EPC COMMISSION
MINUTES & AGENDA

MONTH August

YEAR 1986

ADM-1-1-1 August
Environmental Protection
Commission - J.G.

MINUTES
ENVIRONMENTAL PROTECTION COMMISSION
Wallace State Office Building
Des Moines, Iowa
August 18, 1986

The meeting of the Environmental Protection Commission was held in the Wallace State Office Building in Des Moines, Iowa, on August 18, 1986, convening at 8:30 a.m.

MEMBERS PRESENT

Robert Schlutz, Chairman; Richard Timmerman, Vice-Chairman; Linda Appelgate; Clark Yeager; Keith Uhl; Wayne Gieselman; Charlotte Mohr; Gary Priebe; Nancylee Siebenmann; Catherine Dunn.

MEMBERS ABSENT

Donna Hammitt.

PUBLIC ATTENDING

Robert Wazznem and Harlan Lortz, Amana Refrigeration, Amana; Tom Donahey, Fred Hammans, and Skip Kenya, Union County, Creston; Bill Molison, City of Des Moines, Des Moines; Gordon Burns, Vorhees Design Group (Union County), Des Moines; Bill Haigh, Senate Democratic Caucus Staff, Des Moines; Deborah Neustadt, Sierra Club, Des Moines; Dave Long, League of Municipalities, Des Moines; Tim Rollinger, Iowa Public Service Co., Sioux City.

ADOPTION OF AGENDA

Mr. Wilson stated there will be an item added, No. 7A, titled Contract for Groundwater Protection Survey. Also, under item No. 9, Referrals to the Attorney General, delete Boyer Valley as we failed to send a notice to them notifying of the referral.

Motion was made by Charlotte Mohr to adopt the agenda as amended. Seconded by Catherine Dunn. Motion carried unanimously.

ADOPTION OF MINUTES

Motion was made by Catherine Dunn to approve the minutes of July 29 as presented.

Linda Appelgate stated her name was misspelled throughout the minutes. Chairman Schlutz commented corrections will be made.

Motion was seconded by Charlotte Mohr. Motion carried unanimously.

RULEMAKING, ENFORCEMENT, CONTESTED CASE, VARIANCE, AND EMERGENCY RESPONSE REPORTS

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The monthly rulemaking, enforcement, contested case, variance, and emergency response reports will be distributed as information items at the Commission meeting. Agency staff will respond to questions, if any, from the Commission on these reports.

Mr. Stokes gave an explanation on each of the reports and stated he has only one bit of amplification, on the rulemaking status report the delay which was listed on Chapter 64 has been lifted by the administrative rules review committee so those rules will now become effective.

FY 1987 CONSTRUCTION GRANT PRIORITY LIST APPROVAL

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Commission is requested to adopt the proposed Fiscal Year 1987 State Project Priority List which has been prepared for projects to be funded with the available federal construction grant funds. The proposed list was presented to you at the May Commission meeting and following an extensive mailing of the Notice of Intended Action, a June 30 public hearing was held to receive public comment. There were no comments at that meeting or during the following 10-day written comment period. The list includes the unfunded fiscal year 1986 projects which were anticipated to be funded with the full fiscal year 1986 allotment. Region VII EPA staff have also reviewed the proposed list and gave us their conditional approval based on the assumption that any needed changes will be made which result from reauthorization of the Clean Water Act or requirements of any future appropriations.

Mr. Uhl stated he supports approval but thinks we should continue to recognize the situation regarding Ames. He asked if the funds allocated for Ames last year had not been expended. Mr. Stokes replied that the funds allocated for this year have not been expended. In view of the fact that the state has not yet received its full allotment from the $33 million from Congress, we do not have that amount to give them anyway; therefore, at this point they have not yet expended their 1986 dollars. Discussion followed regarding various lawsuits on this project.

Motion was made by Catherine Dunn to approve the FY 1987 Construction Grant Priority List as presented. Seconded by Nancylee Siebenmann. Motion carried unanimously.

CHAPTER 62 REVISIONS--EFFLUENT PRETREATMENT STANDARDS: OTHER EFFLUENT LIMITATIONS OR PROHIBITIONS

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

Attached are copies of a draft of the proposed revisions to Chapter 62 -- Effluent Pretreatment Standards: Other Effluent Limitations or Prohibitions.

The revisions consist of updating references to pretreatment standards and adding references to additional pretreatment standards which have become available but were not formerly included in the federal regulations.

The update of Chapter 62 is being done at the request of the Legal Services Division to aid in the handling of enforcement actions.

Public participation is not required to update these standards to conform with promulgated federal standards in view of rule 62.2(455B). Following commission adoption, the adopted changes to this standard would be effective thirty-five days after filing, indexing and publication in the Iowa Administrative Code.

WATER, AIR AND WASTE MANAGEMENT (900)
WATER, AIR AND WASTE MANAGEMENT COMMISSION
Emergency Adopted Rule

Pursuant to Iowa Code sections 455B.105 and 455B.173, the Environmental Protection Commission, formerly the Water, Air and Waste Management Commission, amends Chapter 900--62, Effluent and Pretreatment Standards: Other Effluent Limitations or Prohibitions. The purpose of the emergency filing is to update references in rules 62.4(455B) and 62.5(455B) to federal effluent and pretreatment standards found in 40 Code of Federal Regulations (CFR) which need to be changed due to federal amendments and revisions to 40 CFR.

In accordance with Iowa Code section 17A.4(2), the commission finds that public notice and participation is unnecessary. Under rule 62.2(455B) the commission has determined previously that good cause exists for exempting from the notice and public participation requirements of Iowa Code section 17A.4(1) the adoption by reference of certain federal effluent and pretreatment standards. The commission found that public participation is unnecessary since the commission must adopt effluent and pretreatment standards at least as stringent as the enumerated promulgated federal standards in order to have the Department's NPDES program approved by the federal administrator and yet must not adopt a standard that is more stringent than the enumerated promulgated federal standard due to Iowa Code section 455B.173(3).

The commission adopted these rule amendments on August 18, 1986. The amendments will become effective on October 15, 1986.

These rule amendments implement Iowa Code chapter 455B, division III, part I.

These rule amendments are being made to the existing rules of the Department of Water, Air and Waste Management, which in due course will be transferred to the Department of Natural Resources part of the Iowa Administrative Code in accordance with the transition plan of the Code Editor.

Item 1. Amend rule 62.4(455B) to read as follows:

900--62.4(455B) Federal effluent and pretreatment standards. The federal standards, 40 Code of Federal Regulations (CFR), revised as of July 1, 1985, are applicable to the following categories:

62.4(1) General provisions. The following is adopted by reference: 40 CFR part 401 ~~as promulgated February 1, 1974 (39 FR 4532); amended as shown in 40 Code of Federal Regulations, Revised as of July 1, 1978 and amended on July 30, 1979 (44 CFR 44502) and September 10, 1979 (44 CFR 52685).~~

62.4(2) Cooling water intake structures. Reserved.

62.4(3) General pretreatment regulations for existing and new sources of pollution. The following is adopted by reference: 40 CFR 403 ~~as promulgated June 26, 1978 (48 FR 27746) and amended on June 7, 1979 (44 FR 32956)~~ as amended on September 25, 1985 (50 FR 38811), April 30, 1986 (51 FR 16030), June 4, 1986 (51 FR 20426), and June 9, 1986 (51 FR 20828).

62.4(4) Thermal discharges. The following is adopted by reference: 40 CFR part 125, Subpart H ~~as promulgated June 7, 1979 (44 FR 32899)~~.

62.4(5) Dairy products processing industry point source category. The following is adopted by reference: 40 CFR part 405 ~~as promulgated May 28, 1974 (39 FR 18597); amended as shown in 40 Code of Federal Regulations, Revised as of July 1, 1978 and amended on August 29, 1979 (44 FR 50738)~~.

62.4(6) Grain mills point source category. The following is adopted by reference: 40 CFR part 406 ~~as promulgated March 29, 1974 (39 FR 10513); amended as shown in 40 Code of Federal Regulations, Revised as of July 1, 1978 and amended on August 29, 1979 (44 FR 50739)~~.

62.4(7) Canned and preserved fruits and vegetables processing point source category. The following is adopted by reference: 40 CFR part 407 ~~as promulgated March 21, 1974 (39 FR 10864); amended as shown in 40 Code of Federal Regulations, Revised as of July 1, 1978 and amended on April 16, 1979 (44 FR 22464), June 20, 1979 (44 FR 36034) and August 29, 1979 (44 FR 50739)~~.

62.4(8) Canned and preserved seafood processing point source category. The following is adopted by reference: 40 CFR part 408 ~~as promulgated June 26, 1974 (39 FR 23140); amended as shown in 40 Code of Federal Regulations, Revised as of July 1, 1978 and amended on August 6, 1979 (44 FR 45946) and August 29, 1979 (44 FR 50740)~~.

62.4(9) Sugar processing point source category. The following is adopted by reference: 40 CFR part 409 ~~as promulgated January 31, 1974 (39 FR 4037); amended as shown in 40 Code of Federal Regulations, Revised as of July 1, 1978 and amended on September 25, 1978 (43 FR 43304), August 29, 1979 (44 FR 50740) and November 6, 1979 (44 FR 64080)~~.

62.4(10) Textile industry point source category. The following is adopted by reference: 40 CFR part 410 ~~as promulgated July 5, 1974 (39 FR 24739) and amended on August 21, 1974 (39 FR 30135) and May 26, 1977 (42 FR 26979)~~.

62.4(11) Cement manufacturing point source category. The following is adopted by reference: 40 CFR part 411 ~~as promulgated February 20, 1974 (39 FR6591); amended as shown in 40 Code of Regulations, Revised as of July 1, 1978 and amended on August 29, 1979 (44 FR 50741)~~.

62.4(12) ~~Reserved.~~ Feedlots point source category. The following is adopted by reference: 40 CFR part 412.

62.4(13) Electroplating point source category. The following is adopted by reference: 40 CFR part 413 ~~as promulgated March 28, 1974 (39 FR 11510); amended as shown in 40 Code of Regulations, Revised as of July 1, 1978 and amended on May 14, 1979 (44 FR 27993), September 7, 1979 (44 FR 52618) and October 1, 1979 (44 FR 56330)~~.

62.4(14) Organic chemicals manufacturing point source category. The following is adopted by reference: 40 CFR part 414 ~~as promulgated April 25, 1974 (39 FR 14676) and amended on June 12, 1974 (39 FR 20597), December 17, 1974 (40 FR 6441), January 5, 1976 (41 FR 901), April 1, 1976 (41 FR 13936) and May 12, 1976 (41 FR 19341)~~.

62.4(15) Inorganic chemicals manufacturing point source category. The following is adopted by reference: 40 CFR part 415 ~~as promulgated March 12, 1974 (39 FR 9616) and amended on June 10, 1974 (39 FR 20376), February 6, 1975 (40 FR 5523), May 22, 1975 (40 FR 22411), November 23, 1976 (41 FR 51599), February 23, 1977 (42 FR 10681), April 1, 1977 (42 FR 17444) and July 20, 1977 (42 FR 37294)~~.

62.4(16) Plastics and synthetics point source category. The following is adopted by reference: 40 CFR part 416 ~~as promulgated April 5, 1974 (39 FR 12505) and amended on July 8, 1974 (39 FR 24893), January 23, 1975 (40 FR 3721), May 19, 1975 (40 FR 21732), May 30, 1975 (40 FR 23472), August 4, 1976 (41 FR 32587), November 4, 1976 (41 FR 48516), June 10, 1977 (42 FR 29871) and August 11, 1977 (42 FR 40697)~~.

62.4(17) Soap and detergent manufacturing point source category. The following is adopted by reference: 40 CFR part 417 ~~as promulgated April 12, 1974 (39 FR 13372) and amended on May 17, 1974 (39 FR 17549), May 21, 1974 (39 FR 17841), February 11, 1975 (40 FR 6441) and June 30, 1975 (40 FR 27454)~~.

62.4(18) Fertilizer manufacturing point source category. The following is adopted by reference: 40 CFR part 418 ~~as promulgated on April 8, 1974 (39 FR 12836); amended as shown in 40 Code of Regulations, Revised as of July 1, 1978 and amended on February 13, 1979 (44 FR 9388), August 29, 1979 (44 FR 50742) and November 6, 1979 (44 FR 64080)~~.

62.4(19) Petroleum refining point source category. The following is adopted by reference: 40 CFR part 419 ~~as promulgated May 9, 1974 (39 FR 16563) and amended on September 10, 1974 (39 FR 32614), May 20, 1975 (40 FR 21949), and March 23, 1977 (42 FR 15689)~~, as amended on July 12, 1985 (50 FR 28522) and corrected on August 12, 1985 (50 FR 32414).

62.4(20) Iron and steel manufacturing point source category. The following is adopted by reference: 40 CFR part 420 ~~as promulgated June 28, 1974 (39 FR 24119) and amended on March 29, 1976 (41 FR 13004) and August 2, 1976 (41 FR 32218)~~.

62.4(21) Nonferrous metals manufacturing point source category. The following is adopted by reference: 40 CFR part 421 ~~as promulgated April 8, 1974 (39 FR 12825) and amended on February 27, 1975 (40 CFR 8523), October 15, 1975 (40 FR 48348) and December 15, 1976 (41 FR 54851)~~, as amended on September 20, 1985 (50 FR 38342) and corrected on October 9, 1985 (50 FR 41144) and December 26, 1985 (50 FR 52775).

62.4(22) Phosphate manufacturing point source category. The following is adopted by reference: 40 CFR part 422 ~~as promulgated February 20, 1974 (39 FR 6582); amended as shown in 40 Code of Regulations, Revised as of July 1, 1978 and amended on October 5, 1978 (43 FR 46020) and August 29, 1979 (44 FR 50742)~~.

62.4(23) Steam electric power generating point source category. The following is adopted by reference: 40 CFR part 423 ~~as promulgated October 8, 1974 (39 FR 36198) and amended on February 19, 1975 (40 FR 7095), June 4, 1975 (40 FR 23987), and March 23, 1977 (42 FR 15695), September 22, 1978 (43 FR 43023) and September 29, 1978 (43 FR 44846)~~.

62.4(24) Ferroalloy manufacturing point source category. The following is adopted by reference: 40 CFR part 424 ~~as promulgated February 22, 1974 (39 FR 6809); amended as shown in 40 Code of Regulations, Revised as of July 1, 1978 and amended on August 29, 1979 (44 FR 50742) and November 6, 1979 (44 FR 64082)~~.

62.4(25) Leather tanning and finishing industry point source category. The following is adopted by reference: 40 CFR part 425 ~~as promulgated April 9, 1974 (39 FR 12960) and amended on March 23, 1977 (42 FR 15703)~~.

62.4(26) Glass manufacturing point source category. The following is adopted by reference: 40 CFR part 426 ~~as promulgated January 22, 1974 (39 FR 2565); amended as shown in 40 Code of Regulations, Revised as of July 1, 1978 and amended on August 29, 1979 (44 FR 50746).~~

62.4(27) Asbestos manufacturing point source category. The following is adopted by reference: 40 CFR part 427 ~~as promulgated February 26, 1974 (39 FR 7527); amended as shown in 40 Code of Regulations, Revised as of July 1, 1978 and amended on August 29, 1979 (44 FR 50747).~~

62.4(28) Rubber manufacturing point source category. The following is adopted by reference: 40 CFR part 428 ~~as promulgated February 21, 1974 (39 FR 6662) and amended on July 19, 1974 (39 FR 26423), January 10, 1975 (40 FR 2336), April 25, 1975 (40 FR 18473) and February 14, 1978 (43 FR 6229).~~

62.4(29) Timber products processing point source category. The following is adopted by reference: 40 CFR part 429 ~~as promulgated April 18, 1974 (39 FR 13945) and amended on January 16, 1975 (40 FR 2807), June 2, 1975 (40 FR 23826), December 9, 1976 (41 FR 53934) and September 28, 1977 (42 FR 49842).~~

62.4(30) Pulp, paper and paperboard point source category. The following is adopted by reference: 40 CFR part 430 ~~as promulgated May 29, 1974 (39 FR 18747) and amended on February 11, 1975 (40 FR 6445), February 19, 1976 (41 FR 7673), July 6, 1976 (41 FR 27733) and January 6, 1977 (42 FR 1398).~~

62.4(31) Builders paper and roofing felt segment of the builders paper and board mills point source category. The following is adopted by reference: 40 CFR part 431 ~~as promulgated May 9, 1974 (39 FR 16580) and amended on February 11, 1975 (40 FR 6446).~~

62.4(32) Meat products point source category. The following is adopted by reference: 40 CFR part 432 ~~as promulgated February 28, 1974 (39 FR 7897); amended as shown in 40 Code of Regulations, Revised as of July 1, 1978 and amended on August 29, 1979 (44 FR 50747).~~

62.4(33) ~~Reserved.~~ Metal finishing point source category. The following is adopted by reference: 40 CFR part 433.

62.4(34) Coal mining point source category. The following is adopted by reference: 40 CFR part 434 as revised on October 9, 1985 (50 FR 41305) ~~as promulgated May 13, 1976 (41 FR 19833); amended as shown in 40 Code of Regulations, Revised as of July 1, 1978 and amended on January 12, 179 (44 Fr 2589), April 2, 1979 (44 FR 19194), April 18, 1979 (44 FR 23084), July 6, 1979 (44 FR 39391) and November 6, 1979 (44 FR 64082).~~

62.4(35) Oil and gas extraction industry point source category. The following is adopted by reference: 40 CFR part 435 ~~as promulgated September 15, 1975 (40 FR 42549); amended as shown in 40 Code of Regulations, Revised as of July 1, 1978 and amended April 13, 1979 (44 FR 22075).~~

62.4(36) Mineral mining and processing point source category. The following is adopted by reference: 40 CFR part 436 ~~as promulgated October 16, 1975 (40 FR 48657) and amended on June 10, 1976 (41 FR 23558), July 12, 1977 (42 FR 35849) and March 10, 1978 (43 FR 9808).~~

62.4(37) Water supply point source category. Reserved.

62.4(38) Reserved.

62.4(39) Pharmaceutical manufacturing point source category. The following is adopted by reference: 40 CFR part 439 ~~as promulgated November 17, 1976 (41 FR 50677) and amended on February 4, 1977 (42 FR 6814).~~

62.4(40) Ore mining and dressing point source category. The following is adopted by reference: 40 CFR part 440 ~~as promulgated November 6, 1975 (40 FR 51730); amended as shown in 40 Code of Regulations, Revised as of July 1, 1978 and amended on July 11, 1978 (43 FR 29771), February 8, 1979 (44 FR 7953) and March 1, 1979 (44 FR 11547).~~

62.4(41) Transportation point source category. Reserved.

62.4(42) Fish hatcheries and farms point source category. Reserved.

62.4(43) Paving and roofing materials (tars and asphalt) point source category. The following is adopted by reference: 40 CFR part 443 ~~as promulgated July 24, 1975 (40 FR 31491).~~

~~62.4(44) Autos and other laundries point source category. Reserved.~~

~~62.4(45) Converted paper products point source category. Reserved.~~

~~62.4(46) Paint formulating point source category. The following is adopted by reference: 40 CFR part 446~~ as promulgated July 28, 1975 (40 FR 31725).

62.4(47) Ink formulating point source category. The following is adopted by reference: 40 CFR part 447 ~~as promulgated July 28, 1975 (40 FR 31727).~~

62.4(48) Printing and publishing point source category. Reserved.

62.4(49) Steam supply and noncontact cooling water point source category. Reserved.

62.4(50) Reserved.

62.4(51) Clay, gypsum, refractory and ceramic products point source category. Reserved.

62.4(52) Concrete products point source category. Reserved.

62.4(53) Shore receptor and bulk terminals point source category. Reserved.

62.4(54) Gum and wood chemicals manufacturing point source category. The following is adopted by reference: 40 CFR part 454 ~~as promulgated May 18, 1976 (41 FR 20541).~~

62.4(55) Pesticide chemicals manufacturing point source category. The following is adopted by reference: 40 CFR part 455 ~~as promulgated November 4, 1976 (41 FR 48089), and amended on December 13, 1976 (41 FR 54181), February 8, 1977 (42 FR 7956), April 25, 1978 (43 FR 17776) and September 29, 1978 (43 FR 44845).~~ as amended on October 4, 1985 (50 FR 40701).

62.4(56) Adhesives and sealants industry point source category. Reserved.

62.4(57) Explosives manufacturing point source category. The following is adopted by reference: 40 CFR part 457 ~~as promulgated March 9, 1976 (41 FR 10184).~~

62.4(58) Carbon black manufacturing point source category. The following is adopted by reference: 40 CFR part 458 ~~as promulgated May 18, 1976 (41 FR 20499) and amended on January 9, 1978 (43 FR 1343).~~

62.4(59) Photographic processing point source category. The following is adopted by reference: 40 CFR part 459 ~~as promulgated July 14, 1976 (41 FR 29079).~~

62.4(60) Hospital point source category. The following is adopted by reference: 40 CFR part 460 ~~as promulgated May 6, 1976 (41 FR 18777).~~

62.4(61) Battery manufacturing point source category. The following is adopted by reference: 40 CFR part 461.

62.4(62) Reserved.

62.4(63) Plastic molding and forming point source category. The following is adopted by reference: 40 CFR part 463.

62.4(64) Metal molding and castings point source category. The following is adopted by reference: 40 CFR part 464 as promulgated October 30, 1985 (50 FR 45247) and corrected on June 16, 1986 (51 FR 21760).

62.4(65) Coil coating point source category. The following is adopted by reference: 40 CFR part 465.

62.4(66) Porcelain enameling point source category. The following is adopted by reference: 40 CFR part 466 as amended on September 6, 1985 (50 FR 36540).

62.4(67) Aluminum forming point source category. The following is adopted by reference: 40 CFR part 467.

62.4(68) Copper forming point source category. The following is adopted by reference: 40 CFR part 468 as amended on August 23, 1985 (50 FR 34334), March 5, 1986 (51 FR 7570), and June 20, 1986 (51 FR 22520).

62.4(69) Electrical and electronic components point source category. The following is adopted by reference: 40 CFR part 469.

62.4(70) Reserved.

62.4(71) Nonferrous metals forming and metal powders. The following is adopted by reference: 40 CFR part 471 as promulgated August 23, 1985 (50 FR 34270), and corrected on January 22, 1986 (51 FR 2884).

Item 2. Amend rule 62.5(455B) to read as follows:

900--62.5(455B) Federal toxic effluent standards. The following is adopted by reference: 40 CFR part 129 ~~as promulgated January 12, 1977 (42 FR 2613 and 2620) and amended on February 2, 1977 (42 FR 6532).~~

August 18, 1986

Larry J. Wilson, Director

Mr. Stokes stated that these rules are an update to bring state rules in conformance with federally adopted rules. They would not be more stringent than federal rules. Short discussion followed.

Motion was made by Linda Appelgate to adopt the Emergency Rule--Chapter 62 Revisions - Effluent Pretreatment Standards: Other Effluent Limitations or Prohibitions. Seconded by Catherine Dunn. Motion carried unanimously.

CHAPTER 40 REVISIONS AND CHAPTER 42 NEW--EMERGENCY RULE ADOPTION AND IMPLEMENTATION--TESTING OF CERTAIN PUBLIC WATER SUPPLIES FOR SYNTHETIC ORGANIC CHEMICALS AND PESTICIDES

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

Attached are copies of the above-referenced rules being proposed for emergency rule adoption pursuant to the requirements of HF 2303. Emergency rule adoption is necessary in order to complete the testing by January 1, 1988, to collect and consider the analytical data and to prepare and submit the required report to the General Assembly by April 1, 1988. The collection of samples must begin in November, 1986 because of the number of supplies being tested and the resulting workload that will be placed on the one laboratory selected to conduct all the analyses.

These rules provide the procedures and schedules for gathering water samples, the synthetic organic chemicals and pesticides for which each sample will be tested, the approved analytical methods for conducting the analyses, and the reporting of the analytical results to the Department.

WATER, AIR AND WASTE MANAGEMENT (900)
WATER, AIR AND WASTE MANAGEMENT COMMISSION
EMERGENCY ADOPTED AND IMPLEMENTED

Pursuant to the authority Section 1 of House File 2303, the Water, Air and Waste Management Commission adopts rules pertaining to the testing of certain public water supply systems for the presence of synthetic organic chemicals and pesticides.

In accordance with Section 1 of House File 2303, each public water supply system regulated under Iowa Code Chapter 455B which serves a city under Iowa Code Chapter 362 or serves a state-owned facility regularly housing two hundred or more persons, each benefited water district created under Iowa Code Chapter 357, and each rural water district created under Iowa Code Chapter 357A shall test the finished water of that water supply for the presence of synthetic organic chemicals and pesticides. These rules provide the procedures and months for gathering water samples, the synthetic organic chemicals and pesticides for which the samples are to be tested, the approved analytical methods for conducting the analysis of water samples, and the reporting of the analytical results to the department. The findings of the tests and the conclusions which may be drawn from them are to be submitted by the Department in a report to the General Assembly by April 1, 1988.

The Commission finds that public notice and participation are unnecessary and contrary to the public interest in this instance, in accordance with Iowa Code Section 17A.4(2). Although the Commission is given until January 1, 1988 to complete the testing, the number of water supply systems to be tested, the resulting work load on the one laboratory to be designated to conduct all analysis and the time required to gather and consider the analytical data and to prepare a report for the general assembly dictates that the sampling begin by November of this year. Emergency adoption of these rules is required to facilitate the implementation and completion of the Department's obligations under House File 2303.

The Commission also finds, pursuant to Iowa Code Section 17A.5(2)"b"(2), that the normal effective date of this rule, 35 days after publication, should be waived and the rule be made effective upon filing with the Administrative Rules Coordinator, August 25, 1986, as it confers a benefit upon the public to have the rules in effect immediately.

This rule implements Iowa Code Chapter 455B.

The proposed amendments to Rule 900--40.1(455B) and the proposed new Chapter 900--42(455B) are as follows:

Item 1. Amend the second unnumbered paragraph of rule 900--40.1(455B) to read as follows:

This chapter includes rules of practice, including forms, applicable to the public in the department's administration of the subject matter of this division. Chapter 41 contains the standards and specific permit procedures for the public water supply program. Chapter 42 provides special provisions for the testing of the finished water of certain water supplies for the presence of synthetic organic chemicals and pesticides. Chapter 49 provides minimum standards for the construction of private water wells.

Item 2. Adopt a new Chapter 42 as follows:

CHAPTER 42
SPECIAL MONITORING FOR PESTICIDES AND
SYNTHETIC ORGANIC CHEMICALS

900--42.1(455B) Authority, purpose and applicability.

42.1(1) Authority. Pursuant to House File 2303, Section 1, the department is authorized to conduct tests of the finished water of the water supplies listed in subrule 42.1(3) for the presence of synthetic organic chemicals and pesticides.

42.1(2) Purpose. The purpose of these rules is to provide the procedures for gathering water samples, the synthetic organic chemicals and pesticides for which the samples are to be tested, the analytical methods for conducting analysis of the samples, and the reporting requirements of the results to the department.

42.1(3) Applicability. The requirements of this chapter apply to each public water supply system regulated under Iowa Code Chapter 455B which serves a city under Iowa Code Chapter 362 or serves a state-owned facility regularly housing two hundred or more persons, each benefited water district created under Iowa Code Chapter 357, and each rural water district created under Iowa Code Chapter 357A.

900--42.2(455B) Sampling procedures and schedule.

42.2(1) Finished water samples shall be collected at representative locations within the distribution system. Sample collection shall be performed in the same manner necessary to satisfy the requirements of Chapter 41 of the Department's rules and in accordance with the instructions provided by the laboratory.

42.2(2) Samples shall be submitted to the state designated laboratory within 5 days of receiving the notice to sample by the department or designated laboratory.

42.2(3) Failure to conduct sampling as re uired by these rules may subject the water supply to administrative penalties a portion of which will be equal to the cost of sampling.

42.2(4) The sampling of the water supplies subject to the requirements of this chapter shall begin on November 1, 1986 and shall be completed by November 1, 1987.

900--42.3(455B) Pesticides and synthetic organic chemical contaminants. Tests shall be conducted for the presence of the contaminants listed in this rule.

42.3(1) Synthetic organic compounds.

a. Benzene
b. Bromodichloromethane
c. Bromoform
d. Chloroethylvinyl ether
e. Chloroform
f. Carbon tetrachloride
g. Chlorobenzene
h. 1,1 Dichloroethylene
i. 1,2 Dichloroethane
j. p-Dichlorobenzene
k. 1,2 Dichloropropane
l. o-Dichlorobenzene
m. m-Dichlorobenzene

n. 1,2 Dichloroethylene (total)
o. Dichloromethane
p. Dibromomethane
q. Dichlorodifluoromethane
r. 1,3 Dichloropropane
s. 1,1 Dichloroethane
t. 1,1 Dichloropropene
u. 1,3 Dichloropropylene (total)
v. Ethylbenzene
w. Chlorodibromomethane
x. Methylene chloride
y. Styrene
z. 1,1,1 Trichloroethane
aa. Tetrachloroethylene
bb. 1,2,3 Trichloropropane
cc. 1,1,1,2 Tetrachloroethane
dd. 1,1,2 Trichloroethane
ee. Toluene
ff. 1,1,2,2 Tetrachloroethane
gg. Trichloroethylene
hh. Vinyl chloride
ii. Xylene (total)

42.3(2) Pesticides.

a. Alachlor
b. Aldrin
c. Atrazine
d. Banvel
e. Beta-BHC
f. Bladex
g. Carbofuran
h. Chlordane
i. Counter
j. DDD
k. Diazinon
l. Dieldrin
m. Dyfonate
n. Dual
o. Endrin
p. Gamma-BHC (Lindane)
q. Heptachlor
r. Heptachlor epoxide
s. Lorsban
t. Malathion
u. MoCap
v. Methoxychlor
w. Sencor
x. Sutan
y. Thimet
z. Treflan
aa. Toxaphene
bb. Prowl
cc. Amiben
dd. 2,4-D
ee. DDT

ff. Ramrod
gg. Bolstar
hh. Endrin aldehyde
ii. Silvex

900--42.4(455B) Analytical methods. Tests required to be conducted pursuant to this chapter shall be conducted using the analytical methods specified in this rule.

42.4(1) Pesticides except Banvel. EPA method 608 shall be used except that the serial extraction should be performed with 45% (by volume) methylene chloride in hexane and multiple chromatographic runs are needed to analyze for both the chlorinated hydrocarbon insecticides and the nitrogen and phosphorus containing herbicides and insecticides included in subrule 900--42.3(2). The chlorinated hydrocarbon insecticides shall be analyzed using either packed or capillary column (the latter is preferred to provide greater specificity) gas chromatography with electron capture detector; a confirmation run on a column (packed or capillary) having different retention characteristics shall be made for any observed compounds. The nitrogen and phosphorus containing herbicides and insecticides shall be analyzed using either packed or capillary column (the latter is preferred to provide greater specificity) gas chromatography with nitrogen and phosphorus specific detector; a confirmation run on a column (packed or capillary) having different retention characteristics shall be made for any observed compounds.

42.4(2) Banvel. Standard method 16th Edition 509B shall be used to test for Banvel.

42.4(3) Synthetic organic compounds. EPA method 524 (including quality control measures therein) except that three internal standards (bromochloromethane, 1,4-difluorobenzene, and chlorobenzene-d5) and three surrogate spike compounds (toluene-d8, p-bromofluorobenzene, and 1,2-dichloroethane-d4) shall be used with the corresponding quality control criteria as used in U. S. EPA's Contract Laboratory Program (data package not required).

900--42.5(455B) State designated laboratory.

42.5(1) Until April 1, 1988, the state designated laboratory shall upon request analyze the water samples collected pursuant to the requirements of this chapter.

42.5(2) The state designated laboratory shall provide copies of the analytical results of the water samples collected pursuant to this chapter to the water supply and to the department.

42.5(3) The fee for sample containers, instructions, postage and the analysis of water samples shall not exceed $330.

August 18, 1986

Larry J. Wilson, Director

Charlotte Mohr asked if the oil overcharge refund money could be used for this project. Mr. Stokes stated funding would be provided by the communities

themselves. Chairman Schlutz asked if testing would be on raw as well as finished water. Mr. Stokes replied that it covers only finished water. The legislature opted for the finished water supply to be tested as this is the way it is pumped to the consuming public. Chairman Schlutz asked if we could use some of the overcharge rebate to do testing on raw water. Mr. Wilson commented it has to be energy related to use those funds, therefore he doubted we could use them.

Clark Yeager asked who determined the chemicals to be listed in this rule. Mr. Stokes replied it was determined by input from our staff, EPA experts basically within the University structure in Iowa. Mr. Yeager mentioned that some chemicals which are used quite regularly are not listed. He also commented that input was provided mostly from technical people and suggested that contacts should maybe be made with people who have some kind of a source on what is sold in the state.

Mr. Stokes described the reporting procedures for the analysis. Mr. Uhl suggested putting a disclaimer in the copy of analysis being sent to water supply operators stating it represents a testing of the water on a certain date, and may have very little to do with the quality of water they drink in view of all the insecticides, herbicides and pesticides being applied at the present time.

Motion was made by Nancylee Siebenmann to adopt Emergency Rule--Chapter 40--Revisions and Chapter 42 New--Emergency Rule Adoption and Implementation--Testing of Certain Public Water Supplies for Synthetic Organic Chemicals and Pesticides with the additional stipulation that referencing be done of the chemical suppliers. Seconded by Catherine Dunn. Motion carried unanimously.

Mr. Wilson stated he overlooked putting a spot on the agenda for Director's comments, and stated he will do that in the future. Chairman Schlutz stated he would like to have the monthly reports sent with the agenda packets rather than having handouts the morning of the meetings. Mr. Wilson commented that each Commissioner will be receiving a copy of the Iowa Conservationist magazine as well as the news releases in the future. He mentioned there is an article on the new Department of Natural Resources explaining the new department and showing an organizational chart.

Mr. Wilson reported the organizational changes are coming along rather well being 48 days into the mission. A good deal of improvement occurred when the phone system was put into place. He said one of the real problems we are having is the budget, and stated Stan Kuhn will give a budget report.

Mr. Kuhn reported that the reorganization bill made several major changes, one of them being there is no longer a State Comptroller's Office, but is now called the Department of Management. They are trying to have a more coordinated planning and budgeting function. Last week, they gave us directions on preparing an annual budget. We are now in an annual budgeting rather than biennial budgeting process. Mr. Kuhn stated we have a deadline of September 19 and would like the commissioners' input in terms of major changes or directions they want the agency to go.

Linda Appelgate commented the commissioners have not been receiving the personnel reports each month, and wondered if they would continue to receive them. Mr. Wilson said he hadn't planned to continue them, but if they wanted them reinstituted we certainly would provide them. Mr. Schlutz asked about reports on budgets and status against budgets particularly pertaining to environmental programs. Mr. Wilson stated that the information which was provided on overlays each month would be done by a smaller more capsulized report on the budget each month. He further explained that statements about the condition of the budget can be provided without tying up the time of a graphic artist putting together charts each month. Mr. Wilson said it would be helpful for the commissioners to know some of the serious problems we will be facing this year, and Stan Kuhn will be making an oral report monthly.

Discussion followed regarding policy decisions, budget, director's report, and the legislative committee. Mr. Wilson stated he hoped the commission would not continue a legislative committee and explained that the division administrators and bureau chiefs have met three times and put together a legislative packet which will be brought to the Environmental Protection Commission and the Natural Resources Commission for their approval. He said this tends to eliminate division conflicts on the same proposal, and asked the commissioners to give it some thought.

GROUNDWATER PROTECTION STRATEGY AND PLAN--UPDATE

James Combs, Division Administrator, Coordination and Information Division, presented the following item.

First drafts of the thirteen issue statements with policy and implementation strategy options will be distributed to the Commission at the meeting. Between now and the middle of October, these statements will be discussed with the members of the Technical Advisory Committee and the Program Advisory Committee. The material will be redrafted based upon the input received from these committees. The redrafted materials will be presented to the Commission at its October, 1986 meeting.

Public meetings will be held to gather general public input on the policy and implementation strategy options in November. The final policy and implementation recommendations along with appropriate legislative proposals will be assembled in November and December.

On January 15, 1987, the strategy and plan will be presented to the General Assembly as required.

Jim Combs gave a report on what approach we would use, and stated they would like the commissioners' input on these topics and documents within the next six weeks. We would like to have most of our comments in from the advisory committees by early or mid-October.

Richard Timmerman suggested that some of the commissioners be in attendance at the meetings of the Technical Advisory Committee and the Program Advisory Committee. The chair appointed Commissioners Gieselman and Siebenmann to serve on this subcommittee and report back to the commission next month.

CONTRACT FOR GROUNDWATER PROTECTION SURVEY

James Combs, Division Administrator, Coordination and Information Division, presented the following item.

The Department requests approval to enter into a contract with a public opinion survey company for up to $10,000 to determine the public's attitudes toward various groundwater protection strategy options. The survey and accompanying report are to be completed by October 15, 1986.

This survey will be used as a means of determining the level of general public support for some of the alternative strategies that might be employed to protect the state's groundwater resources. The results of the survey will be used along with the input of the Technical Advisory Committee and the Program Advisory Committee to develop a recommended groundwater protection strategy for adoption by the Commission.

Discussion followed regarding surveys on groundwater, whether other groups, agencies or organizations have taken polls which we could use. Mr. Combs stated there have been other surveys, but mostly on restricted areas and we are looking for a larger picture with a better distribution geographically, mainly a cross-section of Iowans. Bernie Hoyer, Energy and Geological Resources Division, stated there is a national survey he is trying to get a copy of, but this would be supplementary and does not necessarily reflect the same view as Iowans. Charlotte Mohr commented the Farm Bureau has an opinionnaire for each county, and possibly we could use their input.

Motion was made by Richard Timmerman to approve the contract for Groundwater Protection Survey providing the results of the survey are not received back from the firm until November 5, 1986. Seconded by Catherine Dunn. Motion carried unanimously.

UNION COUNTY BRIDGE PROJECT--PETITION FOR STAY OF FINAL DECISION

James Combs, Division Administrator, Coordination and Information Division, presented the following item.

On June 16, 1986, the Water, Air and Waste Management Commission reversed the hearing officer's decision and affirmed the issuance of a floodplain permit to Union County. On June 20, 1986, Arlo Wittstock, nearby landowner and original appellant of the department's decision to issue a permit, filed a petition for judicial review of the Commission's final decision. At the same time, Mr. Wittstock filed a petition for stay, requesting that the Commission suspend its final decision until the Polk County District Court determines whether it was proper. Mr. Wittstock's petition and Union County's resistance to that petition are attached.

Pursuant to 900 Iowa Administrative Code 7.14(9)"a"(2), the Commission may grant a stay when it concludes that substantial legal or factual questions exist as to the propriety of (its decision), the party will suffer substantial and irreparable injury without the stay, and the interest of the public will not be significantly harmed. Upon request, the Polk County District Court may

also order such a stay. Iowa Code Subsection 17A.19(5). If either the Commission or the court issues a stay, Mr. Wittstock must file an appropriate bond approved by the court. Iowa Code Subsection 455B.278(2).

Mr. Combs gave a brief explanation of this item and stated that representatives regarding this item were here today.

Skip Kenyon, County Attorney for Union County, presented an argument against the stay, and stated that Union County could be severely damaged if not allowed to proceed at this time. He said the stay is solely in the private interest of Mr. Wittstock as opposed to Union County as a whole.

Motion was made by Charlotte Mohr to deny the request for a stay of proceedings and go ahead with our original decision to allow Union County to build the bridge. Seconded by Wayne Gieselman.

Chairman Schlutz called for a roll call vote. "Yes" votes were cast by Commissioners Timmerman, Appelgate, Yeager, Gieselman, Mohr, Priebe, Siebenmann, Dunn and Schlutz. "No" vote was cast by Commissioner Uhl. Motion carried 9 to 1.

REFERRALS TO ATTORNEY GENERAL

James Combs, Division Administrator, Coordination and Information Division, presented the following item.

The Commission is requested to approve referral of the following to the Attorney General.

Burr Oak Motel, Algona--For collection of administrative penalty.

Outside Inn, Fort Madison--For collection of administrative penalties.

Ribeye and Rye, Postville--For collection of administrative penalties.

Robert Abild--For collection of administrative penalty.

Boyer Valley Co.--Prohibited wastewater discharge.

University Park--Failure to submit wastewater plan of action--tabled at July meeting.

Litigation reports have been provided to the Commission and are confidential pursuant to Iowa Code Section 22.7(4).

Burr Oak Motel, Algona--Mr. Combs reported that Burr Oak Motel has paid their fine; therefore, no action is needed.

Outside Inn, Fort Madison--Mr. Combs reported they have not paid their fine, and we request referral.

Motion was made by Richard Timmerman for referral to the Attorney General's Office. Seconded by Catherine Dunn. Motion carried unanimously.

Ribeye and Rye, Postville--Mr. Combs reported they have not paid their fine, and we request referral.

Motion was made by Wayne Gieselman for referral to the Attorney General's Office. Seconded by Charlotte Mohr. Motion carried unanimously.

Robert Abild--Mr. Combs reported we have received payment for that penalty; therefore, no action is needed.

Boyer Valley Co.--Mr. Combs reported this referral will be delayed as we did not get a notice out to them.

University Park--Mr. Combs reported we received an initial plan of action which is under review, and we would like to keep this referral tabled until September.

Mike Murphy gave an update on the status of each penalty due on the Summary of Administrative Penalties List.

Richard Timmerman stated he would like to pursue the topic Mr. Uhl and Mr. Wilson were discussing earlier regarding a legislative subcommittee and what the department is doing on putting together a legislative packet, and how that effort might be tied together. Mr. Uhl stated that over the years the commission's input as to legislation has come to be a valuable one and mentioned instances in the past when it has been very helpful to have a legislative committee made up of several commissioners. Mr. Uhl stated he feels the commissioners' lobby efforts should continue, and they should have a large role in the sifting out of what goes over and what bills to consider.

Mr. Wilson stated that we are probably not that far apart on the issues, and the items that are germane to this commission would come here for the commission's approval. He said if the commission would not approve them, they would not be included. If items that you want were left out of the legislative packet, we would add them. The same will be extended to the Natural Resources Commission. Mr. Wilson said the commission could form a legislative committee, but there might be some duplication of effort. He also stated that, as far as the commissioners going to the hill to lobby, he would have a real problem with not knowing who is over there and who is doing what. He commented he has always felt it is very necessary for someone to call the shots and oversee the whole operation. If we do not do that, we might not all be in the same position and say the same thing, and that is the main thing I am trying to avoid. Chairman Schlutz stated he doesn't think anyone is not in harmony on that because the legislative committee is not going to spend days over there lobbying and they want to go over there in unison.

It was decided that Clark Yeager would serve as rural representative on the legislative committee. Keith Uhl and Linda Appelgate will also serve on this committee.

Chairman Schlutz reported on the subcommittee on Design Standards for Wastewater Treatment Plants. He stated they met last week with the final panel who had to come up with the answers to some questions they had asked. It was a very good discussion and we had some very good results. He said he was really impressed with the people who served on the committee. They have

presented their findings to the staff and asked for their review. The subcommittee will meet with the staff again to discuss the direction they want staff to go as far as rulemaking and bringing it before the commission.

NEXT MEETING DATES

September 15-16, 1986
October 20-21, 1986
November 17-18, 1986

ADJOURNMENT

Motion was made by Gary Priebe to adjourn. Seconded by Catherine Dunn. Motion carried unanimously.

With no further business to come before the Environmental Protection Commission, Mr. Schlutz adjourned the meeting at 11:35 a.m., Monday, August 18, 1986.

Barry J. Wilson, Director

Charlotte Mohr, Secretary

ADM-1-1-1
August

MEETING AGENDA
ENVIRONMENTAL PROTECTION COMMISSION
WALLACE STATE OFFICE BUILDING
DES MOINES, IOWA

August 18, 1986

Meeting Convenes at 8:30 a.m.

Public Participation 10:30 a.m.

1. Adoption of Agenda.

2. Adoption of Minutes

3. Rulemaking, Enforcement, Contested Case, Variance, and Emergency Response reports. (Stokes) Informational.

4. FY 1987 Construction Grant Priority List Approval. (Stokes) Decision.

5. Chapter 62--Effluent Guidelines, Emergency Implemented. (Stokes) Decision.

6. Chapter 40--Monitoring Rule for One Time Synthetic/Organic Compound Survey for Water Supplies, Emergency Implemented. (Stokes) Decision.

Break 10:00 a.m.

7. Groundwater Protection Strategy Status Report. (Combs) Informational.

7A. Groundwater Protection Survey [illegible] Decision.

8. Union County Bridge Project Petition for Stay of Final Decision. (Combs) Decision.

9. Referrals to Attorney General's Office. (Combs) Decision.

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5. Chapter 62--Effluent Guidelines, Emergency Implemented. (Stokes) Decision.

6 Chapter 43--Monitoring Rule for One Time Synthetic/Organic Compound Survey for Water Supplies, Emergency Implemented. (Stokes) Decision.

Break 10:00 a.m.

7. Little Sioux River Basin Sampling Follow-up. (Stokes) Informational.

8. Groundwater Protection Strategy Status Report. (Combs) Informational.

9. Union County Bridge Project Petition for Stay of Final Decision. (Combs) Decision.

10. Referrals to Attorney General's Office. (Combs) Decision.

PRELIMINARY ONLY