Agenda

Environmental Protection Commission

Tuesday, April 16, 2013
DNR Air Quality Building
7900 Hickman Road
Windsor Heights, IA

10:00 AM – Meeting begins
10:30 AM – Public Participation[1]
11:00 AM – Healthy & Happy Outdoors Initiative Informational Presentation

	Agenda topics	
1	Approval of Agenda	
2	Approval of Minutes	
3	Director's Remarks	
4	Recognition Ceremony	
5	Executive Order 80 Workgroup for Voluntary Operating Permits for Minor Sources – Submission of Recommendations	Mary Boote (Information)
6	Executive Order 80 Workgroup for Water Use Permitting – Submission of Recommendations	Cindy Greiman (Information)
7	Iowa DNR 5-Year Rule Review Plan	Jon Tack (Information)
8	Derelict Building Grant Program – Grant Recommendations	Scott Flagg (Decision)
9	Solid Waste Environmental Management Systems' Grant Award Recommendations	Jennifer Wright (Decision)
10	Contract Amendment – Archeology Services for the State Revolving Fund Programs – Office of State Archeologist, University of Iowa	Patti Cale-Finnegan (Decision)
11	Contract with Iowa Association of Municipal Utilities for Viability Technical Assistance	Dennis Alt (Decision)
12	Contract with University of Iowa for Dam Safety Inspectors	Lori McDaniel (Decision)
13	Notice of Intended Action – Chapter 23: Air Quality Program Rules – Adoption of air toxics standards for stationary engines (RICE NESHAP)	Christine Paulson (Decision)
14	Monthly Reports	Bill Ehm (Information)
15	General Discussion	
16	Items for Next Month's Meeting • May 20, 2013 – Windsor Heights – New Commissioner Training • May 21, 2013 – Windsor Heights – EPC Business Meeting • June 18, 2013 – 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.

Updated 4/03/13

Iowa Department of Natural Resources
Environmental Protection Commission

ITEM **6** **INFORMATION**

TOPIC **Executive Order 80 (EO 80) Committee on Water Use Permitting Process – Submission of Recommendations**

The Water Use Permitting stakeholder group will be presenting their final recommendations to the Environmental Protection Commission and Department of Natural Resources.

Governor Branstad issued Executive Order 80 (EO 80), to increase stakeholder involvement and input on administrative processes and rules. The Director, in consultation with the Governor's office, selected a stakeholder group to review the water use permitting process, pursuant to Executive Order 80.

The stakeholder group was asked to develop recommendations for streamlining the application and review process for the diversion, storage and withdrawal of water, specifically addressing issues that lead to faster and more efficient permit-processing times. A list of the stakeholder group members is attached.

Background: The legislation that created the water use program was drafted after the severe impacts of the drought in the 1950's. Permits are issued to manage beneficial uses and water withdrawal conflicts, and they must be renewed every 10 years or more frequently. State law requires that new water use permit applications and permit renewals be approved or denied within 90 and 30 days, respectively, of receipt of application.

The stakeholder group met on February 12, 2013, and on March 12, 2013. The group unanimously approved the attached recommendations.

Cindy Greiman
Environmental Protection Commissioner

Thank you for the opportunity to provide you with a report of our findings from our evaluation of the Water Use Permitting Process as requested through the EO 80 rule review procedure. Members of this committee and the representation the members provided are outlined in the table below.

Name	Organization	Representing
Ben Gleason	Iowa Corn Growers Association	Iowa Agriculture
Tim Harden	Alliant Energy	Utility Industry (Large)
Steve Jurshak	SIMCO Drilling Equipment	Well Equipment Mfr and Geothermal Industry
Brad Kerr	Shawver Well Company	Well Contractor
Grant Menke	Iowa Renewable Fuels Association	Renewal Fuels/Bioscience Industry
Tim Wilson	IA Section - American Water Works Association	Utility Industry (Small)
Cindy Greiman	Environmental Protection Commission	State Agency

Statement of Problem: State Law (455B.265(1)) requires that water use permit renewals and new applications be approved or denied within thirty (30) and ninety (90) days of receipt of application. Currently, 13.6% of the renewal applications take more than thirty (30) days to complete, and 17.3% of the new or modified applications for permits take more than ninety (90) days to complete.

Proposed Improvements: The committee would like to bring forth the following recommendations for your consideration to help expedite the Water Use Permitting process:

1. For administrative purposes, the committee suggests that the time limit should only commence on new and renewal applications once the application is accepted into the Department's database as "complete".
   - The committee identified that, many delays associated with permit processing are a result of applicants submitting incomplete applications. Incomplete applications require more correspondence between the Department and the applicants in order to obtain the missing information. This communication takes time, often consuming all or nearly all of the 30 day/90 day time limits, which then results in the Department failing to issue permits timely.
   - Initiating the start of the 30 day/90 day processing time limit after the Department receives a complete application, the committee feels a majority of the missed deadlines will be resolved.
   - The addition of "complete" application in this section (455B.265) will provide consistency with referenced rule and code language seen in 567-50.7(1&2).

2. The online application and permitting processes should continue to be reviewed and revised where necessary to make the system as user friendly as possible and its availability should be better advertised.
   - In its current form, the online application and permitting system appears to be quite functional, reliable, and has a lot of promise; however, improvements should be made to improve the end user experience whenever they are discovered and necessary.
   - Improvements should also be made in marketing the online system to applicants. Availability of the online system should be promoted to the maximum extent possible, as the online system does reduce some of the confusion applicant's face when submitting accurate and correct information, leading to the submission of a "complete" application sooner and thereby reducing turnaround time.
   - Training workshops, scheduled throughout the year, would also give applicants more exposure to the system, thereby reducing any apprehension that might be associated with its use.

- The committee also believes that there is merit in considering incentive opportunities for applicants to process their paperwork online instead of by hard copy, which would drastically reduce the Department's administrative time required to enter the hard data into the online system for processing.

3. The committee would also like to recognize and support the current proposed legislative changes outlined in HF 311. The committee believed that the proposed changes provide an improvement and promote consistency in the way these permits could be handled by the Department, while providing for the necessary flexibility and reliability desired by the applicants.
   - Specific aspects of the proposed legislation that the committee supports include the change associated with "complete" application and the detailed item of #1 of this recommendation, as well as the language which describes automatic approval of permit applications that are not addressed by the Department within the 30 day/90 day time limits.

This stakeholder committee understands that it is one of the earliest ones exploring improvements for the Department. We would like to commend the Water Supply Section and the Department for assisting us with our task. Of specific mention are Shelli Grapp and Michael Anderson, who provided necessary background information and made themselves available to provide clarifications and answer questions that the group had. It was truly an honor to participate in this process, and our group looks forward to future opportunities to collaborate with the Department to accomplish its goals.

Respectfully submitted,

EO 80 Committee on Water Use Permitting