicating potential or realized impacts to water quality due to any discharge from an authorized well construction and well service activity covered by this permit, the owner of such system may be required to obtain an individual permit in accordance with Part I.C. of this permit.

PART VII. DEFINITIONS

- A. "***Acutely Toxic Substances***" means that level of pollutants which would rapidly induce a severe and unacceptable impact on organisms.
- B. "***Best Management Practices***" ("BMPs") means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of Waters of the United States. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.
- C. "***Contractor(s) and/or Subcontractor(s)***" means any individual or entity who performs work on the well construction/service site involved in installing, managing, and/or altering BMPs intended to manage and treat well construction/service wastewater, or whose on-site work may alter the effectiveness of the BMPs that have been deployed, increase the amount of discharge wastewater, or reduce the quality of the discharge wastewater.
- D. "***CWA***" or "***Clean Water Act***" means the Federal Water Pollution Control Act.
- E. "***Co-permittee***" means any individual who performs work on the well construction/service site involved in installing, managing, and/or altering BMPs intended to manage and treat well construction/service wastewater or whose on-site work may alter the effectiveness of the BMPs that have been deployed, increase the amount of discharge wastewater, or the reduce the quality of the discharge wastewater. Planning and design activities related to development or modification of the WWPPP, by themselves, do not constitute co-permittee status.
- F. "***Department***" means the Iowa Department of Natural Resources.
- G. "***Drilling Fluid and Drilling Mud***" means naturally developed and/or artificially mixed colloidal, polymer, or other water based fluids used in the drilling process to enhance the carrying capacity of the fluid to lift borehole cuttings to the ground surface and stabilize the well borehole.
- H. "***Hazardous Condition***" means any situation involving the actual, imminent, or probable spillage, leakage, or release of a hazardous substance on to the land, into a water of the state, or into the atmosphere, which creates an immediate or potential danger to the public health or safety or to the environment. 455B.381(2), Code of Iowa.
- I. "***Hazardous Substance***" means any substance or mixture of substances that presents a danger to the public health or safety and includes, but is not limited to, a substance that is toxic, corrosive, or flammable, or that is an irritant or that, in confinement, generates pressure through decomposition, heat, or other means. The following are examples of substances which, in sufficient quantity may be hazardous: acids; alkalis; explosives; fertilizers; heavy metals such as chromium, arsenic, mercury, lead and cadmium; industrial chemicals; paint thinners; paints; pesticides; petroleum products; poisons, radioactive materials; sludges; and organic solvents.

"Hazardous substances" may include any hazardous waste identified or listed by the administrator of the United State Environmental Protection Agency under the Solid Waste Disposal Act as amended by the Resource Conservation and Recovery Act of 1976, or any toxic pollutant listed under section 307 of the federal Water Pollution Control Act as amended to January 1, 1977, or any hazardous substance designated under section 311 of the federal Water Pollution Control Act as amended to January 1, 1977, or any hazardous material designated by the secretary of transportation under the Hazardous Materials Transportation Act (49 CFR 172.101). 455B.381(1), Code of Iowa, and 40 CFR Part 116 pursuant to section 311 of the Clean Water Act.

J. "Municipality" means a city, town, borough, county, parish, district, association, or other public body created by or under State law.

K. "Permittee" means the owner of the water supply well.

L. "Plan" means Well Water Pollution Prevention Plan (WWPPP).

M. "Waters of the United States" means:

(a) All waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide;

(b) All interstate waters, including interstate "wetlands;"

(c) All other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, "wetlands," sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce including any such waters:

(1) Which are or could be used by interstate or foreign travelers for recreational or other purposes;

(2) From which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or

(3) Which are used or could be used for industrial purposes by industries in interstate commerce;

(d) All impoundments of waters otherwise defined as waters of the United States under this definition;

(e) Tributaries of waters identified in paragraphs (a) through (d) of this definition;

(f) The territorial sea; and

(g) "Wetlands" adjacent to waters (other than waters that are themselves wetlands) identified in paragraphs (a) through (f) of this definition.

Waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of CWA (other than cooling ponds as defined in 40 CFR §423.11(m) which also meet the criteria of this definition) are not waters of the United States. This exclusion applies only to manmade bodies of water which neither were originally created in waters of the United States (such as disposal area in wetlands) nor resulted from the impoundment of waters of the United States.

N. "Well Service(s)" means any service that meets the following definitions: "*construction*" of a water well, "*water well*" and "*well reconstruction*" as found in Iowa Code 455B.171, "*water services*" as found in 567 Iowa Administrative Code Chapter 49, and for all well construction performed in accordance with 567 Iowa Administrative Code Chapter 43. Examples of water well and well services include but are not limited to: well drilling and well construction for private and public water supply wells, well servicing, well development, well rehabilitation, well repair, and test pumping of all types of water supply wells, well drilling and construction for geothermal production supply wells, borehole drilling and heat exchanger installation for vertical geothermal closed loop heat exchangers, and any other water well services related activity that generates wastewater.

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

ITEM

9

DECISION

TOPIC

**Contract – Iowa Department of Agriculture and Land Stewardship –
Rathbun Lake Special Project - Subwatersheds 2013**

Recommendation:

The Department requests Commission approval of a contract in the amount of \$417,699 with the Iowa Department of Agriculture and Land Stewardship for October 21, 2014 – June 30, 2016.

Funding Source: Federal – Environmental Protection Agency

This project will be funded through Section 319 of the Clean Water Act.

Background:

The Rathbun Lake watershed includes slightly more than 354,000 acres. The six counties in the Rathbun Lake watershed are Appanoose, Clarke, Decatur, Lucas, Monroe and Wayne. The Wayne Soil and Water Conservation District (SWCD), in cooperation with other partners of the Rathbun Land and Water Alliance, have undertaken a highly effective approach to water quality protection. This project proposes to initiate implementation of best management practices in two new targeted sub-watersheds in the Rathbun Lake watershed. Project activities will assist landowners to apply best management practices (BMPs) that will reduce sediment and phosphorus delivery to Rathbun Lake and its tributaries. This contract will provide funding for staff support and watershed outreach activities until June 30, 2015 and BMP cost-share until June 30, 2016.

Purpose:

The parties propose to enter into this contract for the purpose of supporting staff and implementing best management practices for watershed improvement.

Contractor Selection Process:

This project was chosen using a grant proposal application and committee review process.

Scope of Work:

For an outline of the **scope of work**, see the attached project summary.

Steve Hopkins, Nonpoint Source Coordinator
Watershed Improvement Section, Water Quality Bureau
Environmental Services Division

DNR Section 319-Funded Watershed Project Summary

**PROJECT NAME: RATHBUN LAKE SPECIAL PROJECT -
SUBWATERSHEDS 2013**

Amount: \$417,699

Time Frame: October 21, 2014 – June 30, 2016

Description: Funding for an existing watershed project.

Project Goal: Reduce Sediment and Phosphorus delivery to Rathbun Lake.

Rathbun Lake is located on the Chariton River in south central Iowa. The Rathbun Lake watershed includes slightly more than 354,000 acres. The six counties in the Rathbun Lake watershed are Appanoose (52,063 acres, 15% of the watershed), Clarke (15,500 acres, 4% of the watershed), Decatur (7,280 acres, 2% of the watershed), Lucas (90,997 acres, 26% of the watershed), Monroe (6,523 acres, 2% of the watershed) and Wayne (181,697 acres, 51% of the watershed). Approximately 15,000 people live in the Rathbun Lake watershed. There are ten communities and an estimated 860 farms in the watershed. The majority of farms are family owned and operated.

Rathbun Lake is the primary source of water for the Rathbun Regional Water Association (RRWA). RRWA is one of the largest rural water systems in the United States and the largest system in Iowa. RRWA provides eight million gallons of water daily to approximately 80,000 people for residential, agricultural, and business use in 18 counties and 50 communities in Iowa and Missouri. Almost all of the residents within the watershed rely on Rathbun Lake for their drinking water.

In addition to being an important source of drinking water, the 11,000 acre lake offers recreational opportunities for one million visitors annually and is the site of Iowa's Honey Creek Resort State Park. Rathbun Lake also provides flood damage reduction for 150,000 acres of downstream land, fish and wildlife habitat in the lake and on 21,000 acres of adjacent public land, downstream water quality improvement, storage for supplementing navigational flows, and water for the Iowa Department of Natural Resources' (DNR) Rathbun Fish Hatchery. The US Army Corps of Engineers (ACOE) developed the lake in the late 1960s. The ACOE is responsible for managing Rathbun Lake, lake facilities, and adjacent public land.

The Wayne Soil and Water Conservation District (SWCD), in cooperation with other members and partners of the Rathbun Land and Water Alliance, have undertaken a highly effective approach to water quality protection. This approach is achieving a significant reduction in the sediment and phosphorus that impair water quality in Rathbun Lake and its tributaries as a result of the targeted application of best management practices (BMPs) for priority land in the watershed. In 2002 the Alliance and partners completed assessments and developed management strategies for the Rathbun Lake Watershed. To date, the Alliance and partners have been following the 2002 Rathbun Watershed Management Plan. Most recently, the Alliance and partners have updated the 2002 Rathbun Watershed Management Plan and developed an interim watershed management plan that will guide the management strategies for the Rathbun Lake watershed until a Total Maximum Daily Load (TMDL) is completed and approved. The TMDL is estimated to be completed in 2018.

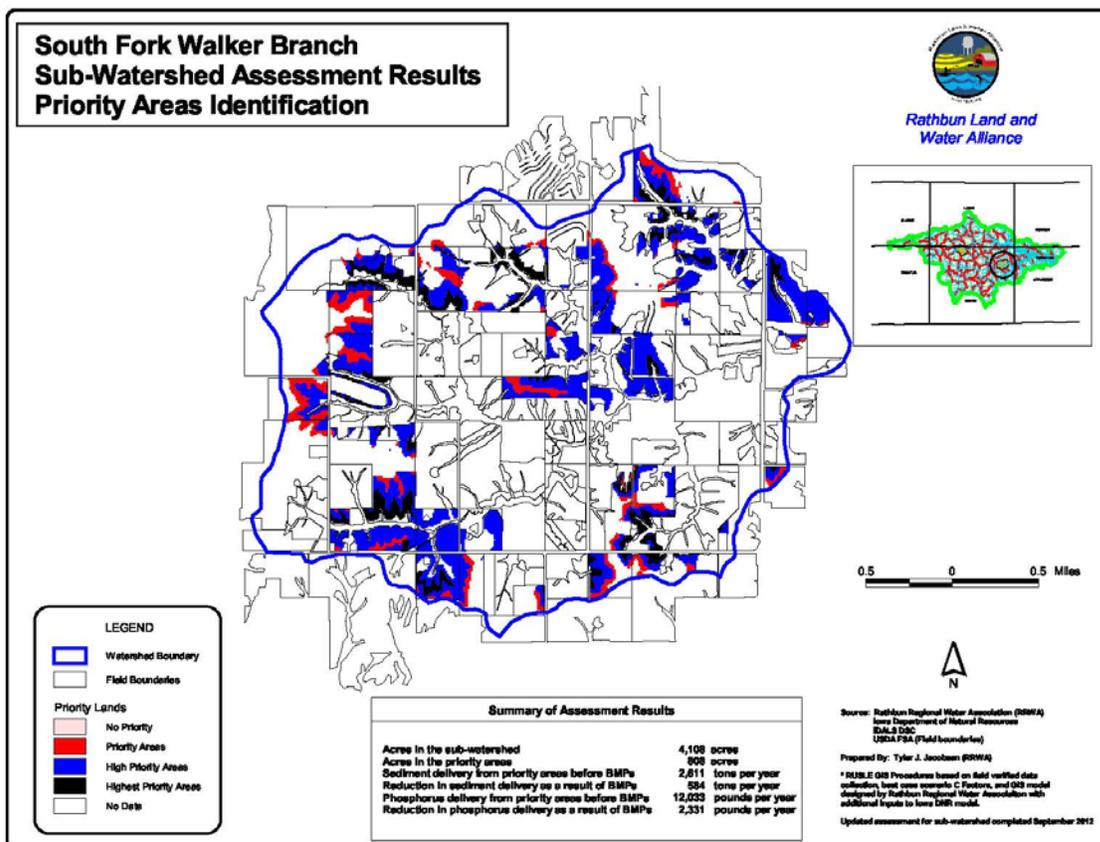
In September of 2014 the Rathbun Interim Watershed Management Plan was reviewed by EPA and reviewed and approved by Iowa DNR. The Rathbun Interim Watershed Management Plan covers 2014 to 2019.

This contract will initiate the first phase of the Rathbun Interim Watershed Management Plan. This project proposes to initiate the implementation of BMPs in two new targeted sub-watersheds selected in 2013, Middle Wolf Creek and South Fork Walker Branch.

Specifically, project activities will assist landowners to apply BMPs that will reduce sediment and phosphorus delivery from priority land used primarily for row crop production in the two targeted sub-watersheds. Features of this project are: (1) use of geographic information system (GIS) analysis to confirm the location of priority land that requires BMPs; (2) assistance for landowners to apply BMPs including terrace systems, grade stabilization structures, and water and sediment control basins; (3) evaluation of the benefits from BMP application using GIS analysis and water quality monitoring; and (4) watershed outreach activities that encourage landowners to apply BMPs for priority land to protect water quality.

This contract will provide funding for staff support and watershed outreach activities until June 30, 2015 (~1 year) and best management practice cost-share until June 30, 2016 (~2 years).

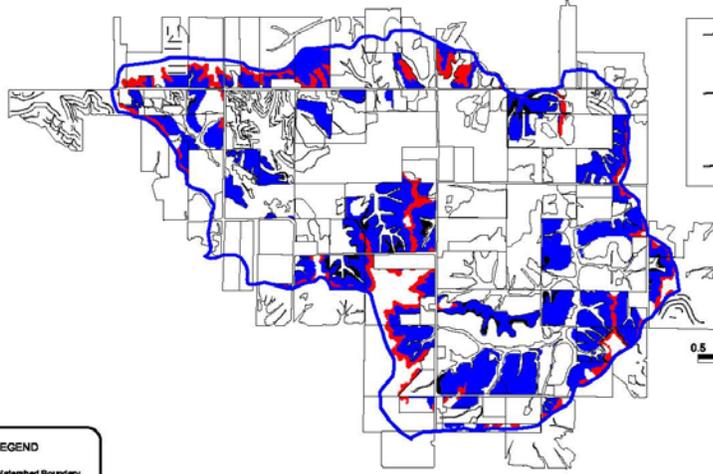
Please see the attached maps for the new targeted sub-watersheds, Middle Wolf Creek and South Fork Walker Branch. Please see the attached map for all targeted sub-watersheds within the Rathbun Lake Watershed.



Middle Wolf Creek #1 Sub-Watershed Assessment Results Priority Areas Identification



Rathbun Land and Water Alliance



LEGEND

- Watershed Boundary
- Field Boundaries

Priority Lands

- No Priority
- Priority Areas
- High Priority Areas
- Highest Priority Areas
- No Data

Summary of Assessment Results

Acres in the sub-watershed	4,311 acres
Acres in the priority areas	1,116 acres
Sediment delivery from priority areas before BMPs	3,865 tons per year
Reduction in sediment delivery as a result of BMPs	806 tons per year
Phosphorus delivery from priority areas before BMPs	14,073 pounds per year
Reduction in phosphorus delivery as a result of BMPs	3,219 pounds per year

Source: Rathbun Regional Water Association (RRWA), Iowa Department of Natural Resources (IDALS DDC), USDA FSA (Field boundaries)

Prepared By: Tyler J. Jacobson (RRWA)

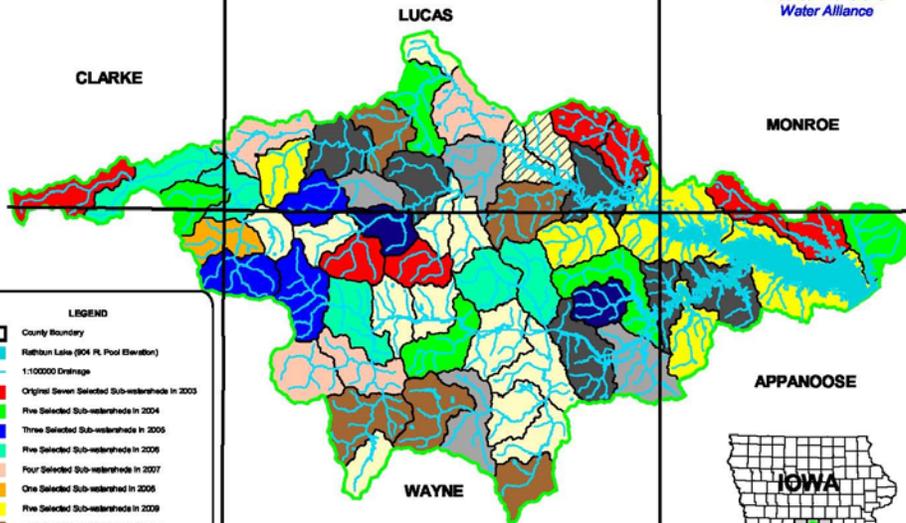
* 2012 USGS Procedures based on field verified data collection, best case scenario C Factor, and USGS model designed by Rathbun Regional Water Association with additional inputs to Iowa USGS model.

Updated assessment for sub-watershed completed September 2012

Water Quality in Rathbun Lake Targeted Sub-Watersheds Rathbun Lake Watershed

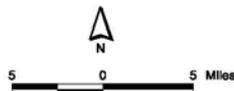


Rathbun Land and Water Alliance



LEGEND

- County Boundary
- Rathbun Lake (904 Ft. Pool Elevation)
- 1:100000 Drainage
- Original Seven Selected Sub-watersheds in 2003
- Five Selected Sub-watersheds in 2004
- Three Selected Sub-watersheds in 2005
- Five Selected Sub-watersheds in 2006
- Four Selected Sub-watersheds in 2007
- One Selected Sub-watershed in 2008
- Five Selected Sub-watersheds in 2009
- Five Selected Sub-watersheds in 2010
- Four Selected Sub-watersheds in 2011
- Six Selected Sub-watersheds in 2012
- Two Selected Sub-watersheds in 2013
- Two Proposed Sub-watersheds in 2014
- Rathbun Lake Watershed (354,062 Acres)



Source: Rathbun Land and Water Alliance, Iowa DNR NRGIS (Base Data), IDALS DDC

Prepared By: Rathbun Regional Water Association

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

ITEM

10

Decision

TOPIC

2015 EPC Dates

The Department is requesting permission from the Commission to proceed with scheduling the 2015 Environmental Protection Commission meeting dates and locations.

January 20, 2015 – EPC Business Meeting

January 21, 2015 – Legislative Meet & Greet Event, State Capitol 7-9:30 a.m.

January 21, 2015 – Joint NRC/EPC Meeting – 10 a.m. - 1 p.m. Wallace State Office Building

February 17, 2015 – EPC Business Meeting

March 17, 2015 – EPC Business Meeting

April 14, 2015 – EPC Business Meeting

May 18, 2015 – Proposed Education Tour

May 19, 2015 – EPC Business Meeting

June 16, 2015 – EPC Business Meeting

July 20, 2015 – Proposed Education Tour

July 21, 2015 – EPC Business Meeting

August 18, 2015 – EPC Business Meeting

September 14, 2015 – Proposed Education Tour

September 15, 2015 – EPC Business Meeting

October 20, 2015 – EPC Business Meeting

November 17, 2015 – EPC Business Meeting

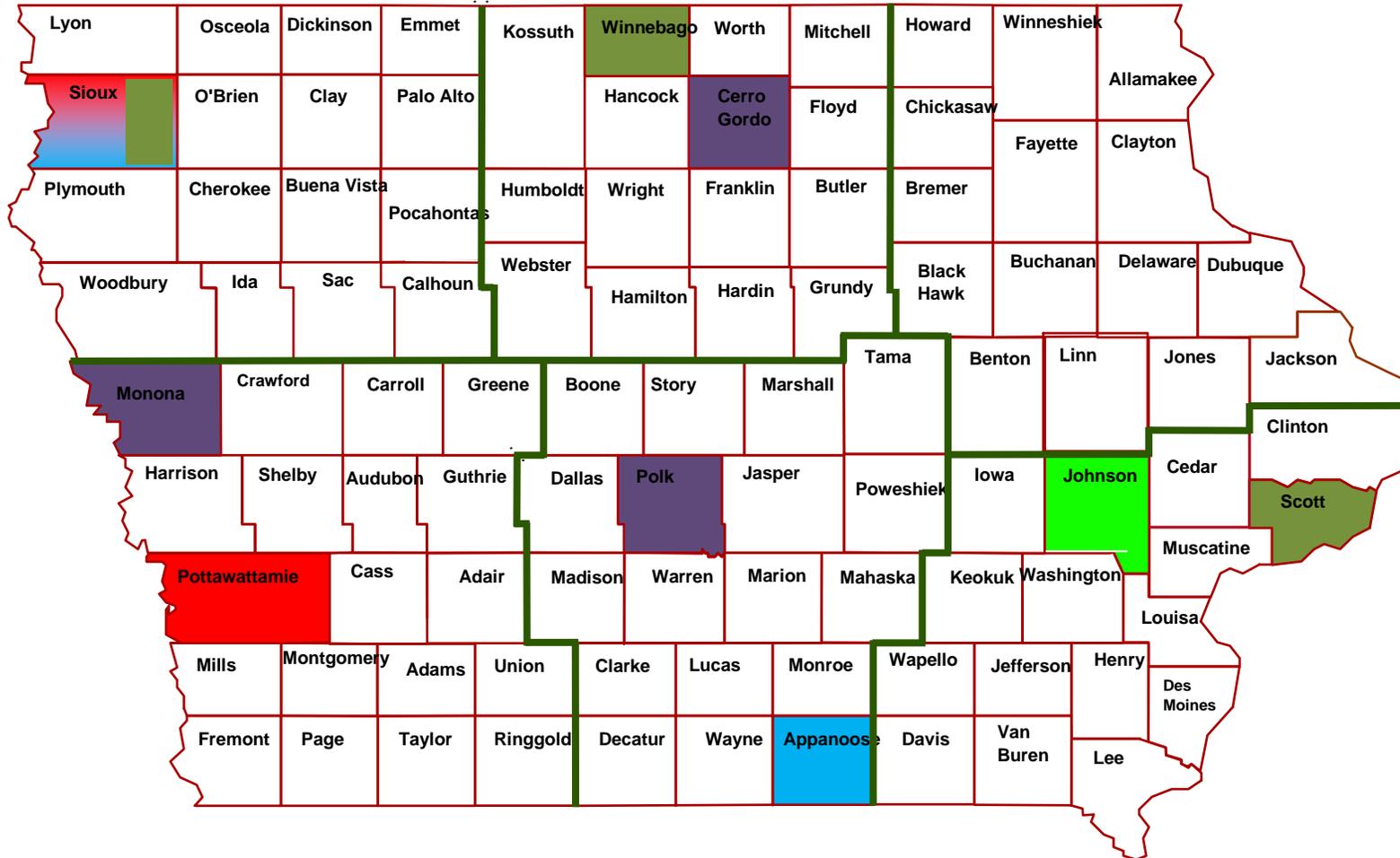
December 15, 2015 – EPC Business Meeting

Jerah Sheets

Environmental Services Division

Environmental Protection Commission

Past Tour Locations



2010

Ag Industry
Geology

2011

SHL & Wastewater

2012

Wastewater
Watershed

2013

Lewis & Clark
Drinking Water
Landfill Alternatives
SHL Lab

2014

Lake Restoration
Lake Restoration & Wastewater
Ag Industry