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MEETING AGENDA
ENVIRONMENTAL PROTECTION COMMISSION
OSBORNE CENTER, HIGHWAY 13
CLAYTON COUNTY
June 17-18, 1991

Meeting convenes at 11:00 a.m., Monday, June 17, at the Osborne Center Conference Room. The Commission will tour Big Springs on Tuesday, June 18, at 8:30 a.m.

Public Participation — **11:30 a.m.**

Appointments:

Steve Schenebaum (Superfund proceedings) — **11:15 a.m.**
Roger Ott-City of Orchard (Item #9F) — 1:00 p.m.
R.V. Hopkins, Inc. (Item 9a) — 1:30 p.m.

1. **Approve Agenda.**

2. **Approve Minutes of May 20, 1991.**

3. **Director's Report. (Wilson) Information.**

4. **Toxic Clean Up Days Report - 1991. (Stokes) Information.**

5. **Financial Status Report. (Wilson) Information.**

6. **Monthly Reports. (Stokes) Information.**

7. **Final Rule--Ch. 62, Effluent and Pretreatment Standards. (Stokes) Decision.**

8. **Notice of Intended Action--Chapter 61, Corps of Engineers, Nationwide Permits. (Murphy) Decision.**

9. **Referrals to the Attorney General. (Murphy) Decision.**

   (a) **R.V. Hopkins, Inc. (Davenport)**
   (b) **Cherokee Hog Farms (Cherokee County)**
   (c) **Lyn-Den Heights Homeowner's Association (Iowa City)**
   (d) **Buffalo Bill Estates, Inc. MHP (Camanche)**
   (e) **Country Estates MHC (Council Bluffs)**
   (f) **Orchard, City of**
   (g) **Paulsen, Carmen M. (Iowa City)**
   (h) **Gaul's Water Commission (Burlington)**

10. **Review of Federal Clean Air Act and Implications for Iowa. (Stokes) Information.**

11. **Electromagnetic Fields. (Wilson) Information.**

12. **Legislation Report. (Wilson) Information.**

13. **General Discussion Items.**

14. **Address Items for Next Meeting.**

NEXT MEETING DATES

July 15-16, 1991
August 19-20, 1991

ENVIRONMENTAL PROTECTION COMMISSION

Monday, June 17, 1991

NAME	COMPANY OR AGENCY	CITY
Steve Schantam	Attorney - Farmers Cooperative Hospers	Des Moines
Larry Steck	Gen Mgr Farm Coop	Sheldon
Marlin Oosterhuis	Farmer - Director Farmers Coop	Sheldon
Larry Stone	DM Register	
Bryce Hawthorne	Deere & Co	Moline IL
Lendall Schreuelhein	Farmer	Farmersburg
24 members Clayton County Youth Corps		
John Lapointe	Yaggy Colby Assoc.	Mason City
CARL STUVICK	Orchard City Council	Orchard
Joe Ott	City Atty	Orchard
Dale Tieden	State Senator	Elkader
Clark Ott	DNR-EPD-Manchester	Elkader
Robin Fortney	Iowa Power	Des Moines

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Minutes of the Environmental Protection Commission Meeting

June 17, 1991

Osborne Conservation Center, Clayton County

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JUNE 1991 COMMISSION MEETING

The meeting of the Environmental Protection Commission was held in the Osborne Conservation Center, Clayton County, convening at 11:00 a.m. on June 17, 1991.

MEMBERS PRESENT

Mike Earley, William Ehm, Richard Hartsuck, Rozanne King, Charlotte Mohr, Margaret Prahl, Gary Priebe, Nancylee Siebenmann, and Clark Yeager.

ADOPTION OF AGENDA

The meeting agenda was amended as follows:

Appointment - Roger Ott, City of Orchard (Item #9-F) - 1:00 p.m.
Appointment - R.V. Hopkins, Inc. (Item #9-A)- 1:30 p.m.

Motion was made by Mike Earley to approve the agenda as amended. Seconded by Rozanne King. Motion carried unanimously.

ADOPTION OF MINUTES

Motion was made by Margaret Prahl to approve the meeting minutes of May 20, 1991, as presented. Seconded by Gary Priebe. Motion carried unanimously.

DIRECTOR'S REPORT

Larry Wilson, Director, introduced Senator Dale Tieden from Clayton County and related he was happy to have the Senator attend the meeting. Mr. Wilson gave a brief overview of the county conservation board program and how they work closely with DNR on many projects. He then introduced Don Menken, Director, Osborne Conservation Center.

DON MENKEN

Mr. Menken welcomed the Comission to the Osborne Center. He introduced 20 members of the Iowa Youth Conservation Corps and noted that they will attend a portion of the meeting. He presented a history of the center and projects the center has undertaken since its beginning in 1981. Mr. Menken also gave a report on damage to the Clayton County area due to exorbitant amounts of rainfall over the past weekend.

Chairperson Hartsuck thanked Mr. Menken for hosting the Environmental Protection Commission meeting at the Osborne Center and related that it is good to see so many people in attendance.

TOXIC CLEANUP DAYS REPORT

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

Two toxic cleanup day events were conducted during the month of May, 1991: Boone county collected waste at the fairgrounds in Boone and Warren/Madison counties collected waste at the fairgrounds in Winterset and Indianola.

The collection method for the spring 1991 events was revised in an attempt to accomplish several goals: 1) decrease or eliminate the long wait for individuals who brought waste to the collection site, 2) lower the cost of the event per household, 3) provide more comprehensive education regarding HHM's to event participants, 4) provide a longer period of time during which individuals could bring their waste to the collection site, and 5) place more responsibility on individuals in assessing their waste and determining what needed to be disposed of at an event such as a TCD, as opposed to other means of disposal (sharing with a neighbor, drying out paint, etc.). The major changes made to the events were extending the period over which waste was collected (from one day to one week) and requiring appointments by individuals wishing to bring waste in for a specific date and time.

The primary results of the changes were that almost one-half of all people who called for appointments were able to manage their waste in an alternative manner and the overall participation rates for the events fell to 1988/89 levels (after setting new records in 1990).

Boone County had participation in the event by 2.9% of the population, 1.4% of whom brought 34,154 pounds of waste to the collection site. Total cost for the event is estimated at $45,335. The department's share of that cost is $35,335.

Warren/Madison counties had 2% of the population participate in the event, with 1.4% of the individuals bringing 51,854 pounds of waste to the collection site. Estimated cost for this two-county event is $67,543, with the department's share at $50,544.

Overall, it is our feeling that the pilot project with a new collection method was successful. With the experiences at this spring's events, several modifications have been identified to further improve toxic cleanup days and continue to move the department closer to achievement of our goals. These modifications will be incorporated in the next scheduled events.

Mr. Stokes presented an overview of events, current changes in the program and results of same.

This was an informational item; no action was required.

APPOINTMENT - STEVE SCHOENEBAUM

Steve Schoenebaum, Attorney for Farmers Co-op of Sheldon, addressed the Commission regarding the Hospers, Iowa facility which is an NPL site. He stated that a number of contaminants have been found in the groundwater at this site but no contamination has been found in the soils. He related that as natural processes occur there is a diminishment of contaminants at the site. Only Atrazine has been found at a consistently above action level. Mr. Schoenebaum added that all contaminated water supplies have been closed and the city has obtained an alternate water supply. He noted that the controversy is with respect to what the proper remedy is and what the obligation of the cooperative should be to insure that public health is protected. Mr. Schoenebaum stated that the co-op is in disagreement with department staff on what the ultimate outcome of this case should be at this time. He related that the cooperative's proposal is to sample and analyze each quarter, for two years, to determine the impact of the natural process of flushing and recharge of the contaminated acquifer on surface waters. The cooperative will also complete identification and remediation of any contaminated soil at the site. If, at the end of two years, there is no increase in contaminants in the groundwater and the analyses do not reveal the presence of groundwater contaminations, the cooperative would continue to monitor the groundwater and surface water, annually, for 20 years or until such time all contaminants are below the regulatory action levels. Mr. Schoenebaum elaborated on reasons why they feel it is a meritorious proposal and related that there is widespread support in the community for the proposal. He stated that the real disagreement is in the definition of significant risk. He related that it is the cooperative's belief that the interpretation of significant risk is not fair because when the contaminant levels are going down

and there is no threat to the public health, there should not be an active cleanup plan required. Mr. Schoenebaum suggested a rulemaking change to accomplish alternative #3 which defines a significant risk as "the presence of a contaminant in the groundwater in quantities which may significantly adversely impact the public health, safety, environment, and quality of life." He stated that the Boards of Hospers and Sheldon Cooperatives realize their responsibilities and he feels the cooperative's plan does merit compliance and adoption.

APPOINTMENT - MARLIN OSTERHUIS

Marlin Osterhuis, Director of Hospers/Sheldon Cooperative Elevators, addressed the Commission stating that the co-ops take this contamination site very seriously. He added that he has worked with the SCS, has been a commissioner with the extension service and has promoted soil conservation and clean water practices for a number of years. He stated that the city council and Mayor of Hospers have a very good working relationship with the cooperative and do not hold any anomosity toward them.

Allan Stokes, Division Administrator, Environmental Protection Division, stated that the co-op has been in business since 1908. Prior to 1981, the City of Hospers relied on shallow wells located near the co-op as their public water supply. In 1981, the city installed three deep wells into the Dakota aquifer. The water in the Dakota aquifer is very highly mineralized which causes problems with odor in the city sewage treatment lagoons and treatment lagoons for packing plants. The city decided to blend shallow well water with the deep water to reduce these problems. There was 6-7 month period of time in 1981 when the state relinquised delegation of the water supply program and did not enforce the public water supply program in Iowa. During this time, Hospers installed three additional shallow wells in an area adjacent to the co-op. Mr. Stokes stated that, had the state been screening them at the time, those wells would not have met separation distances and would not have been allowed to go into that location. In 1984, during a one-time testing of public water supplies, the department found that the shallow wells were contaminated with common herbicides, carbon tetrachloride and chloroform. The use of the shallow wells was restricted at that time. The co-op, in cooperation with DNR, has been investigating the site since 1984. In 1986, the co-op entered into an agreement with the state to conduct remedial investigation and feasibility study. In April, 1988 the department prohibited further use of the shallow wells for a public water supply system. In June, 1988 the site was proposed for a Superfund Site and became final in August, 1990. In 1989, Phase II ivestigations were completed but that work was viewed as not being sufficient by both DNR and U.S. EPA. Testing has identified various areas as potential source of contamination and

a draft Record of Decision was prepared and was subject to public comment beginning on May 2, 1991. The co-op and city officials requested an extension of the comment period and it has been extended to July 1, 1991. Mr. Stokes stated that in regards to the issue of decrease in contaminatants through natural attenuation, monitoring results tend to support the statement; however, available data are not extensive and cannot be definitely concluded that contaminant levels are decreasing. While the numbers for carbon tetrachloride and chloroform have been going down, the numbers for the herbicides Atrazine and Metalachlor are higher. Pumping of city wells may have influenced the detection of contaminants in any given well. Mr. Stokes stated that in regards to Mr. Schoenebaum's comment that continued monitoring will provide adequate protection between health and the environment, the statement is true but only from the standpoint that DNR will not allow the City to use the contaminated wells. Mr. Stokes clarified that site investigations have indicated isolated soil samples which showed elevated levels of herbicides. Agreement was made with EPA to do two Records of Decision, one that addresses the groundwater and a separate record to address if there are soil hotspots that would warrant soil remediation. He noted that in regards to the comment that there is broad support by local officials for the cooperative's proposal, some city officials would not want to use the shallow aquifer and some would, according to comments at the public hearing. Staff veiwpoint is that the matter is not yet a final decision by technical staff and the public comment period is open until July 1, 1991. The final proposed Record of Decision will be prepared by staff, reviewed by EPA and then issued. Mr. Stokes stated that Commission involvement, if any, would be in terms of consideration of the rules upon which the department is acting. If there is a Record of Decision and corresponding order which requires the co-op to implement a given option and the party wishes to appeal, it would then come before the Commission.

Margaret Prahl asked what it is the co-op is asking of the Commission.

Mr. Schoenebaum stated that he is asking the Commission to take a look at the definition of significant risk and possibly use the rulemaking process to expand the interpretation of the rules. He added that the Commission does not need to make a decision today, but he feels it is in the best interest of everyone to get the issue exposed for consideration.

APPOINTMENT - MIKE GERINGER

Mike Geringer, Consulting Engineer, James Montgomery Company, addressed the Commission stating that contamination levels at the co-op have been decreasing, and the fact that there are some unknowns present does supports continued monitoring. Mr.

Geringer stated that IAC, Chapter 133, makes one feel that just because one exceeds an action level that they will consider other factors. Reading on, a person would feel that one of those factors is monitoring, but then it refers one to significant risk and that tells them that if an action level is exceeded, cleanup is required. He added that it is kind of a loop that takes a person back to a closed door. Mr. Geringer stated that in looking at the data from 1985-1990 the general trend has been decrease. The exception has been Atrazine which showed decreases and then some increases, with an overall general decrease. He stated that because of that, and because of the site itself and conditions at the site, it is felt that monitoring is the acceptable solution.

William Ehm commented that he would be inclined to let the system work and see how it turns out. He noted that the sentence following the definition of significant risk states that "this criteria would be normally applied where there is no established action level for contaminants if more than one contaminant is present."

Mr. Geringer stated that that is where the rule takes you into the loop back to a closed door.

Nancylee Siebenmann commented that she, too, feels it might be premature for the Commission to take any actions at this time.

Discussion followed. It was the consensus of the Commission to wait and let the normal process work.

PUBLIC PARTICIPATION

Lendall Schievelbein

Lendall Schievelbein, Farmer, Farmersburg, Iowa, circulated a chart showing results of water samples taken from a storage lagoon operated by the City of Farmersburg. He related that the city drains the lagoon above his property and into his creek. The samples showed Atrazine was present and he is concerned that it might affect his livestock that drink from the lagoon. He noted that the city does not notify him when they are draining the lagoon.

William Ehm asked if the city is authorized to drain only at certain times according to their permit.

Mr. Stokes stated that there is no specified time period for draining and those types of permits are for discharge during optimum water flow.

Charlotte Mohr commented that she doesn't see why the city couldn't notify Mr. Schievelbein when they are going to drain the lagoon.

FINANCIAL STATUS REPORT

Larry Wilson, Director, presented the following item.

The financial status report for each division, as of 5/31/91, will be available by 6/7/91, and will be sent under separate cover. Due to expenditure limitations, divisions are generally under-budget, and no problems are anticipated.

The staff will also attempt to provide the latest available information regarding the preparation of the detailed FY92 operating budget.

Division Financial Status, 5/31/91

Attached are the division financial status reports as of 5/31/91.

Divisions are substantially under budget in most areas. In large part, this is due to the hiring and purchasing freeze. This has not occurred without cost. For example, office supply inventories are empty, and staff are digging into their "junk" drawers for pens, paper clips, etc. I suspect that many of our field stations have nearly empty gas storage tanks, and have delayed maintenance such as painting, etc.

Our target deappropriation of General Fund appropriations, per the deappropriation Act was $527,000. It appears that we will easily meet that target. We are estimating that the actual reversion to the General Fund will exceed that by more than $200,000. Also attached for distribution to the EPC is the preliminary estimate of funding sources for each division in FY92; including a comparison of the Y91 appropriation, the reduced FY91 appropriation, the FY92 appropriation, and the effect of a 3% across the board reduction. The fees and Federal Aid reflect the FY91 current level, and substantial adjustments will be necessary for fee changes.

The review of appropriation bills and finance bills at this point have delayed work on the FY92 operating budget. With final action imminent, we should have most of the FY92 budget worked out by the end of June.

DNR DIVISION STATUS, 5/31/91

COST CENTER	CLASS		MAY YTD BUDGET	MAY YTD ACTUAL	OVER(-) UNDER
1000 DIRECTOR'S OFFICE	101	PERSONAL SERVIC	249,200	208,391	40,809
1000 DIRECTOR'S OFFICE	202	PERSONAL TRAVEL	31,500	25,576	5,924
1000 DIRECTOR'S OFFICE	203	STATE VEHICLE O			
	204	STATE VEHICLE D			
	301	OFFICE SUPPLIES	1,500	527	973
	302	FACILITY MAINTE			
	303	EQUIPMENT MAINT	600	583	17
	304	PROF. & SCIENTI			
	307	AG.,CONSERVATIO			
	308	OTHER SUPPLIES	1,000	132	868
	309	PRINTING & BIND	11,500	12,237	(737)
	312	UNIFORMS & RELA			
	401	COMMUNICATIONS			
	402	RENTALS			
	403	UTILITIES			
	405	PROF & SCIENTIF	2,250		2,250
	406	OUTSIDE SERVICE	1,500		1,500
	407	INTRA-STATE TRA			
	408	ADVERTISING & P			
	410	DATA PROCESSING	4,000	1,973	2,027
	412	AUDITOR OF STAT			
	414	REIMBURSEMENTS	600	335	265
	501	EQUIPMENT	1,000		1,000
	602	OTHER EXPENSES			
	701	LICENSES			
	702	FEES			
	705	REFUNDS-OTHER			
	801	STATE AID			
	901	CAPITALS			
Totals ->			304,650	249,754	54,896

DNR DIVISION STATUS, 5/31/91

DIVISION	CLASS		MAY YTD BUDGET	MAY YTD ACTUAL	(OVER) UNDER
2000 COORDINTAION AND INFORMATION	101	PERSONAL SERVIC	1,493,456	1,442,210	51,246
	202	PERSONAL TRAVEL	50,251	21,628	28,623
	203	STATE VEHICLE O	9,946	8,921	1,025
	204	STATE VEHICLE D	15,163	13,695	1,468
	301	OFFICE SUPPLIES	75,083	70,646	4,437
	302	FACILITY MAINTE	18,500	13,685	4,815
	303	EQUIPMENT MAINT	10,250	8,923	1,327
	304	PROF. & SCIENTI	10,000	18,508	(8,508)
	307	AG.,CONSERVATIO		412	(412)
	308	OTHER SUPPLIES	35,100	44,890	(9,790)
	309	PRINTING & BIND	416,000	412,335	3,665
	312	UNIFORMS & RELA	2,850	312	2,538
	401	COMMUNICATIONS	10,500	12,632	(2,132)
	402	RENTALS	750	1,711	(961)
	403	UTILITIES	24,867	27,790	(2,923)
	405	PROF & SCIENTIF	90,000	13,467	76,533
	406	OUTSIDE SERVICE	83,540	64,469	19,071
	407	INTRA-STATE TRA			
	408	ADVERTISING & P	12,500	564	11,936
	410	DATA PROCESSING	22,980	13,190	9,790
	412	AUDITOR OF STAT			
	414	REIMBURSEMENTS		3,824	(3,824)
	501	EQUIPMENT	45,750	37,221	8,529
	602	OTHER EXPENSES			
	701	LICENSES			
	702	FEES			
	705	REFUNDS-OTHER			
	801	STATE AID			
	901	CAPITALS			
			2,343,946	2,231,033	112,913

YTD ESTIMATES REDUCED TO REFLECT DEAPPROPRIATION.

DNR DIVISION STATUS, 5/31/91

DIVISION	CLASS	MAY YTD BUDGET	MAY YTD ACTUAL	(OVER) UNDER
3000 ADMINISTRATIVE SERVICES DIV.	101 PERSONAL SERVIC	3,665,361	3,630,207	35,154
	202 PERSONAL TRAVEL	50,125	42,388	7,737
	203 STATE VEHICLE O	57,730	48,774	8,956
	204 STATE VEHICLE D	65,386	60,969	4,417
	301 OFFICE SUPPLIES	339,450	368,634	(29,184)
	302 FACILITY MAINTE	1,500	1,034	466
	303 EQUIPMENT MAINT	38,389	38,571	(182)
	304 PROF. & SCIENTI			
	307 AG.,CONSERVATIO			
	308 OTHER SUPPLIES	13,642	5,607	8,035
	309 PRINTING & BIND	22,405	13,338	9,067
	312 UNIFORMS & RELA	3,500	1,222	2,278
	401 COMMUNICATIONS	201,488	191,435	10,053
	402 RENTALS	1,475	374	1,101
	403 UTILITIES			
	405 PROF & SCIENTIF			
	406 OUTSIDE SERVICE	49,561	52,355	(2,794)
	407 INTRA-STATE TRA			
	408 ADVERTISING & P	1,370		1,370
	410 DATA PROCESSING	95,820	70,484	25,336
	412 AUDITOR OF STAT	80,000	81,398	(1,398)
	414 REIMBURSEMENTS	35,037	30,370	4,667
	501 EQUIPMENT	144,200	97,109	47,091
	602 OTHER EXPENSES			
	701 LICENSES	150		150
	702 FEES			
	705 REFUNDS-OTHER			
	801 STATE AID			
	901 CAPITALS			
		4,866,589	4,734,269	132,320

DNR DIVISION STATUS, 5/31/91

DIVISION	CLASS	MAY YTD BUDGET	MAY YTD ACTUAL	(OVER) UNDER
4000 PARKS, PRES. & RECREATION DIV.	101 PERSONAL SERVIC	4,852,382	4,662,074	190,308
	202 PERSONAL TRAVEL	83,130	59,093	24,037
	203 STATE VEHICLE O	189,317	165,406	23,911
	204 STATE VEHICLE D	208,076	202,850	5,226
	301 OFFICE SUPPLIES	40,142	31,806	8,336
	302 FACILITY MAINTE	462,090	440,415	21,675
	303 EQUIPMENT MAINT	267,006	245,840	21,166
	304 PROF. & SCIENTI	1,000		1,000
	307 AG.,CONSERVATIO	14,378	12,249	2,129
	308 OTHER SUPPLIES	27,607	33,008	(5,401)
	309 PRINTING & BIND	12,800	16,950	(4,150)
	312 UNIFORMS & RELA	13,117	5,428	7,689
	401 COMMUNICATIONS	74,600	76,947	(2,347)
	402 RENTALS	19,149	21,512	(2,363)
	403 UTILITIES	303,413	300,054	3,359
	405 PROF & SCIENTIF	39,290	26,262	13,028
	406 OUTSIDE SERVICE	168,200	151,912	16,288
	407 INTRA-STATE TRA			
	408 ADVERTISING & P	3,280	593	2,687
	410 DATA PROCESSING	5,890	2,639	3,251
	412 AUDITOR OF STAT			
	414 REIMBURSEMENTS	7,275	26,990	(19,715)
	501 EQUIPMENT	114,871	90,216	24,655
	602 OTHER EXPENSES	2,300	3,634	(1,334)
	701 LICENSES	2,497	165	2,332
	702 FEES			
	705 REFUNDS-OTHER			
	801 STATE AID			
	901 CAPITALS			
		6,911,810	6,576,043	335,767

~~YTD ESTIMATES REDUCED TO REFLECT DEAPPROPRIATION.~~

DNR DIVISION STATUS, 5/31/91

DIVISION	CLASS	MAY YTD BUDGET	MAY YTD ACTUAL	(OVER) UNDER
5000 FORESTRY DIVISION	101 PERSONAL SERVIC	1,690,990	1,697,138	(6,148)
	202 PERSONAL TRAVEL	27,370	27,857	(487)
	203 STATE VEHICLE O	65,240	62,605	2,635
	204 STATE VEHICLE D	101,260	87,285	13,975
	301 OFFICE SUPPLIES	44,400	21,546	22,854
	302 FACILITY MAINTE	27,100	33,724	(6,624)
	303 EQUIPMENT MAINT	49,040	47,396	1,644
	304 PROF. & SCIENTI			
	307 AG. CONSERVATIO	102,850	80,860	21,990
	308 OTHER SUPPLIES	13,200	29,777	(16,577)
	309 PRINTING & BIND	8,860	10,420	(1,560)
	312 UNIFORMS & RELA	12,950	6,003	6,947
	401 COMMUNICATIONS	26,550	26,071	479
	402 RENTALS	13,900	23,950	(10,050)
	403 UTILITIES	27,900	25,624	2,276
	405 PROF & SCIENTIF	19,000	16,000	3,000
	406 OUTSIDE SERVICE	30,950	40,974	(10,024)
	407 INTRA-STATE TRA			
	408 ADVERTISING & P	900	697	203
	410 DATA PROCESSING	11,100	1,681	9,419
	412 AUDITOR OF STAT			
	414 REIMBURSEMENTS		121	(121)
	501 EQUIPMENT	40,900	27,239	13,661
	602 OTHER EXPENSES			
	701 LICENSES	270	230	40
	702 FEES			
	705 REFUNDS-OTHER			
	801 STATE AID	94,000	69,342	24,658
	901 CAPITALS			
		2,408,730	2,336,540	72,190

DNR DIVISION STATUS, 5/31/91

DIVISION	CLASS	MAY YTD BUDGET	MAY YTD ACTUAL	(OVER) UNDER
6000 ENERGY & GEOLOGICAL RESOURCES	101 PERSONAL SERVIC	2,243,018	2,168,716	74,302
	202 PERSONAL TRAVEL	72,485	50,482	22,003
	203 STATE VEHICLE O	17,945	14,794	3,151
	204 STATE VEHICLE D	26,908	26,295	613
	301 OFFICE SUPPLIES	6,541	12,996	(6,455)
	302 FACILITY MAINTE	1,055	723	332
	303 EQUIPMENT MAINT	26,975	31,410	(4,435)
	304 PROF. & SCIENTI	2,683	13,230	(10,547)
	307 AG. CONSERVATIO			
	308 OTHER SUPPLIES	27,003	30,904	(3,901)
	309 PRINTING & BIND	45,180	31,074	14,106
	312 UNIFORMS & RELA			
	401 COMMUNICATIONS	15,875	14,017	1,858
	402 RENTALS	2,100	2,100	
	403 UTILITIES	11,329	11,883	(554)
	405 PROF & SCIENTIF	1,094,610	1,028,013	66,597
	406 OUTSIDE SERVICE	17,063	14,501	2,562
	407 INTRA-STATE TRA			
	408 ADVERTISING & P			
	410 DATA PROCESSING	13,702	12,148	1,554
	412 AUDITOR OF STAT			
	414 REIMBURSEMENTS	5,315	5,488	(173)
	501 EQUIPMENT	90,900	60,096	30,804
	602 OTHER EXPENSES			
	701 LICENSES			
	702 FEES			
	705 REFUNDS-OTHER			
	801 STATE AID			
	901 CAPITALS			
		3,720,687	3,528,870	191,817

YTD ESTIMATES REDUCED TO REFLECT DEAPPROPRIATION.

DNR DIVISION STATUS, 5/31/91

DIVISION	CLASS	MAY YTD BUDGET	MAY YTD ACTUAL	(OVER) UNDER
7000 ENVIRONMENTAL PROTECTION DIV.	101 PERSONAL SERVIC	5,835,284	5,551,765	283,519
	202 PERSONAL TRAVEL	161,557	98,958	62,599
	203 STATE VEHICLE O	46,800	32,516	14,284
	204 STATE VEHICLE D	56,900	107,493	(50,593)
	301 OFFICE SUPPLIES	36,832	47,591	(10,759)
	302 FACILITY MAINTE	2,345	1,824	521
	303 EQUIPMENT MAINT	11,934	13,882	(1,948)
	304 PROF. & SCIENTI	5,968	24,676	(18,708)
	307 AG.,CONSERVATIO			
	308 OTHER SUPPLIES	30,818	20,867	9,951
	309 PRINTING & BIND	52,747	6,111	46,636
	312 UNIFORMS & RELA	6,317	2,770	3,547
	401 COMMUNICATIONS	40,500	36,519	3,981
	402 RENTALS	43,169	45,985	(2,816)
	403 UTILITIES	12,234	10,803	1,431
	405 PROF & SCIENTIF	1,352,861	658,429	694,432
	406 OUTSIDE SERVICE	40,819	37,127	3,692
	407 INTRA-STATE TRA			
	408 ADVERTISING & P	4,909	2,579	2,330
	410 DATA PROCESSING	149,825	113,370	36,455
	412 AUDITOR OF STAT			
	414 REIMBURSEMENTS	14,946	15,121	(175)
	501 EQUIPMENT	496,612	235,257	261,355
	602 OTHER EXPENSES	200		200
	701 LICENSES		70	(70)
	702 FEES			
	705 REFUNDS-OTHER			
	801 STATE AID			
	901 CAPITALS			
		8,403,577	7,063,713	1,339,864

DNR DIVISION STATUS, 5/31/91

DIVISION	CLASS	MAY YTD BUDGET	MAY YTD ACTUAL	(OVER) UNDER
8000 FISH AND WILDLIFE DIVISION	101 PERSONAL SERVIC	9,962,187	9,856,030	106,157
	202 PERSONAL TRAVEL	340,967	278,548	62,419
	203 STATE VEHICLE O	456,213	405,484	50,729
	204 STATE VEHICLE D	574,718	608,430	(33,712)
	301 OFFICE SUPPLIES	225,431	210,366	15,065
	302 FACILITY MAINTE	235,493	208,576	26,917
	303 EQUIPMENT MAINT	278,157	291,247	(13,090)
	304 PROF. & SCIENTI			
	307 AG.,CONSERVATIO	238,960	215,817	23,143
	308 OTHER SUPPLIES	109,485	85,284	24,201
	309 PRINTING & BIND	154,594	84,591	70,003
	312 UNIFORMS & RELA	91,803	37,254	54,549
	401 COMMUNICATIONS	143,879	150,882	(7,003)
	402 RENTALS	39,569	38,488	1,081
	403 UTILITIES	189,597	174,622	14,975
	405 PROF & SCIENTIF	166,520	113,812	52,708
	406 OUTSIDE SERVICE	111,621	83,071	28,550
	407 INTRA-STATE TRA	3,978		3,978
	408 ADVERTISING & P	16,165	20,036	(3,871)
	410 DATA PROCESSING	39,307	49,265	(9,958)
	412 AUDITOR OF STAT			
	414 REIMBURSEMENTS	93,250	105,511	(12,261)
	501 EQUIPMENT	258,896	159,975	98,921
	602 OTHER EXPENSES	800	1,062	(262)
	701 LICENSES	120	275	(155)
	702 FEES			
	705 REFUNDS-OTHER			
	801 STATE AID			
	901 CAPITALS			
		13,731,710	13,178,626	553,084

YTD ESTIMATES REDUCED TO REFLECT DEAPPROPRIATION.

DNR DIVISION STATUS, 5/31/91

BUREAU	CLASS		MAY BUDGET YTD	MAY ACTUAL YTD	(OVER) UNDER
9000 WASTE MANAGEMENT AUTHORITY	101	PERSONAL SERVIC	433,580	435,849	(2,269)
9000 WMAD DIVISION	202	PERSONAL TRAVEL	47,300	29,864	17,436
	203	STATE VEHICLE O	400		400
	204	STATE VEHICLE D			
	301	OFFICE SUPPLIES	15,880	4,121	11,759
	302	FACILITY MAINTE			
	303	EQUIPMENT MAINT		226	(226)
	304	PROF. & SCIENTI			
	307	AG.,CONSERVATIO			
	308	OTHER SUPPLIES	9,875	15,767	(5,892)
	309	PRINTING & BIND	51,000	30,863	20,137
	312	UNIFORMS & RELA			
	401	COMMUNICATIONS	3,630	106	3,524
	402	RENTALS	250		250
	403	UTILITIES			
	405	PROF & SCIENTIF	171,400	70,648	100,752
	406	OUTSIDE SERVICE	20,735	4,494	16,241
	407	INTRA-STATE TRA			
	408	ADVERTISING & P			
	410	DATA PROCESSING	3,960	2,808	1,152
	412	AUDITOR OF STAT	50		50
	414	REIMBURSEMENTS	11,250	8,212	3,038
	501	EQUIPMENT	15,000	15,525	(525)
	602	OTHER EXPENSES			
	701	LICENSES			
	702	FEES			
	705	REFUNDS-OTHER			
	801	STATE AID			
	901	CAPITALS			
			784,310	618,483	82,010

YTD ESTIMATES REDUCED TO REFLECT DEAPPROPRIATION.

FY92 Budget Sources Worksheet, Preliminary

Division, Bureau or Program	Original FY91	Original FTE	Revised FY91	Revised FTE	Approp. FY92	FTE	App-3% FY92	FTE
Director's Office:								
General Fund	116,209		116,209		55,893		54,216	
Fish and Wildlife	141,838		141,838		138,482		138,482	
Federal	53,792		53,792		53,792		53,792	
Groundwater Related	16,219		16,219		16,219		16,219	
Other	15,816		15,816		15,816		15,816	
Total	343,874	5.95	343,874	5.95	280,202	4.95	278,525	4.95
Coordination & Information:								
General Fund	932,462		876,642		725,672		703,901	
Fish and Wildlife	431,644		431,644		426,096		426,096	
Federal	501,602		501,602		501,602		501,602	
Groundwater Related	170,248		170,248		170,248		170,248	
Other	114,815		114,815		114,815		114,815	
Education Center Income	62,000		62,000		62,000		62,000	
Magazine & Publications	315,000		315,000		315,000		315,000	
REAP 1%	250,000		200,000		109,000		109,000	
Total	2,777,771	42.08	2,671,951	41.08	2,424,433	33.95	2,402,662	33.95

FY92 Budget Sources Worksheet, Preliminary

Division, Bureau or Program	Original FY91	Original FTE	Revised FY91	Revised FTE	Approp. FY92	FTE	App-3% FY92	FTE
Administrative Services:								
General Fund	1,938,094		1,797,724		1,588,181		1,540,535	
Fish and Wildlife	2,118,404		2,118,404		2,098,528		2,098,528	
Capital Design & Negotiation	480,000		480,000		480,000		480,000	
Groundwater Related	173,038		173,038		173,038		173,038	
Federal Indirect	605,744		605,744		605,744		605,744	
Other	194,562		194,562		194,562		194,562	
Miscellaneous Record Fees	80,000		80,000		80,000		80,000	
Total	5,589,842	124.15	5,449,472	119.15	5,220,053	118.15	5,172,407	118.15
Parks, Preserves & Recreation:								
General Fund	5,625,918		5,470,138		5,377,899		5,216,562	
Federal	95,500		95,500		95,500		95,500	
Cedar Rock Trust	100,467		100,467		100,467		100,467	
REAP Land Mngt, Trails	234,032		234,032		234,032		234,032	
Receipts	1,574,655		1,574,655		1,824,655		1,824,655	
MFT Supplement	400,000		400,000		450,000		450,000	
Total	8,030,572	208.05	7,874,792	206.05	8,082,553	216.52	7,921,216	216.52

FY92 Budget Sources Worksheet, Preliminary

Division, Bureau or Program	Original FY91	Original FTE	Revised FY91	Revised FTE	Approp. FY92	FTE	App-3% FY92	FTE
Forests and Forestry:								
General Fund	1,716,801		1,671,001		1,617,265		1,568,747	
Federal	292,000		292,000		292,000		292,000	
Receipts	751,000		751,000		786,000		786,000	
Total	2,759,801	55.71	2,714,001	54.71	2,695,265	57.71	2,646,747	59.71
Energy & Geological Resources:								
General Fund	1,374,429		1,366,629		1,323,941		1,284,222	
Federal	508,594		508,594		508,594		508,594	
Utility Refund	554,685		554,685		216,000		216,000	
Groundwater Related	1,927,840		1,927,840		1,927,840		1,927,840	
SIFIC	198,478		198,478		198,478		198,478	
Misc Receipts, (Topo Maps)	45,000		45,000		45,000		45,000	
Total	4,609,026	59.62	4,601,226	59.62	4,219,853	59.62	4,180,134	59.62

FY92 Budget Sources Worksheet, Preliminary

Division, Bureau or Program	Original FY91	Original FTE	Revised FY91	Revised FTE	Approp. FY92	FTE	App-3% FY92	FTE
Environmental Protection:								
General Fund	2,069,577		1,862,617		1,973,992		1,914,772	
Federal	6,341,213		6,341,213		6,341,213		6,341,213	
Groundwater Related	991,740		991,740		991,740		991,740	
Hazardous Waste Remedial	12,500		12,500		12,500		12,500	
Total	9,415,030	142.55	9,208,070	140.55	9,319,445	158.75	9,260,225	158.75

FY92 Budget Sources Worksheet, Preliminary

Division, Bureau or Program	Original FY91	Original FTE	Revised FY91	Revised FTE	Approp. FY92	FTE	App-3% FY92	FTE
FW(Law Enforcement Bureau):								
License Fees	3,464,307		3,464,307		3,574,669		3,574,669	
Hunter Safety	330,000		330,000		330,000		330,000	
Boating Fees	1,000,000		1,000,000		950,000		950,000	
Boating Safety	200,000		200,000		200,000		200,000	
Snowmobile Safety	150,000		150,000		100,000		100,000	
Total	5,144,307	100.38	5,144,307	100.38	5,154,669	100.38	5,154,669	100.38
FW(Fisheries):								
License Fees/Other	3,860,374		3,860,374		3,923,909		3,923,909	
Federal Aid, DJ	650,000		650,000		650,000		650,000	
Mississippi Monitoring	200,000		200,000		200,000		200,000	
Total	4,710,374	109.34	4,710,374	109.34	4,773,909	109.34	4,773,909	109.34

FY92 Budget Sources Worksheet, Preliminary

Division, Bureau or Program	Original FY91	Original FTE	Revised FY91	Revised FTE	Approp. FY92	FTE	App-3% FY92	FTE
FW(Wildlife):								
License Fees/Other	2,757,838		2,757,838		2,731,922		2,731,922	
MFT Supplement	150,000		150,000		150,000		150,000	
Federal Aid, PR	2,300,000		2,300,000		2,300,000		2,300,000	
Corps, Condition 5	191,884		191,884		191,884		191,884	
Total	5,399,722	121.52	5,399,722	121.52	5,373,806	121.52	5,373,806	121.52
FW(Div. Mngt):								
License Fees/Other	184,541		184,541		184,848		184,848	
Total	184,541	1.00	184,541	1.00	184,848	1.00	184,848	1.00

FY92 Budget Sources Worksheet, Preliminary

Division, Bureau or Program	Original FY91	Original FTE	Revised FY91	Revised FTE	Approp. FY92	FTE	App-3% FY92	FTE
Waste Mngt Authority:								
Groundwater Related	573,862		573,862		573,862		573,862	
Federal	282,784		282,784		282,784		282,784	
Total	856,646	12.75	856,646	12.75	856,646	18.75	856,646	18.75
REAP Program	25,000,000		17,000,000		10,900,000		10,573,000	
~~MFT Capitals~~	~~1,108,900~~		~~1,108,900~~		~~2,620,568~~		~~2,541,951~~	

Director Wilson gave a brief explanation of the reports.

Discussion followed.

This was an informational item; no action was required.

REFERRALS TO THE ATTORNEY GENERAL

Mike Murphy, Bureau Chief, Legal Services Bureau, presented the following item.

The Director requests the referral of the following to the Attorney General for appropriate legal action. Litigation reports have been provided to the Commissioners and are confidential pursuant to Iowa Code section 22.7(4).

R.V. Hopkins, Inc. (Davenport) - air quality (tabled item)
Cherokee Hog Farms (Cherokee County) - water quality
Lyn-Den Heights Homeowner's Ass'n (Iowa City) - penalty
Buffalo Bill Estates, Inc. MHP (Camanche) - penalty
Country Estates MHC (Council Bluffs) - penalty
Orchard, City of - drinking water
Paulsen, Carmen M. (Iowa City) - penalty
Gaul's Water Commission (Burlington) - penalty

City of Orchard

Mr. Murphy stated that this matter concerns the city's public drinking water supply and an Administrative Order that was issued in 1988. He related that an inspection by field staff earlier this year documented a number of violations of the Administrative Order. Additionally, field staff noted two new fiberglass pressure tanks for which permits had not been obtained. Staff is seeking referral because there had been an Administrative Order issued and because of the number and type of violations involved.

APPOINTMENT - ROGER OTT

Roger Ott, City Attorney for Orchard, stated that he first became aware of the city's problem on May 9, 1991, when he was working on another issue. He related that on May 10, 1991, he wrote the DNR and also talked to the field office in Mason City. He then heard from Diana Hansen in regards to the matter being recommended for referral to the Attorney General. Mr. Ott noted that he was notified by certified mail, from Bill Jinkinson, of

nine required actions that needed to be taken care of immediately. Mr. Ott visited with the City Council to see what could be done and related that the major concern was to obtain a certified water treatment operator. Subsequently, an agreement was made with Peoples Services to contract for these services. Mr. Ott stated that several months ago they had a leak in a pressure tank and hired a plumber to install a new one, not knowing that a permit was required to do so. He related that a completed application is ready for an "as-built" permit. In conclusion, Mr. Ott asked the Commission not to refer this matter to the Attorney General as he feels it is an administrative matter that can be handled otherwise.

Mike Earley asked Mr. Ott how long he has been the City Attorney.

Mr. Ott replied that he has been in that position for 17 years. He explained that he attends city council meetings only when they indicate that they need him there.

Mike Earley asked Mr. Ott if he was involved in the 1987-88-89 Administrative Orders.

Mr. Ott responded that he was not involved at all in those Orders.

Motion was made by William Ehm for referral to the Attorney General's Office. Seconded by Clark Yeager. Motion carried unanimously.

R.V. Hopkins, Inc

Mike Murphy reminded the Commission that this item was tabled last month and will need to be removed from the table.

Motion was made by Nancylee Siebenmann to remove the R.V. Hopkins referral from the table. Seconded by Charlotte Mohr. Motion carried unanimously.

Mr. Murphy stated that staff has held discussion with the company as to what technically has to be done. He related that the company is going to install some equipment and do some necessary testing. Mr. Murphy added that a court consent decree should be entered into on those matters. Penalties have not been discussed but will need to be determined through the joint effort of the Attorney General, DNR and the company.

APPOINTMENT - HAROLD ABDO

Harold Abdo, Attorney for R.V. Hopkins, Inc., addressed the Commission stating that they are curious as to why this matter is

being recommended for referral to the Attorney General. He outlined steps taken by the company to install an afterburner and explained problems in getting the application approved by the department. Mr. Abdo related that in discussions with DNR staff, the state has supplied them with a consent decree and agreed to let the company install the afterburner, then do the testing. He stated that the company is requesting an extension on the time frame for installation and testing. Mr. Abdo asked that this matter be allowed to go through the natural course to complete the project without referral to the Attorney General.

Charlotte Mohr asked what time frame the company is requesting.

Mr. Abdo stated that it will take 60 days for installation and another 30 days to complete testing.

Discussion followed regarding the time period for compliance, delayed response from the department, and the type of information packets sent with permit applications.

Motion was made by Margaret Prahl for referral to the Attorney General. Seconded by Mike Earley. Motion carried unanimously.

MONTHLY REPORTS

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

The following monthly reports are enclosed with the agenda for the Commission's information.

1. Rulemaking Status Report

2. Variance Report

3. Hazardous Substance/Emergency Response Report

4. Enforcement Status Report

5. Contested Case Status Report

Members of the department will be present to expand upon these reports and answer questions.

(Reports are shown on the following 14 pages)

IOWA DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION COMMISSION
RULEMAKING STATUS REPORT
June 1, 1991

PROPOSAL	NOTICE TO COMMISSION	NOTICE PUBLISHED	RULES REVIEW COMMITTEE	HEARING	SUMMARY OF COMMENTS & RECOMMENDATIONS TO COMMISSION	RULES ADOPTED	RULES PUBLISHED	RULE EFFECTIVE
1. Ch. 61 - Phase III Stream Use Designations	1/22/91	2/20/91	3/11/91	3/12/91 3/13/91 3/14/91 3/15/91	*7/15/91	*7/15/91	*8/07/91	*9/11/91
2. Ch. 61 - Corps of Engineers Nationwide Permits	6/17/91	*7/10/91	*8/ /91	*8/ /91	*9/16/91	*9/16/91	*10/01/91	*11/20/91
3. Ch. 62 - Effluent and Pretreatment Stds.	E	M E R	G E	N C Y	6/17/91	*6/17/91	*7/10/91	*8/14/91
4. Ch. 91 - Criteria for Award of Grants	4/15/91	5/15/91	*6/ /91	*6/05/91 *6/06/91 *6/07/91	*7/15/91	*7/15/91	*8/07/91	*9/11/91
5. Ch. 92 - State Revolving Fund	4/15/91	5/15/91	*6/ /91	*6/05/91 *6/06/91 *6/07/91	*7/15/91	*7/15/91	*8/07/91	*9/11/91
6. Ch. 135 - UST Technical Standards (New Subrule 135.7(10) (Insolvency)	10/15/90	11/14/90	12/12/90	12/04/90 12/06/90 12/07/90	*7/15/91	*7/15/91	*8/07/91	*9/11/91

*Projected

MONTHLY VARIANCE REPORT

Month: May, 1991

No.	Facility	Program	Engineer	Subject	Decision	Date
1.	Clayton County	Flood Plain	County Engineer	Percent Length Reduction	Approved	05/07/91
2.	Gemini, Inc. - Decorah	Wastewater Operations		Monitoring Frequency	Denied	05/09/91

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Report of Hazardous Conditions

During the period May 1, 1991 through May 31, 1991, reports of 162 hazardous conditions were forwarded to the Central Office. Two incidents are highlighted below. A general summary and count by field office is attached. These do not include releases from underground storage tanks, which are reported separately.

Date Reported and County	Description: Material, Amount, Date of Incident, Cause, Location, Impact	Responsible Party	Response and Corrective Actions
05/12/91 Linn	An employee buried 61 lbs. of aluminum phosphide in a parking lot in Cedar Rapids on 5/12/91. The fire dept. initially applied water to the material causing an explosion. Sand was then used to extinguish the fire. No injuries were reported.	Presto-X-Co. 4521 Leavenworth Omaha, Nebraska	The company must hire a hazardous waste contractor to remove, package, and properly dispose of the material.
05/19/91 Harrison	A plug blew out the bottom of an aboveground storage tank releasing 8500 gallons of fertilizer into a containment area. The incident occurred near Dunlap on 5/19/91. All the material was contained within the diked area.	Dunlap Fertilizer Co. Hwy 37 West Dunlap, Iowa	Employees collected free floating material with pump trucks and excavated contaminated soil. The liquid and soil were land applied.

NUMBERS IN PARENTHESES REPRESENT REPORTS FOR THE SAME PERIOD IN FISCAL YEAR 1990

		Substance Type				Mode				
Month	Total # of Incidents	Petroleum Product	Agri. Chemical	Other Chemicals and Substances	Handling and Storage	Pipeline	Highway Incident	RR Incident	Fire	Other
Oct.	112(89)	69(62)	7(10)	36(17)	70(52)	0(3)	25(10)	1(1)	1(1)	15(22)
Nov.	69(57)	36(36)	11(10)	22(17)	35(52)	0(3)	15(10)	4(2)	1(0)	14(5)
Dec.	85(65)	61(43)	14(4)	10(18)	37(32)	1(3)	23(9)	1(3)	1(2)	22(16)
Jan.	56(104)	31(76)	7(6)	18(22)	35(72)	1(2)	9(16)	1(4)	1(3)	9(7)
Feb.	77(69)	43(49)	7(7)	27(13)	47(45)	1(2)	14(13)	2(1)	2(1)	11(7)
March	82(104)	51(76)	10(6)	21(22)	43(72)	3(2)	17(16)	3(4)	0(3)	16(7)
April	85(132)	46(67)	22(46)	17(19)	36(92)	2(2)	25(12)	1(5)	0(2)	21(19)
May	162(150)	54(69)	67(60)	41(21)	79(113)	3(1)	47(17)	3(3)	1(5)	29(12)

Total Number Of Incidents Per Field Office This Period:

1	2	3	4	5	6
34	16	12	22	44	34

REPORTS OF RELEASES FROM UNDERGROUND STORAGE TANKS

During the period of May 1, 1991 through May 31, 1991, the following number of releases from underground storage tanks were identified.

80 (146)

The number in parentheses represents the number of releases during the same period in Fiscal Year 1990.

Enforcement Report Update

The following new enforcement actions were taken last month:

Name, Location and Field Office Number	Program	Alleged Violation	Action	Date
Monti-View Heights Trailer Park, Monticello (1)	Drinking Water	Monitoring/Reporting-Nitrate, Public Notice	Order/Penalty	5/1/91
Clarke County Sanitary Landfill, Osceola (5)	Solid Waste	Monitoring/Reporting, Compliance Schedule, Leachate Control, Cover Violations, Litter	Order/Penalty	5/1/91
Muscatine, City of (6)	Wastewater	Discharge Limits, Monitoring/Reporting	Amended Order	5/1/91
Hill Top Subdivision #1, Muscatine (6)	Drinking Water	Operation Without Permit, Monitoring/ Reporting - Nitrate	Order/Penalty	5/1/91
Anthon, City of (3)	Wastewater	Discharge Limits	Order	5/3/91
Spratt Oil Sales, Inc., Muscatine (6)	Underground Tank	Closure Investigation	Order	5/3/91
Robert Youngberg d/b/a Youngberg's Amoco, Newton (5)	Underground Tank	Site Assessment	Order	5/3/91
Raven Corporation d/b/a Marshalltown Jiffy, Marshalltown (5)	Underground Tank	Site Assessment	Order	5/3/91
Raven Corporation, Toledo (5)	Underground Tank	Site Assessment	Order	5/3/91
Air Control, Inc., Clinton (6)	Underground	Closure Investigation	Order	5/3/91
Farmland Industries, Inc. Ft. Dodge (2)	Underground Tank	Closure Investigation	Order	5/8/91
Ralph Phipps d/b/a Phipps Service, Castana (4)	Underground Tank	Closure Investigation	Order	5/8/91
Chicago & North Western Transportation Co., Pottawattamie Co. (4)	Solid Waste	Illegal Disposal	Order/Penalty	5/8/91
Adel, City of (5)	Wastewater	MIP	Amended Order	5/10/91
Brian's Table, Manchester (1)	Drinking Water	Monitoring/Reporting-Nitrate	Order/Penalty Rescinded	5/10/91 5/29/91
Stratford, City of (2)	Wastewater	MIP	Amended Order	5/10/91
Sickels Oil Company, Mt. Ayr (4)	Underground Tank	Site Assessment	Order	5/10/91
Breda, City of (1)	Wastewater	MIP	Amended Order	5/13/91
AG Processing, Inc., Mason City (2)	Air Quality	Construction Without Permit	Order/Penalty	5/15/91
Rockwell International Corp., Decorah (1)	Air Quality	Construction Without Permit	Order/Penalty	5/15/91
Jay Oehler d/b/a Oehler Bros. Oil Co. (5)	Underground Tank	Remedial Action	Referred to AG	5/20/91
Art Simmons d/b/a Art's Garage (5)	Underground Tank	Remedial Action	Referred to AG	5/20/91
Archer-Daniels-Midland Co., Clinton (6)	Air Quality	Emission Standards	Referred to AG	5/20/91
Fred Varner, Worth County (2)	Solid Waste	Waste Oil Reporting	Referred to AG	5/20/91

Name, Location and Field Office Number	Program	Alleged Violation	Action	Date
Hageman's Lounge, Burr Oak (1)	Drinking Water	Monitoring/Reporting-Nitrate	Order/Penalty	5/24/91
The Barn, Sherrill (1)	Drinking Water	Monitoring/Reporting-Nitrate	Order/Penalty	5/24/91
Kingdom Hall, Elkader (1)	Drinking Water	Monitoring/Reporting-Nitrate	Order/Penalty	5/24/91
Woolstock Water Supply (2)	Drinking Water	Monitoring/Reporting-Other Inorganics, Public Notice	Order/Penalty	5/24/91
Nashua Town and Country Club, Nashua (1)	Drinking Water	Monitoring/Reporting-Other Inorganics, Public Notice	Order/Penalty	5/24/91
Camp Hitaga, Marion (1)	Drinking Water	Monitoring/Reporting-Public Notice	Order/Penalty	5/24/91
Fred R. Thomas and/or Fred R. Thomas, Jr. d/b/a Clair-View Acres Store, Delhi (1)	Drinking Water	Monitoring/Reporting-Bacteria, Inorganics, Radionuclides, Organics	Order/Penalty	5/24/91
Milo Public Water Supply (5)	Drinking Water	Monitoring/Reporting-Other Inorganics	Order/Penalty	5/31/91
Fibre Body Industries, Inc., Swea City (3)	Air Quality	Construction Without Permit	Order/Penalty	5/31/91
Ringgold County Hospital, Mt. Ayr (3)	Air Quality	Operation Without Permit	Order/Penalty	5/31/91
Commercial Equipment Co., Inc., Carroll (4)	Wastewater	Operation Without Permit	Order	5/31/91
Victor Municipal Water Dept. (6)	Drinking Water	Monitoring/Reporting-Other Inorganics	Order/Penalty	5/31/91
Charles City Country Club, Charles City (2)	Drinking Water	Monitoring/Reporting-Nitrate	Order/Penalty	5/31/91
Farmland Industries, Inc., Ft. Dodge (2)	Underground Tank	Closure Investigation	Amended Order	5/31/91
Stanton Water Supply (4)	Drinking Water	MCL - Bacteria; Public Notice	Order	5/31/91
Oakwood Park Water Assoc., Clear Lake (2)	Drinking Water	Monitoring/Reporting-Inorganics, Organics, Radionuclides	Order/Penalty	5/31/91
Hornick Water Supply (3)	Drinking Water	Monitoring/Reporting-Fluoride; Public Notice	Order/Penalty	5/31/91
Twin View Heights, Solon (6)	Drinking Water	Monitoring/Reporting-Other Inorganics; Public Notice	Order/Penalty	5/31/91
Pineo Grove Water Co. Princeton (6)	Drinking Water	Monitoring/Reporting-Bacteria, Other Inorganics, Organics; Public Notice	Order/Penalty	5/31/91
Clinton Co. Care Facility Clinton (6)	Drinking Water	Monitoring/Reporting-Other Inorganics; Public Notice	Order/Penalty	5/31/91

Summary of Administrative Penalties

The following administrative penalties are due:

NAME/LOCATION	PROGRAM	AMOUNT	DUE DATE
John Dennis and Kirk Knox (Audubon County)	SW	300	2-18-91
*Folletts Tavern (Camanche)	WS	675	4-25-91
Stu's Chick Haven (Boyden)	WW	300	5-06-91
Carmen M. Paulsen (Johnson County)	AQ/SW	1,000	5-12-91
Gaul's Water Commission (Burlington)	WS	200	5-13-91
Wagon Wheel (Monticello)	WS	330	5-13-91
Lyn-Den Heights Homeowners Assoc. (Iowa City)	WS	100	5-13-91
Buffalo Bill Estates, Inc. MHP (Camanche)	WS	245	5-14-91
Country Estates Mobile Home Court (Council Bluffs)	WS	165	5-15-91
Asgrow Seed Company (Butler Co.)	AQ	500	5-23-91
Roy Long (Knoxville)	SW	300	6-01-91
Honey Creek Camping Resort (Crescent)	WS	245	6-13-91
Kor-Bert, Inc. (Klemme)	AQ	1,000	6-26-91
Merle Adams (Hardin Co.)	SW	1,000	7-01-91
Unilabco Inc. d/b/a A.I. Processors (Whittemore)	AQ	1,000	7-01-91
Kenneth Bode (Mills Co.)	SW	1,000	7-06-91
Hill Top Subdivision #1 (Muscatine)	WS	100	7-08-91
Chicago & North Western (Pottawattamie Co.)	SW	1,000	7-13-91
AG Processing, Inc. (Mason City)	AQ	400	7-17-91
Rockwell International Corp. (Decorah)	AQ	1,000	7-17-91
Kingdom Hall (Elkader)	WS	200	-----
Hageman's Lounge (Burr Oak)	WS	200	-----
Nashua Town and Country Club (Nashua)	WS	200	-----
Fred R. Thomas/Fred R. Thomas, Jr. d/b/a Clair-View Acres Store (Delhi)	WS	1,000	-----
Woolstock Water Supply	WS	200	-----
The Barn (Sherrill)	WS	200	-----
Camp Hitaga (Marion)	WS	100	-----
Ringgold County Hospital (Mt. Ayr)	AQ	1,000	-----
Fibre Body Industries, Inc. (Swea City)	AQ	1,000	-----
Charles City Country Club (Charles City)	WS	200	-----
Victor Municipal Water Dept.	WS	200	-----
Milo Public Water Supply	WS	200	-----
Clinton County Care Facility (Clinton)	WS	200	-----
Pineo Grove Water Company (Princeton)	WS	390	-----
Twin View Heights (Solon)	WS	200	-----
Hornick Water Supply	WS	200	-----
Oakwood Park Water Assoc. (Clear Lake)	WS	500	-----

The following cases have been referred to the Attorney General:

NAME/LOCATION	PROGRAM	AMOUNT	DUE DATE
OK Lounge (Marion)	WS	448	11-01-87
Richard Davis (Albia)	SW	1,000	2-28-88
**Handi-Klasp, Inc. (Webster City)	WW/HC	1,000	8-02-88
Eagle Wrecking Co. (Pottawattamie Co.)	SW	300	5-07-89
*Twelve Mile House (Bernard)	WS	119	5-20-89
*Lawrence Payne (Ottumwa)	SW	425	6-19-89
William L. Bown (Marshalltown)	SW	1,000	10-01-89
Darlo Schaap (Sioux Center)	SW	600	1-14-90
Wellendorf Trust (Algona)	AQ/SW	460	2-12-90
Donald P. Ervin (Ft. Dodge)	SW	669	3-05-90
East Side Acres (Moville)	WS	200	12-26-89
East Side Acres (Moville)	WS	600	4-01-90
Craig Natvig (Cerro Gordo Co.)	SW	750	6-18-90
Amoco Oil Company (Des Moines)	UT	1,000	8-15-90
Gerald G. Pregler (Dubuque Co.)	SW	1,000	9-02-90
Donald R. Null (Clinton Co.)	AQ/SW	1,000	9-06-90
Pony Creek Homeowners Assoc. #1 (Pacific Jct.)	WS	315	2-24-91
M & D's Chalet (Elgin)	WS	490	3-02-91
Robert and Sally Shelley (Guthrie Center)	SW	1,000	3-04-91
Fred Varner (Worth County)	SW	1,000	4-11-91

** Independent Attorney General Action

*On Payment Schedule

The following administrative penalties have been appealed:

NAME/LOCATION	PROGRAM	AMOUNT
AMOCO Oil Co. (Des Moines)	UT	1,000
Iowa City Regency MHP	WW	1,000
Great Rivers Coop (Atavia)	HC	1,000
1st Iowa State Bank (Albia)	SW	1,000
Cloyd Foland (Decatur)	FP	800
King's Terrace Mobile Home Court (Ames)	WW	1,000
Premium Standard Farms, Inc. (Boone Co.)	WW/AQ	700
Amoco Oil Co. (West Des Moines)	UT	1,000
Cozy Cafe (Lucas)	WS	500
Stone City Iron & Metal Co. (Anamosa)	AQ	1,000
Manson Water Supply	WS	500
Joe Villinger (West Point)	SW	500
Midwest Mining, Inc. (Harrison Co.)	FP	800
Sioux City, City of	WW	1,000
Donald Ray Maasdam (Pocahontas Co.)	SW	1,000
Vern Starling (Boone Co.)	SW	1,000
Des Moines, City of	HC	1,000
Carl A. Burkhart d/b/a American Wrecking Co.	AQ/SW	1,000
Van Dusen Airport Services (Des Moines)	HC	1,000
Maple Crest Motel and MHP (Mason City)	WS	350
Plymouth County Solid Waste Agency	SW	1,000
Lloyd Dunton (Iowa County)	SW	1,000
Chicago & North Western Transportation, et.al.	SW	1,000
Vincent Martinez d/b/a Martinez Sewer (Davenport)	HC	1,000
Richard Duncan (Louisa County)	SW/AQ	500
Joe Eggers, Jr., et. al. (St. Ansgar)	SW	1,000
McDowell Dam #1 (Lee County)	FP	500
McDowell Dam #2 (Lee County)	FP	500
Camp Riverside (Guthrie County)	FP	500
Joe W. Ringsdorf (Kossuth County)	AQ	1,000
John W. Yotter (Louisa County)	SW	1,000
Molkenthin Swine Operation (Keokuk County)	WW	800
Oskaloosa Food Products Corp. (Oskaloosa)	WW	1,000
Oskaloosa, City of	WW	1,000
Clarke County Sanitary Landfill (Osceola)	SW	1,000

The following administrative penalties were paid last month:

NAME/LOCATION	PROGRAM	AMOUNT
IBP, inc. (Columbus Junction)	WW	600
Delaware County Landfill, Inc.	SW	600
Carnation Company (Waverly)	AQ	1,000
Iowa Promotional Management, Inc. (Osceola)	WW	700
Troy Mills Dam Assn. (Troy Mills)	FP	50
Monti-View Heights (Monticello)	WS	50
	TOTAL	$3,000

The $200 penalty assessed to Clearview Mobile Home Park (Grundy Center) has been rescinded.

The $230 penalty assessed to Brian's Table (Manchester) has been rescinded.

*On Payment Schedule

DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION COMMISSION
ATTORNEY GENERAL REFERRALS
June 1, 1991

Name, Location and Region Number	New or Updated	Program	Alleged Violation	DNR Action	Status	Date
Aidex Corporation Council Bluffs (4)		Hazardous Waste	Release of Hazardous Substances	Referred to Attorney General	Referred EPA suit filed State intervention Motion to dismiss granted/denied Filed interlocutory appeal Decision in favor of govt. Case Management Hearing Trial Date	12/16/82 2/26/87 3/05/87 2/26/88 3/11/88 4/04/89 11/20/90 4/ /92
American Pelletizing Corp. Knoxville (5)		Air Quality	Emission Standards	Order	Referred	2/18/91
Amoco Oil Company Des Moines/Ames (5)		Underground Tank	Remedial Action	Referred to Attorney General	Referred	10/15/90
Amoco Oil Company Des Moines/Ft. Madison (5&6)		Underground Tank	Remedial Action	Referred to Attorney General	Referred	8/21/90
Anderson, Nicklos J. d/b/a Far-Mor Feeder Pigs Henry County (6)		Wastewater	Prohibited Discharge	Order	Referred	2/18/91
Archer Daniels Midland Co. Clinton County (6)		Wastewater	Prohibited Discharge	Referred to Attorney General	Referred	3/18/91
Archer Daniels Midland Co. Clinton County (6)	New	Air Quality	Emission Standards	Referred to Attorney General	Referred	5/20/91
ASPRO, Inc. Waterloo (1)		Air Quality	Emission Standards	Referred to Attorney General	Referred	3/18/91
Baker, Mike d/b/a M & D's Chalet Elgin (1)		Solid Waste	Illegal Disposal	Order/Penalty	Referred	4/15/91
Black Hawk Foundry & Machine Co. Davenport (6)		Air Quality	Emission Standards	Referred to Attorney General	Referred	4/15/91
William L. Bown Marshalltown (5)		Solid Waste	Open Dumping	Order/Penalty	Referred Petition Filed Default Judgment	11/20/89 3/03/90 7/27/90
Bridgestone/Firestone, Inc. Des Moines (5)		Wastewater Hazardous Condition	Prohibited Discharge Failure to Notify	Referred to Attorney General	Referred	5/21/90
Bruening Rock Products, Inc. Elma (1)		Wastewater	Prohibited Discharge	Referred to Attorney General	Referred	2/18/91
Cain, Edward and Margaret Clinton County (6)		Flood Plain	Channel Change	Referred to Attorney General	Referred	3/18/91
Carney, Don and Gertrude Ft. Dodge (2)		Solid Waste	Illegal Disposal	Order/Penalty	Referred	4/15/91
Carnicle, Roger d/b/a The New New Shack Tavern Cedar Rapids (1)		Drinking Water	MCL - Bacteria	Referred to Attorney General	Referred Petition Filed	9/18/90 12/31/90
Cerro Gordo County Area Landfill Agency (2)	Updated	Solid Waste	Cover Violations	Referred to	Referred Petition Filed Answer Filed Consent Decree ($3,000)	4/16/90 6/25/90 8/13/90 5/03/91
Chaifant, Milo, et.al. Webster City (2)		Solid Waste	Illegal Disposal	Order/Penalty	Referred Suit Filed	9/20/89 8/08/90
Chicago & Northwestern Transportation Co. Webster County (2)		Air Quality	Open Burning	Referred to Attorney General	Referred	3/18/91
Clinton Pallet Co. Clinton (6)		Solid Waste	Illegal Disposal	Referred to Attorney General	Referred Suit Filed Default Judgment	6/21/89 11/09/89 4/ /90
Cooper, Kenneth/Hunter Oil Minburn (5)		Storage Tank	Spill Cleanup	Order	Cooper Referred Hunter Referred Site Assessment DNR Review Remediation Plan	8/17/88 2/01/90 4/20/90 8/22/90

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ENVIRONMENTAL PROTECTION COMMISSION
ATTORNEY GENERAL REFERRALS
June 1, 1991

Name, Location and Region Number	New or Updated	Program	Alleged Violation	DNR Action	Status	Date
Cota Industries, Inc. Des Moines (5)	Updated	Hazardous Condition	Remedial Action	Order	Referred	4/15/91
				Order	Petition for Judicial Review Motion to Dismiss	4/18/91 5/08/91
Country Lane Foods, Division of Yoder, Inc., Kalona (6)		Wastewater	Prohibited Discharge	Referred to Attorney General	Referred	11/20/90
Davis, Richard & Sonja (5)		Solid Waste	Open Unpermitted Dumping	Referred to Attorney General	Referred Suit Filed Default Judgement Filed Motion to Deny Default Motion Overruled	6/22/88 8/11/88 4/21/89 6/14/89 10/04/89
Jimmy Dean Meat Co., Inc. (5)	Updated	Wastewater	Pretreatment	Referred to Attorney General	Referred Petition Filed	4/16/90 5/13/91
Denham, Larry Ottumwa (6)		Solid Waste	Illegal Disposal	Referred to Attorney General	Referred Petition Filed	8/21/90 11/30/90
Des Moines, City of (5)		Wastewater	Operation Violations	Referred to Attorney General	Referred	9/18/90
Dexter Co., The Fairfield (6)		Wastewater	Prohibited Discharge Effluent Limit Discharge	Referred to Attorney General	Referred Petition Filed	3/20/90 7/31/90
Drewelow, Harvey d/b/a Hanson Tires New Hampton (1)		Air Quality Solid Waste	Open Burning Illegal Disposal	Referred to Attorney General	Referred Petition Filed	6/19/90 3/13/91
Drips, Joseph and Diana vs. DNR		Wastewater	Private Sewage Disposal	Defending	Suit Filed	8/06/90
Eagle Wrecking Co. Pottawattamie Co. (4)		Solid Waste	Open Dumping	Order/Penalty	Referred Bankruptcy Claim Filed	6/21/89 7/24/89
Ervin, Don Webster County (2)		Solid Waste	Operation Without Permit	Order/Penalty	Referred Motion for Summary Judgment Hearing Held Judgment for $1,000 Execution & Order to Levy Application to Condemn Funds Partial Payment Received ($331)	4/16/90 6/02/90 7/02/90 7/13/90 9/28/90 11/27/90 11/30/90
Exide Corporation Burlington (6)		Air Quality	Emission Standards	Referred to Attorney General	Referred	4/15/91
Fairfield, City of (6)		Wastewater	Monitoring/Reporting Discharge Limitations Operation Violation	Order	Referred Petition Filed	2/20/90 7/31/90
Fred Carlson Co., Inc. Decorah (2)		Air Quality	Emission Standards	Referred to Attorney General	Referred	2/18/91
Giametta, Dominic d/b/a Fred's 66, Davenport (6)		Underground Tank	Remedial Action	Order/Penalty	Referred Petition Filed	12/11/89 7/02/90
Great Dane Ferlizer, Inc. Audubon (4)		Wastewater	Prohibited Discharge	Referred to Attorney General	Referred	9/18/90
Hancock County and William Waddingham (2)		Underground Tank	Remedial Action	Referred to Attorney General	Referred	11/20/90
Hubinger Company Keokuk (6)		Air Quality	Operation Permit Violations	Referred to Attorney General	Referred	4/15/91
Humboldt Co. Landfill Commission (2)		Solid Waste	Cover Violations	Order/Penalty	Referred Petition Filed Discovery Proceeding	11/20/89 8/30/90 11/15/90
IBP, inc. Columbus Junction (6)		Wastewater	Prohibited Discharge	Referred to Attorney General	Judicial Review Ruling on Appeal	10/16/90 2/04/91

DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION COMMISSION
ATTORNEY GENERAL REFERRALS
June 1, 1991

Name, Location and Region Number	New or Updated	Program	Alleged Violation	DNR Action	Status	Date
Iowa Dress Club, Inc. Oskaloosa (5)		Wastewater Solid Waste	Prohibited Discharge Illegal Disposal	Referred to Attorney General	Referred	7/16/90
Kleindolph, Richard Muscatine (6)		Solid Waste	Open Dumping	Order/Penalty	Referred Petition Filed Default Judgment Partial Penalty Paid ($300)	10/24/89 4/06/90 8/13/90 9/13/90
Kollbaum, Garry East Side Acres Moville (3)		Drinking Water	MCL-Nitrate	Order/Penalty	Referred Petition Filed	5/21/90 7/02/90
Lakeshore Drive, Inc. et.al. Osceola (5)		Flood Plain	Reconstruction	Order	Referred Petition Filed Judgment vs. Lakeshore	11/20/89 2/07/90 4/09/90
Larson, Daryl, D.V.M. Audubon (4)		Wastewater	Prohibited Discharge	Referred to Attorney General	Referred Trial Information	11/20/89 3/19/91
Lenox, City of and Papetti's of Iowa, Inc.		Wastewater	Effluent Standards Treatment Agreement	Order	Referred	2/18/91
Mathern, Larry (Larry's DX) Ralph Beck; Walker Oil Co. (5)	Updated	Underground Tank	Remedial Action	Referred to Attorney General	Referred Petition Filed Beck Motion for Summary Judgment Denied	2/20/90 7/02/90 5/15/91
Mike McGinnis, Alfred Patten and Dennis Lewis Pottawattamie Co. (4)		Solid Waste	Open Dumping	Referred to Attorney General	Referred Suit Filed	10/24/89 11/15/89
Bob McKiniss Excavating & Grading v. IDNR		Hazardous	DNR Defendant	Defense	Suit Filed DNR Motion to Dismiss	3/12/91 5/01/91
Miller Products Co. (5)		Wastewater	Pretreatment	Order/Penalty	Referred Petition Filed	4/16/90 11/29/90
Monfort, Inc. (5)		Wastewater	Prohibited Discharge	Attorney General	Referred	12/11/89
Moser, Stan		Solid Waste	Illegal Dumping	Referred to Attorney General	Referred Petition Filed Trial Decision ($1,800)	7/19/89 9/12/89 3/15/90 12/11/90
Natvig, Craig Mason City (2)		Solid Waste	Operation Without Permit	Order/Penalty	Referred Petition Filed	8/21/90 11/29/90
Oehler, Jay d/b/a Oehler Bros. Oil Moravia (5)	New	Underground Tank	Remedial Action	Referred to Attorney General	Referred	5/20/91
Osceola, City of (5)	Updated	Wastewater	Prohibited Discharge	Referred to Attorney General	Referred Petition Filed Amended Petition Filed	4/16/90 11/30/90 5/13/91
Pete's Sunoco/ Popejoy Septic West Des Moines (5)		Wastewater	Prohibited Discharge	Referred to Attorney General	Referred	6/19/90
Pony Creek Homeowners Assoc. #1 Pacific Junction (4)		Drinking Water	Monitoring/Reporting-Bacteria	Order/Penalty	Referred	3/18/91
Pregler, Gerald Dubuque County (1)	Updated	Solid Waste	Illegal Disposal	Order/Penalty	Referred Petition Filed	10/15/90 5/23/91
Pruess v. IDNR		Hazardous Condition	DNR Defendant	Abatement Order	Suit Filed Hearing DNR Motion to Dismiss Hearing Amended Petition DNR Motion to Dismiss Hearing Set Dismissed Appealed to Supreme Court	4/24/90 4/30/90 5/14/90 5/15/90 5/25/90 6/18/90 8/10/90 8/21/90 9/19/90
Root, William/LAWNKEEPERS Mitchell County (2)		Wastewater	Prohibited Discharge	Referred to Attorney General	Referred	7/16/90

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ENVIRONMENTAL PROTECTION COMMISSION
ATTORNEY GENERAL REFERRALS
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Name, Location and Region Number	New or Updated	Program	Alleged Violation	DNR Action	Status	Date
Schaap, Darlo Sioux Center (3)		Solid Waste	Illegal Disposal	Order/Penalty	Referred Petition Filed	2/20/90 6/21/90
Schultz, Albert and Iowa Iron Works Ely (1)		Solid Waste	Open Dumping	Referred to Attorney General	Referred Suit Filed	9/20/89 8/08/90
Shelley, Robert and Sally Guthrie Center (4)		Solid Waste	Illegal Disposal	Order/Penalty	Referred	4/15/91
Sevig, Gordon, et.al. Walford (1)		Wastewater	Prohibited Discharge	Referred to Attorney General	Referred Criminal Charges Filed	9/20/89 7/15/90
Simmons, Art d/b/a Art's Garage Bussey (5)	New	Underground Tank	Remedial Action	Referred to Attorney General	Referred	5/20/91
Siouxland Quality Meat Co., Inc. Sioux City (3)		Wastewater	Discharge Limitations	Referred to Attorney General	Referred Petition Filed	2/20/90 7/02/90
Sun Wise Systems Corp. Sac City (3)		Wastewater	Pretreatment	Referred to Attorney General	Referred	10/15/90
Swea City Oil Co./Irene Fagerlund, Swea City (2)		Underground Tank	Remedial Action	Referred to Attorney General	Referred	8/21/90
Touchdown Co., et. al., Webster City (2)		Underground Tank	Prohibited Discharge Failure to Report Hazardous Condition	Referred to Attorney General	Referred Petition Filed	6/21/89 2/14/91
Varner, Fred Worth County (2)	New	Solid Waste	Waste Oil Reporting	Order/Penalty	Referred	5/20/91
Witt, John J. Long Grove (6)		Solid Waste	Illegal Disposal	Referred to Attorney General	Referred Petition Filed Default Judgment ($6,000)	8/21/90 10/16/90 12/11/90

DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION COMMISSION
CONTESTED CASES
JUNE 1, 1991

DATE RECEIVED	NAME OF CASE	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
1-23-86	Oelwein Soil Service	Administrative Order	WW	Landa	Hearing continued.
12-03-86	Waukee, City of	Administrative Order	WS	Hansen	Construction completed. Settlement proposed.
5-12-87	Iowa City Regency MHP	Administrative Order	WW	Hansen	Hearing held 11-03-87; amended order issued.
8-10-87	Great Rivers Co-op	Administrative Order	HC	Landa	Additional round of sampling performed.
1-15-88	First Iowa State Bank	Administrative Order	SW	Kennedy	To District Court 4/12/91 for judicial review.
2-04-88	Beaverdale Heights, Woodsman; Westwood Hills	Administrative Order	WS	Landa	Settlement proposed. Counter offer made.
2-05-88	Warren County Brenton Bank	Administrative Order	UT	Landa	Additional work requested and initiated.
3-01-88	Cloyd Foland	Administrative Order	FP	Clark	Supreme Court confirms;remands other issues.
7-25-88	Nishna Sanitary Services, Inc.	Permit Conditions	SW	Landa	Settlement proposed.
8-03-88	Hardin County	Permit Conditions	SW	Landa	Settlement proposed.
10-03-88	IBP, Columbus Junction	Administrative Order	WW	Clark	Penalty paid. Settled.

DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION COMMISSION
CONTESTED CASES
JUNE 1, 1991

DATE RECEIVED	NAME OF CASE	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
10-20-88	Worth Co. Co-Op Oil Northwood Cooperative Elevator Sunray Refining and Marketing Co.	Administrative Order	HC	Landa	Compliance initiated. Assessment report submitted.
1-25-89	Amoco Oil Co. - Des Moines	Administrative Order	UT	Landa	Settlement proposed. Clean-up progressing.
2-10-89	Northwestern States Portland Cement Company	Site Registry	HW	Landa	Settlement proposed.
2-10-89	Baier/Mansheim/Moyer	Site Registry	HW	Landa	Hearing continued. Settlement proposed.
2-16-89	John Deere Co. - Dubuque	Site Registry	HW	Landa	Final decision 12/17/90. Judicial review.
2-16-89	Premium Standard Farms	Administrative Order	WW/AQ	Murphy	Hearing continued.
5-01-89	Amoco Oil Co. - West Des Moines	Administrative Order	UT	Landa	Compliance initiated.
6-08-89	Shaver Road Investments	Site Registry	HW	Landa	Hearing continued. Discovery initiated.
6-08-89	Hawkeye Rubber Mfg. Co.	Site Registry	HW	Landa	Hearing continued. Discovery initiated.
6-08-89	Lehigh Portland Cement Co.	Site Registry	HW	Landa	Hearing continued. Discovery initiated.
6-12-89	Amana	Site Registry	HC	Landa	Negotiating before filing.
6-19-89	Grand Mound, City of	Administrative Order	WW	Hansen	Appeal dismissed by ALJ at City's request.
6-22-89	Chicago & Northwesten Transportation Co. Hawkeye Land Co. Blue Chip Enterprises	Administrative Order	HC	Landa	Proposed decision 12/13/90; appealed. Oral argument 7/15/91.
7-26-89	Cozy Cafe	Administrative Order	WS	Hansen	Meeting held 4/23/91. EPD drafting response.
9-01-89	Stone City Iron & Metal	Administrative Order Permit Denial	AQ	Kennedy	Testing to be done in June.
10-24-89	Farmers Cooperative Elevator Association of Sheldon	Site Registry	HC	Landa	Negotiation proceeding.
10-24-89	Consumers Cooperative Assoc.	Site Registry	HC	Landa	Negotiation proceeding.
11-03-89	Bridgestone/Firestone, Inc.	Site Registry	HC	Landa	Hearing continued pending negotiations.
11-17-89	Aten Services, Inc.	Administrative Order	SW/UT	Landa	Compliance completed.
12-11-89	Leo Schachtner	Permit Issuance	FP	Clark	Hearing continued.
1-02-90	Midwest Mining, Inc.	Administrative Order	FP	Clark	Settlement proposed.

DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION COMMISSION
CONTESTED CASES
JUNE 1, 1991

DATE RECEIVED	NAME OF CASE	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
1-04-90	Joe Villinger	Administrative Order	SW	Kennedy	Negotiating before filing.
1-08-90	Northwestern States Portland Cement Co.	Permit Amendment	WW	Landa	Negotiating before filing.
3-20-90	Kaneb Pipeline Co.	Administrative Order	HC	Landa	Settled.
3-22-90	Vern Starling	Administrative Order	SW	Kennedy	Decision received 5/15/91.
4-23-90	Sioux City, City of	Administrative Order	WW	Hansen	Informal meeting held on 5/18/90.
5-08-90	Texaco Inc./Chemplex Company Site	Site Registry	HW	Landa	Hearing continued.
5-09-90	Raccoon Valley State Bank	Administrative Order	HC	Landa	Hearing continued. Depositions taken.
5-09-90	Square D Company	Site Registry	HW	Landa	Hearing continued. Compliance initiated.
5-11-90	Carl A. Burkhart	Administrative Order	AQ/SW	Kennedy	Decision received 4/25/91. Appealed 5/24/91.
5-14-90	Van Dusen Airport Services	Administrative Order	HC	Landa	Compliance initiated.
5-15-90	Des Moines, City of	Administrative Order	HC	Landa	Hearing continued. Settlement proposed.
6-11-90	Troy Mills Dam Assoc.	Administrative Order	FP	Clark	Penalty paid. Settled.
6-14-90	Willow Tree Investments, Inc.	Administrative Order	UT	Landa	Negotiating before filing.
6-18-90	Ames, City of	NPDES Permit Cond.	WW	Hansen	Proposed decision issued and appealed to EPC.
6-20-90	Des Moines, City of	NPDES Permit Cond.	WW	Hansen	Informal meeting to be scheduled.
6-26-90	Maple Crest Motel and Mobile Home Park	Administrative Order	WS	Hansen	Negotiating settlement.
7-02-90	Keokuk Savings Bank and Trust Keokuk Coal Gas Site	Site Registry	HW	Landa	Hearing continued to 6/11/91.
7-11-90	Chicago & Northwestern Co.; Steve L. Carroll; Susan E. Carroll; and Tracy A. Carroll	Administrative Order	NR	Kennedy	New orders issued 12/28/90 rescinding prior orders.
11-20-90		Administrative Order	SW	Kennedy	Hearing continued.
7-23-90	IBP, Dakota City	Administrative Order	WW	Hansen	Informal meetings 1/25/91.
7-26-90	Plymouth County SW Agency	Administrative Order	SW	Kennedy	Negotiating before filing.
7-30-90	Key City Coal Gas Site; Murphy Trust & Howard Pixler	Site Registry	HW	Landa	Hearing held. Briefs filed.

DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION COMMISSION
CONTESTED CASES
JUNE 1, 1991

DATE RECEIVED	NAME OF CASE	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
8-01-90	J.I. Case Company	Site Registry	HW	Landa	Hearing continued.
8-06-90	Lake Manawa Nissan, Inc.	Administrative Order	UT	Landa	Compliance initiated.
9-06-90	Wilbur Numelin d/b/a Lakeview Enterprises; Carl Hankenson	Administrative Order	UT	Landa	Hearing scheduled for 6/4/91.
9-10-90	IBP, inc. Columbus Junction	Administrative Order NPDES Permit	WW	Hansen	Depositions 4/12/91. Hearing set for 8/6/91.
9-12-90	Michael & Joyce Haws; George H. Gronau	Administrative Order	UT	Landa	Stipulations prepared.
9-20-90	Duane Schwarting	Variance Denial	SW	Kennedy	Hearing continued.
10-02-90	James Rhoads	Administrative Order	HC	Landa	Negotiating before filing.
10-11-90	Commercial Equipment Co., Inc.	NPDES Permit Denial	WW	Landa	Proposed decision rendered.
10-15-90	Westside General Store Corp.	Administrative Order	UT	Landa	Negotiating before filing.
10-17-90	Chicago & Northwestern Transportation Co.	NPDES Permit Conditions	WW	Landa	Settled.
10-18-90	Harlan Pruess	Claim	HC	Landa	Hearing scheduled for 6/24/91.
10-23-90	Chariton Municipal Water Department	Water Use Permit	WS	Clark	Discovery initiated.
10-29-90	Arcadian Corporation	NPDES Permit Conditions	WW	Hansen	Negotiating before filing.
11-06-90	Vincent Martinez d/b/a Martinez Sewer Service	Administrative Order	HC	Landa	Compliance initiated.
11-13-90	Lloyd Dunton	Administrative Order	SW	Kennedy	Hearing set for 6/28/91.
11-15-90	Springwood Enterprises, Inc.	Water Use Permit	WR	Clark	Hearing continued.
11-29-90	Natural Gas Pipeline of America	NPDES Permit Denial	WW	Hansen	Hearing set for 6/26/91.
12-04-90	United States Gypsum Company	Administrative Order	SW	Kennedy	Negotiating before filing.
12-10-90	ISU - Ames Laboratory Chemical Disposal Site	Site Registry	HC	Landa	Negotiating.
12-19-90	Aratex Services, Inc.	Site Registry	HC	Landa	Negotiating.
12-21-90	Des Moines, City of	Administrative Order	UT	Landa	Negotiating.
12-27-90	McAtee Tire Service, Inc.	Administrative Order	SW	Kennedy	Hearing continued.

DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION COMMISSION
CONTESTED CASES
JUNE 1, 1991

DATE RECEIVED	NAME OF CASE	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
1-07-91	Joe E. Eggers, Jr.; Joe and Mary Eggers	Administrative Order	SW	Kennedy	Negotiating before filing.
1-09-91	Iowa Southern Utilities	Administrative Order	HC	Landa	Hearing set for 8/30/91.
1-11-91	Fansteel/Wellman Dynamics	Site Registry	HC	Landa	Hearing set for 7/17/91.
1-22-91	Richard Duncan	Administrative Order	SW/AQ	Kennedy	Negotiating before filing.
1-28-91	McDowell Dam #1 & #2	Administrative Order	FP	Clark	Negotiating before filing.
2-22-91	Leon & Rebecca Pierce Camp Riverside	Administrative Order	FP	Clark	Hearing continued.
2-28-91	Bloomfield Foundry, Inc.	Tax Certification Denial	AQ	Landa	Settled.
3-08-91	ADM - Cedar Rapids	Conditional Permit	AQ	Landa	Testimony filed 4/29/91.
3-11-91	John W. Yotter	Administrative Order	SW	Kennedy	Settled.
3-14-91	Joe Ringsdorf	Administrative Order	AQ	Kennedy	Hearing set for 7/2/91.
3-15-91	Muscatine, City of	Administrative Order	WW	Hansen	Amended Order issued.
3-21-91	Moikenthin Swine Operation	Administrative Order	WW	Murphy	Negotiating before filing.
3-22-91	Mitchell Bros. Boars and Gilts	Administrative Order	WW	Murphy	Negotiating before filing.
4-16-91	AMPEL	Const. Permit Denial	AQ	Landa	Negotiating before filing.
4-29-91	R.V. Hopkins, Inc.	Const. Permit Denial	AQ	Landa	Sent to DIA.
5-09-91	Lost Canyon Mobile Home Park	Administrative Order	WW	Hansen	Negotiating before filing.
5-09-91	Oskaloosa Food Products Corp.	Administrative Order	WW	Hansen	Negotiating before filing.
5-16-91	Oskaloosa, City of	Administrative Order	WW	Hansen	Negotiating before filing.
5-16-91	Clarke Co. Sanitary Landfill	Administrative Order	SW	Kennedy	Negotiating before filing.
5-20-91	Dad's Fuel Stop	Administrative Order	UT	Wornson	Request for informal settlement.
5-20-91	Great Rivers Coop--Lockridge	Site Registry	HC	Landa	Sent to DIA.
5-20-91	Mason City Municipal Airport/ Dwyer Aircraft Sales, Inc.	Administrative Order	UT	Wornson	Request for informal settlement.
5-21-91	The Market of Clear Lake, Inc.	Administrative Order	UT	Wornson	Negotiating before filing.

Mr. Stokes gave a brief explanation of the reports and asked Mr. Murphy to give a status report on several cases Commissioner Earley previously inquired about.

Mr. Murphy reported on the following cases:

Amoco cases (Ames; Des Moines-Fleur Drive; Des Moines-Euclid; and Fort Madison) - referred and the company has proceeded with doing the assessment work and submitting reports to the department. It will probably be August before legal action proceedings take place.

Jimmy Dean (Osceola) - case is being handled as a civil case and a petition was filed in May, 1991.

Bridgestone/Firestone - case is still under review for criminal proceedings and a decision has not yet been made.

Discussion followed on procedures and notification of facilities in regards to monitoring and sampling of public water supplies.

This was an informational item; no action was required.

FINAL RULE--CHAPTER 62, EFFLUENT AND PRETREATMENT STANDARDS

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

The commission is asked to approve revisions to Chapters 60 and 62 of the rules that adopt, by reference, the federal effluent and pretreatment standards applicable to industrial dischargers.

The purpose of this rulemaking is to update references in rules 62.4 (455B) and 62.55 (455B) to federal effluent and pretreatment standards which need to be changed due to federal amendments and revisions. The change to rule 60.2 (455B) is to update the definition of "Act" to include amendments to the Water Pollution Control Act through December 31, 1990.

The commission is being asked to adopt these rules without public notice and participation. Adoption of federal effluent and pretreatment standards by reference, without public notice, is specifically provided for by rule 62.2 (455B) and Iowa Code section 17A.4(1). Because the commission must adopt effluent and pretreatment standards at least as stringent as the federal standards in order to continue to have EPA approval of the NPDES program, and the Iowa Code section 455B.173(3) prohibits the commission from adopting standards more stringent than the federal standards, public participation in this rulemaking is unnecessary.

ENVIRONMENTAL PROTECTION COMMISSION [567]
Emergency Adopted Rule

Pursuant to the authority of Iowa Code sections 455B.105 and 455B.173, the Environmental Protection Commission amends 567--Chapter 62, "Effluent and Pretreatment Standards: Other Effluent Limits or Prohibitions," and 567--Chapter 60, "Scope of Title - Definitions - Forms - Rules of Practice." Iowa Administrative Code.

The purpose of this rulemaking 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. The change to rule 60.2(455B) is to update the definition of "Act" to include amendments to the Water Pollution Control Act through December 31, 1990.

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 continued approval by the federal Environmental Protection Agency of the department's NPDES program. Iowa Code section 455B.173(3) requires that the effluent and pretreatment standards adopted by the commission not be more stringent than the enumerated promulgated federal standards.

The commission adopted these rule amendments on June 17, 1991. The amendments will become effective on August 14, 1991.

These rules may have an impact upon small businesses.

These rules are intended to implement Iowa Code Chapter 455B, Division III, Part I.

ITEM 1. Amend rule 567--60.2 to read as follows:

567--60.2(455B) Definitions. The following definitions apply to this title, unless otherwise specified in the particular chapter of this title:

"Act" means the Federal Water Pollution Control Act as amended through December 31, ~~1989~~ <u>1990</u>, 33 U.S.C. §1251 et seq.

ITEM 2. Amend rule 567--62.4(455B) to read as follows:

567--62.4(455B) Federal effluent and pretreatment standards. The federal standards, 40 Code of Federal Regulations (CFR), revised as of July 1, ~~1989~~ 1990, are applicable to the following categories:

ITEM 3. Amend subrule 62.4(3) as follows:

62.4(3) General pretreatment regulations for existing and new sources of pollution. The following is adopted by reference: 40 CFR 403 as amended on July 24, 1990 (55 FR 30082).

ITEM 4. Amend rule 567--62.5(455B) to read as follows:

567--62.5(455B) Federal toxic effluent standards. The following is adopted by reference: 40 CFR part 129, revised as of July 1, ~~1989~~ 1990.

Date

LARRY J. WILSON, DIRECTOR

Mr. Stokes explained principal changes in the rules.

Motion was made by Margaret Prahl to approve Final Rule--Chapter 62, Effluent and Pretreatment Standards. Seconded by Rozanne King. Motion carried unanimously.

NOTICE OF INTENDED ACTION--CHAPTER 61, CORPS OF ENGINEERS, NATIONWIDE PERMITS

Mike Murphy, Bureau Chief, Legal Services Bureau, presented the following item.

The Commission is requested to approve a Notice of Intended Action to certify and/or deny certification under section 401 of the federal Clean Water Act, of proposed "nationwide permit" regulations under the U.S. Army Corps of Engineers "404 Permit" program. A briefing document, the proposed Corps regulations, and two petitions for rulemaking are attached. The proposed Department action is taking place within the time constraints of federal rulemaking actions, and therefore the normal preliminary review time prior to Notice of Intended Action is not feasible. The Corps of Enginneers timetable requires our initial comments to their proposals to be made by June 10, 1991. The Corps has indicated that it will not extend this deadline until after the June Commission meeting. Thus, the staff will transmit it's comments, including preliminary certification and/or denial, on

June 10, 1991. It is the Director's recommendation that we propose to certify the majority of nationwide permits, and deny several, as discussed in the attached memorandum. We recommend publication of these comments as a Notice of Intended Action. It is expected that the Corps will propose final adoption of their regulations this fall, which will correspond to our final adoption. The Commission may determine at that time what the final policy of the Department will be on this subject, in response to the comments received to this Notice of Intended Action.

(Briefing document is shown on the following 2 1/2 pages)

IOWA DEPARTMENT OF NATURAL RESOURCES
Legal Services Bureau

DATE: June 3, 1991

TO: Environmental Protection Commission

FROM: Michael P. Murphy

SUBJECT: Corps of Engineers Nationwide Permits

The federal Clean Water Act prohibits the discharge of pollutants to waters of the United States. A major component of the federal and state water pollution control program is the NPDES (National Pollutant Discharge Elimination System) permit program, regulating point source dischargers of pollutants. Another, related program is the U.S. Army Corps of Engineers "404 Permit" program, whereby that agency regulates the dredging within or discharge of fill material into navigable waters. When a person applies to the Corps for a 404 permit for regulated activities within Iowa, as part of the process the applicant has to obtain a certification from DNR that the activity complies with our water quality standards. This certification, or denial of it, is referred to as "401 certification", since it is required by section 401 of the Clean Water Act.

In the early 1980's, the Corps promulgated what it refers to as "nationwide permits." Basically these are general permits, or permits-by-rule, that are intended to eliminate much or all of the paperwork involved with receiving permission to conduct certain activities that would otherwise require a specific permit.

The nationwide permits also require 401 certification from each state. Certification of any of the nationwide permits by Iowa would be an indication that we agree in full with the Corps exemption, and that specific 401 certification from us is not required for each individual who desires to engage in the activity covered by that nationwide permit. Conversely, if we deny certification of a particular permit, an individual wanting to conduct that activity would have to apply to the Corps for a permit and obtain a specific 401 certification from us. In 1984, the Department of Water, Air, and Waste Management, in consultation with the Iowa Conservation Commission, certified the then proposed nationwide permits, with the exceptions of denying certification of permits 18, 23, and 26. Nationwide 26 has been the most controversial. Basically the Corps regulations exempt "small" activities which meet specified criteria. Iowa felt that many of its significant water resources, being smaller wetlands or streams, would escape adequate regulation if such projects were not reviewed on an individual basis.

The Corps Nationwide Permits expire in January 1992. The Corps is reproposing the 26 permits, with some modifications, and proposing several more. Our review to date indicates general concurrence with most of the permits, but it is our recommendation that certain activities continue to be reviewed on a case-by-case basis. The final decision on this will be made by the Commission after notice and public comment. Our intention is to transmit our preliminary position of certifying the nationwide permits, with the exception of denying permits 13, 17, 18, 23, 26, 39, and 40. (As noted in the federal regulations, permits 1, 2, 8, 9, 10, 11, 19, 24, 28, 31, and 35 do not involve discharges to waters, and thus do not require 401 cerification.) In certifying 27, we intend to ask that it be expanded to include projects contracted with certain state agencies, as well as the federal agencies designated in that permit. Several of the denials may be withdrawn if we can get adequate explanation from the Corps as to their meaning and applicability. In addition, we intend to attempt to develop regional permits under some of the other categories, which will further the intent of minimizing paperwork, yet adequately protect Iowa waters. It should be noted that the major purpose of denying certification is to enable our staff to review situations on a case-by-case basis. This has been the status quo for over seven years and the program has worked well to allow certain activities and to protect Iowa waters. A discussion of the specific items we wish to preliminarily deny follows.

- #13 - Bank Stabilization. We are concerned that materials which may be used for bank stabilization are not specified, and the discretionary authority given to the District Engineer to allow activities in excess of 500 feet usurps State review authority. If the final permit is clarified we may be able to certify it, or we may be able to work this matter out through a regional permit or clarification of how the DE will exercise this discretion.

- #17 - Hydropower projects. This permit is expanded to cover all hydropower projects requiring Federal Energy Regulatory Commission (FERC) licensure. We are concerned about this expansion. However, we are seeking clarification from FERC as to whether the State will still have the opportunity to perform 401 review within the FERC proceeding (as opposed to the COE 404 proceeding). If so, we will have no objection to this permit.

- #18 - Minor Discharges. We feel State review of each project is necessary to protect Iowa waters. It may be feasible to work out some regional permits in this area.

- #23 - Approved Categorical Exclusions. These are federal projects that undergo Environmental Assessment/Environmental Impact Statement review. Although the State may have "input" in this review, the final determinations as to impact are

made by federal agencies. We feel greater State authority, through the case-by-case 401 certification process, is appropriate.

- #26 - Headwaters and Isolated Waters Discharges. This is the area where Iowa, and many other states, have had the most involvment, primarily with filling of wetland areas of less than one acre. We continue to feel that many of these types of areas have particular significance to Iowa's water resources, and case-by-case review is appropriate.

- #39 - Agricultural Discharges. We are generally supportive of this permit. However, we feel the language "to create upland farmland" may be interpreted to allow lesser filling or drainage activities. We hope to receive clarification of this permit so as to allow certification of it.

- #40 - Farm Buildings. This would seem to allow the placement of permanent structures in wetlands. Our understanding of the general agricultural exemption is to allow farming activities in dry periods, but to leave a viable wetland intact to either be restored or to be active in wetter periods. To allow permanent structures to be placed into wetlands, without 401 review, which may involve mitigation activities, is contrary to state water quality standards.

In order to obtain public comment and meet the timetable for federal rulemaking, we recommend that this position be filed as a Notice of Intended Action this month, and that several hearings be scheduled throughout the state. The normal rulemaking schedule should allow us to bring a final rule to you in September, which should coincide with the Corps action.

(Attachments to this item are on file in the department's Records Center)

Mr. Murphy reviewed the DNR and the Corps of Engineers permit process along with the briefing document provided to the Commission. He drew attention to copies of requests for rulemaking from Donald D. Etler and Jerry F. Jones. Also, Mr. Murphy distributed copies of a similar request from Dale Cochran, Secretary of Agriculture. He stated that staff has considered these requests and decided that this would be the best way to get public input, as well as Commission input, on this issue.

Charlotte Mohr questioned the June 10, 1991, deadline for comments.

Mr. Murphy stated that the COE gave the department several extra days to provide comments, which were submitted last week. He noted that staff asked the COE to wait until after the Commission

meeting to provide comments but was only granted several extra days.

Motion was made by Nancylee Siebenmann to approve Notice of Intended Action--Chapter 61, Corps of Engineers, Nationwide Permits. Seconded by Rozanne King.

Margaret Prahl commented that there were three options in the Federal Register and she cannot tell what the department's comments were in relation to those options.

Mr. Murphy stated that he had not seen the comment letter but the summary on pages 2-3 of the briefing document give the gist of it.

Discussion followed regarding the definition of wetlands, and Commission/department input to the federal final rules.

Clark Yeager stated that he would like time to study the whole business of 401 and 404 permits and to be provided some education on the issue.

Mr. Stokes stated that educational sessions can be provided but putting it out on public notice will be an educational process in itself because more diverse comments will be provided from different areas outside the department. This will probably help Commissioners ask some probing questions on specific items.

Margaret Prahl asked that staff summarize the changes more thoroughly in regards to cross references in the federal register.

Discussion followed regarding notice of public hearings.

Vote on Commissioner Siebenmann's motion to approve the Notice of Intended Action carried unanimously.

REFERRALS TO THE ATTORNEY GENERAL (continued)

Cherokee Hog Farms

Margaret Prahl asked why staff is requesting to table this case.

Mr. Murphy stated that it is because of the long distance this party would have to travel to the meeting today. Also, some new issues were raised that should be looked into.

Motion was made by Margaret Prahl to table the Cherokee Hog Farms referral. Seconded by Gary Priebe. Motion carried unanimously.

Lyn-Den Heights Homeowner's Association

Mr. Murphy stated that the penalty was paid in this case and referral was withdrawn.

Buffalo Bill Estates, Inc., Mobile Home Park

Mr. Murphy stated that this case involves a public drinking water supply in which they did not do the required monitoring and failed to provide proof of public notice to residents.

Motion was made by Margaret Prahl for referral to the Attorney General's Office. Seconded by William Ehm. Motion carried unanimously.

Country Estates Mobile Home Court

Mr. Murphy stated that this case involves failure to monitor their public drinking water supply and failure to provide notice to residents.

Motion was made by Margaret Prahl for referral to the Attorney General's Office. Seconded by Gary Priebe. Motion carried unanimously.

Carmen M. Poulsen

Mr. Murphy briefed the Commission on the history of this case.

Motion was made by Mike Earley for referral to the Attorney General's Office. Seconded by Rozanne King. Motion carried unanimously.

Gaul's Water Commission

Mr. Murphy briefed the Commission on the history of this case.

Motion was made by Nancylee Siebenmann for referral to the Attorney General's Office. Seconded by Margaret Prahl. Motion carried unanimously.

COMMISSIONER ABSENT

Commissioner Earley left the meeting at 3:35 p.m., due to a business emergency.

REVIEW OF FEDERAL CLEAN AIR ACT AND IMPLICATIONS FOR IOWA

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

The United States Congress passed legislation reauthorizing the Federal Clean Air Act late last year. This federal legislation will impact on Iowa's State Air Quality program in significant ways.Developing the ability to issue operation permits for air emission sources; charging fees based upon the amount of pollutants emitted to the atmosphere from air emission sources; designating fees for use to support the air quality program; beginning the process of controlling toxic air pollutants; and establishing a compliance and technical assistance function for small businesses are requirements of the new Clean Air Act with which the state must comply in order to retain delegation of authority to administer the Clean Air Act in Iowa.

The Commission will be given a briefing on this act and it's implications for Iowa.

(Federal Clean Air Act Overview is shown on the following 7 pages)

FEDERAL CLEAN AIR ACT OVERVIEW

I. Operating permits.
- A. Patterned after federal waste water discharge permit program.
  - 1. Permits issued for life of up to five years.
    - a. May be reopened for cause.
    - b. Must be reopened
      - (1) If issued for three years or longer.
      - (2) If new applicable requirements are promulgated.
  - 2. Permits must include:
    - a. All applicable Clean Air Act requirements.
    - b. Compliance schedules.
    - c. Monitoring requirements.
    - d. Reporting requirements.
  - 3. Required for:
    - a. Major sources.
      - (1) Ozone.
      - (2) Carbon Monoxide.
      - (3) PM-10 Particulate Matter.
    - b. Sources of Sulfur Dioxide and toxics.
  - 4. Permits subject to EPA review and concurrence.
    - a. EPA must veto permit if it does not comply Clean Air Act requirements.
    - b. Public may sue EPA to perform nondiscretionary act:
      - (1) If EPA fails to veto a permit that does not comply with the Act.
      - (2) Cases subject to review by Federal Appeals Court.
- B. Sources MUST pay permit fees to cover costs of the permitting program.
  - 1. Federal minimum of $25.00/ton.
  - 2. States may set different fees if justified.
- C. State MUST develop an operating permit program within three years of enactment (11/15/90).
  - 1. Subject to review and approval of EPA based on guidance to be issued within one year.
  - 2. EPA must impose sanctions if state fails to resubmit approvable permit program after EPA determines initial submittal is deficient.
  - 3. EPA to develop and enforce permit program if state fails to do so.
- D. ALL sources subject to program must submit permit applications to state.
  - 1. Within one year of federal approval of state program.
- E. State must establish schedule for acting on initial permit applications.
  - 1. Assure that at least one third are acted upon annually for three years.

II. Air toxics.
- A. Bill lists 189 chemicals to be regulated as air toxics.
- B. EPA must establish list of major source categories to be regulated within one year of enactment
- C. Major source defined generally as:
  - 1. A stationary source that emits ten tons per year or more of a single toxic.
  - 2. A stationary source that emits twenty five tons per year or more of any combination of air toxics.
  - 3. "Area sources" defined as all sources not considered as major sources.
- D. EPA must promulgate Maximum Achievable Control Technology (MACT) emission standards.
  - 1. For new sources must be at least as stringent as controls achieved in practice by best controlled source in the same category and more stringent where feasible.
  - 2. For existing sources may be less stringent than MACT for new sources but not less stringent than that achieved by the best performing twelve percent of existing units.
  - 3. Schedule for MACT rule promulgation established.

a. MACT for 41 source categories within 2 years of enactment.
b. MACT for 25 percent of source categories within 4 years of enactment.
c. MACT for 50 percent of source categories within 7 years of enactment.
d. MACT for 100 percent of source categories within 10 years of enactment.

4. Schedule for MACT compliance established.
a. New sources comply at time of construction / installation once MACT for source category established.
b. Existing sources must comply within three years of MACT promulgation applicable to their source category.
(1) One year extensions available.
(2) Sources that voluntarily reduce emissions by 90 percent below 1987 levels may be given additional six years to comply with MACT.

5. Different schedule for "Area Sources".
a. EPA must list area source categories within 5 years of enactment.
b. MACT regulations to take effect within 10 years of enactment.
c. Must list sufficient "Area Sources" to cover 90 percent of emissions from 30 most serious area source pollutants.

E. Residual risk evaluation.
1. Required only after MACT installed.
2. Residual risk standards established within eight years after MACT promulgated for source category.
3. Evaluation triggered if risk of cancer to most exposed individual is greater than one in one million.
4. Level of control to provide "ample margin of safety".
a. Control may provide for residual risk of greater than one in one million.
b. Takes into account cost, energy, safety and other factors.

F. EPA must develop a "national urban toxics strategy".
1. EPA to monitor toxics in urban areas with greater than 250,000 population.
2. Must propose strategy within 5 years of enactment.
a. Designed to reduce cancer risks from urban sources by 75 percent.
3. Strategy must be implemented within 9 years of enactment.

G. Addresses accidental releases of hazardous chemicals.
1. EPA must list 100 "extremely hazardous air pollutants" and threshold amounts.
2. EPA must establish regulations requiring release detection and control equipment.
3. Facility owners / operators must complete engineering analysis.
a. To identify potential public health hazards.
b. To develop plans for safe operation and prevention of accidental releases.
c. Information must be made available to the public.
4. "Chemical Safety Board" established.
a. Similar in concept to National Transportation Safety Board.
b. To investigate accidents.

H. Solid, hospital, medical and infectious waste combustors.
1. EPA to establish standards for solid waste incinerators.
a. Provide maximum emission reductions.
b. Consider costs, health and environmental impacts and energy considerations.
c. May distinguish among classes, types and sizes of units.
d. Different standards for new and existing units.
(1) New units must meet control levels achieved in practice by best controls on similar units.
(2) Existing units meet levels equivalent to the average of best performing twelve percent of existing units in source category.
2. Standards to address emission limits for particulates, sulfur dioxide, hydrogen chloride, oxides

of nitrogen, carbon monoxide, lead, cadmium, mercury, dioxin and dibenzofurans.

3. Standards to address 35 to 40 toxic chemicals NOT entire list of 189 toxics.
4. Schedule established for standards promulgation.
   a. Emission standards for municipal solid waste incinerators with capacity greater than 250 tons per day by December 1990.
      (1)Standards to be modified within 12 months of enactment.
   b. Standards for municipal solid waste incinerators less than 250 tons per day capacity established within 2 years of enactment.
   c. Standards for commercial and industrial waste combustors proposed within 3 years and promulgated within 4 years of enactment.
   d. Standards for hospital, medical and infectious waste combustors established within 2 years of enactment.
5. Schedule established for compliance.
   a. New sources within six months of promulgation.
   b. Existing sources within 5 years of promulgation.
6. Residual risk.
   a. "Ample margin of safety" standard.
   b. Applicable to incinerators 8 years after standards promulgation, BUT:
   c. No sooner than the year 2003.

III. Acid deposition control.

A. Two phase reduction in emissions of sulfur dioxide.
1. Phase I effective January 1, 1995.
   a. Requires 110 power plants to reduce emissions to a level equivalent to 2.5 lbs. of SO2 / mmBtu X average of plants fuel use 1985 - 1987.
      (1) Six Iowa facilities effected.
   b. Plants using scrubber technology can delay compliance until 1997.
2. Phase II effective January 1, 2000.
   a. Will require approximately two thousand utilities to reduce emissions to level equivalent to 1.2 lbs. SO2 / mmBtu X average plant fuel use 1985 - 1987.
      (1) Iowa impact unknown at this time.
   b. Plants that repower with qualifying clean coal technology may receive 4 year extension for compliance .
   c. Nationwide sulfur dioxide emissions capped at 8.9 tons per year.

B. Creates a system of "emission allowances".
1. One allowance equals one ton of sulfur dioxide.
2. Allowances may be bought, sold or traded among effected sources.
   a. 200,000 Additional allowances per year available to Phase I plants in Illinois, Indiana, and Ohio 1995 - 1999.
   b. Each year 2.8% of allocated allowances reserved for annual auction at $1,500.00 / ton (adjusted by Consumer Price Index).
3. Each source must have sufficient "allowances" to cover its annual emissions.
   a. $2,000.00 / ton Excess emission fee for exceedances, and:
   b. Requirement to "offset" excess emissions in the following year.

C. Requirement for reduction of nitrogen oxide emissions.
1. EPA regulations to be issued not later than mid - 1992 for certain boilers.
2. EPA regulations for all remaining boilers by 1997.

IV. Ozone, Carbon monoxide, PM-10 particulate matter.

A. Applies only to nonattainment areas.
1. Those areas where national ambient air quality standards are not being met.
2. Iowa currently one of six states with NO designated nonattainment areas (Hawaii, North Dakota, South Dakota, Nebraska, Oklahoma).

B. Expands boundaries for all but marginal areas to cover metropolitan statistical area.

1. Unless state can demonstrate a portion of the area does not contribute to nonattainment problem.

C. Different control requirements and different deadlines for compliance with air quality standards dependent on pollutant and classification of nonattainment area.

1. Generally performance based standards expressed as reduction rates.
2. May include vehicle and / or transportation control requirements.
3. Generally 3 - 15 years to come into compliance with ambient air quality standards.

D. States must adopt State Implementation Plans.

1. Federal implementation plans will be implemented if state fails.
2. Federal financial and development sanctions possible if states fail.

V. Mobile source controls.

A. More stringent federal vehicle pollution / tailpipe emission standards effective 1994 model year.

B. Fuel quality controls.

1. Reduction in volatility of gasoline.
2. Reduction in sulfur content of diesel fuels.
3. Requirement for "reformulated" gasoline by 1995 in nine cities with worst ozone problems.
4. Higher levels of alcohol based oxygenated fuels produced and sold in 41 areas exceeding federal carbon monoxide levels during winter months.
5. Other areas / states may "opt in" to fuels program, but only through incentives not sales or production mandates.

C. Limitations on emissions from centrally fueled fleets of 10 or more vehicles.

1. Applies in 26 "dirtiest" areas of the country.
2. Beginning 1998.

VI. Stratospheric ozone and global climate protection.

A. EPA must list regulated substances and their ozone depletion potential within 60 days of enactment.

B. Phase out of CFC's and Halons by the year 2030.

VII. Strengthened federal enforcement powers.

A. "Field" citations up to $5,000.00.

B. Administrative orders up to $200,000.00.

C. Enhanced civil judicial penalty provisions.

D. Criminal provisions upgraded from misdemeanors to felonies.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

FACT SHEET

SMALL BUSINESS STATIONARY SOURCE TECHNICAL AND ENVIRONMENTAL COMPLIANCE ASSISTANCE PROGRAM

OFFICE OF ASBESTOS AND SMALL BUSINESS OMBUDSMAN

I. INTRODUCTION --

This document summarizes the requirements of Title V, section 507 of the Clean Air Act for a small business stationary source technical and environmental compliance program.

II. STATE REQUIREMENTS --

States must establish a small business stationary source technical and environmental compliance program (SBTCP) to facilitate compliance by small businesses with the Clean Air Act. The program must be adopted as part of the States Implementation Plans under section 110 and 112 of the Act. States must submit their proposed programs to the EPA for approval by November 1992.

State SBTCP plans must contain the following provisions to be approved by the EPA:

- Mechanisms for developing, collecting and coordinating information concerning compliance methods and technologies for small businesses;
- Programs to encourage lawful cooperation among small business and others;
- Mechanisms to assist small businesses with pollution prevention and accidental release detection and prevention;
- A State small business ombudsman office to aid in the implementation of the Act;
- Mechanisms to assure small businesses receive notice of their rights under the Act;
- Mechanisms to assure small businesses are informed of their obligations under the Act;
- A compliance assistance program to help small businesses determine applicable requirements under the Act and receive permits; and
- Procedures to consider requests from small businesses to modify work practice or technological compliance methods, or the milestones for implementing such methods.

States must also establish a State Compliance Advisory Panel to monitor the implementation of the State SBTCP, render advisory opinions and make periodic reports to the EPA Administrator.

The State permit fee program must cover the costs of developing and implementing the State program.

III. EPA REQUIREMENTS --

The EPA must establish a Federal SBTCP by August 1991 to: (1) Assist the States in developing their programs, (2) issue guidance to the States about alternative control technologies and pollution prevention methods for small businesses, and (3) provide direct assistance to small businesses in a State which fails to adopt a program.

The EPA Small Business Ombudsman must monitor the development and implementation of the SBTCP, render advisory opinions and make periodic reports to the Congress.

IV. WHAT GUIDANCE AND ASSISTANCE WILL THE EPA PROVIDE TO THE STATES?

The EPA will be issuing guidance to the States for the development of their programs by July 1991. In addition, EPA will provide direct assistance to the States in the development and implementation of their programs through the Federal SBTCP. The Federal program must be in place by August 1991. For suggestions on the State small business ombudsman office, please refer to the attachment.

V. WHAT SOURCES ARE ELIGIBLE TO RECIEVE ASSISTANCE?

To qualify for assistance under this program, a source must meet the following conditions:

- Be owned or operated by a person employing 100 or fewer individuals;
- Be a small business under the Small Business Act;
- Not be a major stationary source;
- Not emit 50 tons or more per year of any regulated pollutant; and
- Emit less than 75 tons per year of all regulated pollutants.

A State may also include a small business that is a major stationary source or emits more than 50 tons per year of any regulated pollutant, provided the it does not emit more than 100 tons per year of all regulated pollutants. The source would have to petition the State for inclusion.

<u>Exclusions</u>: The States or EPA may exclude from the SBTCP any source or category of sources that has sufficient technical and financial capabilities to meet the requirements of the Act without the program. However, the States and the EPA are required to consult with the U.S. Small Business Administration and provide notice and an opportunity for comment on such exclusions.

VI. FURTHER INFORMATION --

For further information contact:

The Office of Asbestos and Small Business Ombudsman
U.S. Environmental Protection Agency (A-149C)
401 M Street S.W.
Washington, D.C. 20460
Toll-Free Telephone Hotline: 1-800-368-5888
or (703) 557-1938 for Virginia calls.

Attachment

Suggestions for the State Small Business Ombudsman Office

The Ombudsman should be:

- Appointed by a Governor of a State, or the Head of the State air pollution control authority, or by the Attorney General of the State;
- Of sufficient grade and rank to have direct access to the Governor, the Head of the State air pollution control authority, the Attorney General and other high-ranking government officials;
- Authorized to provide independent testimony to the State Legislature and make periodic reports to the Administrator of the U.S. Environmental Protection Agency for transmittal to the Congress; and
- Given independent voice to air problems and concerns both internally and externally.

The Small Business Ombudsman Office should be:

- Located in the State Attorney General's Office or as an independent office under the Head of the State air pollution control authority; and
- Adequately funded and staffed to:
  - Investigate complaints;
  - Operate a telephone hotline;
  - Provide advice and assistance;
  - Make reports to higher authorities and the public;
  - Disseminate information;
  - Participate in and sponsor meetings and conferences;
  - Serve as secretariat to the State Advisory Panel;
  - Periodically review with trade associations and small business representatives the work and services provided; and
  - Conduct studies to evaluate impact of the Act on a State's economy, local economies and small businesses.

Mr. Stokes distributed a copy of an outline summary of the federal Clean Air Act. Included in the information was an EPA Fact Sheet summarizing requirements of Title V, Section 507, of the Clean Air Act for small business stationary source technical and environmental compliance program. Mr. Stokes noted that implications of this act for Iowa will fall primarily in two areas: 1) operating permits, and 2) establishment of a Small Business Stationary Source Technical and Environmental Compliance Assistance Program. He gave a detailed explanation of these areas. Nancylee Siebenmann asked if there is any estimate as to the impact of this act.

Mr. Stokes stated that there will be a major impact on state bureaucracy and staff to develop procedures and to issue operation permits. Some of the impact on regulated industry is that there will be one more permit to apply for, live by and report on.

Margaret Prahl asked how much of the administrative costs will be born by federal funds and how much will be from the state general fund.

Mr. Stokes responded that it will cost $1.8 million to run the program and the state now receives $800,000 from the federal program.

Discussion followed regarding estimated costs for this program and whether or not to have an ad hoc committee work on this program. It was decided that an ad hoc committee would be premature at this time.

Margaret Prahl asked that staff provide a written timetable as to when they expect the required actions to take place.

This was an informational item; no action was required.

ELECTROMAGNETIC FIELDS

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

WHAT ARE ELECTRIC AND MAGNETIC FIELDS?

Electric and magnetic fields (EMFs) are forces that occur wherever electric charges exist. Magnetic fields occur naturally--this is what causes an arrow on a compass to point north. Electric fields are found in daily life as a result of having electric appliances and distribution lines to carry the electricity. The strength of electric fields depends on the potential VOLTAGE even when the appliance is plugged in and

electricity is not actually coming through the line. The magnetic charge occurs when CURRENT is flowing.

WHAT ARE THE KNOWN HEALTH EFFECTS OF EMFs?

One of the difficulties in determining effects of EMF exposure is the variance between internal and external sources of EMF. The external sources most commonly come from high voltage transmission lines and distribution lines. Internal sources are household wiring and appliances. Structural materials will provide varying amounts of shielding from EMFs.

EMF research has focused on (a) epidemiological studies of people working around power lines, (b) exposure of single and groups of cells and organs to EMFs, and (c) exposure of animals and humans to EMFs to examine changes in body function, chemistry, disease rate or behavior.

The primary concern is over the incidence of cancer, particularly leukemia in children, as a result of exposure to EMFs. According to a report from the Office of Technology Assessment, study results are "complex and inconclusive". Research does not indicate that there is a direct cause and effect relationship on long-term health. Some studies indicate a "linkage" between illness and electromagnetic fields. Additional research is needed before a consensus is reached within the scientific and medical community.

CONCLUSION

Conclusive evidence on exposure to EMFs and negative health impact is missing at this time. Many utilities and regulatory commissions are taking the course of "prudent avoidance" which means that they are considering power line placement in planning line expansion, upgrades and new construction; continuing research efforts; and making sure regulators understand and approve EMF strategy.

Mr. Stokes gave an overview of background provided in the agenda brief. He stated that the conclusion is that while there may be a potential for adverse health impacts from electromagnetic fields, there is not very good data on cause/effect relationships to lead to a conclusive decision that it is a major concern from public health or environmental aspects.

Nancylee Siebenmann asked if anyone is aware of any nationwide health studies centering on this issue?

Robin Fortney, Iowa Power, Des Moines, stated that there are a lot of different kinds of studies going on but she does not think any of them show a significant impact. She added that there continues to be an interest in research and it is something they are just going to watch.

This was an informational item; no action was required.

LEGISLATION REPORT

Larry Wilson, Director, presented the following item.

SUMMARY OF 1991 LEGISLATION

PERTAINING TO

IOWA DEPARTMENT OF NATURAL RESOURCES

JUNE 1991

Larry J. Wilson, Director

Bill No.	Code Ref.	Title/Description	Action Dates	FTES	Notes
SF 34	317.25	SALE OF PURPLE LOOSESTRIFE Permits sale of sterile or nonaggressive varieties of purple loosestrife, according to a list published by the state weed commissioner. A person selling these varieties shall keep accurate records, and make the records available to Dept. of Agriculture.			signed by Governor
SF 134	111.42	USE OF FIREWORKS IN STATE PARKS The use of fireworks in state parks and preserves is prohibited, except when authorized by a permit from the Department. The Natural Resource Commission shall adopt rules providing for a limited number of permits; violators guilty of a serious misdemeanor. The court may also order restitution for damages.			signed by Governor
SF 150	session law 107.17	PERMITTING THE USE OF FISH AND WILD-LIFE FUNDS FOR CAPITAL PROJECTS Moneys remaining in the fish & wildlife protection fund during FY 91, which are not specifically appropriated by the General Assembly, may be used by the Department for capital projects in FY 91.	effective 3/11/91		signed by Governor
SF 182	25B 6	RELATING TO ADMINISTRATIVE RULE-MAKING A state agency shall not propose or adopt admin. rules which exceed its statutory authority by			signed by Governor

Bill No.	Code Ref.	Title/Description	Action Dates	FTES	Notes
		requiring expenditures of political subdivisions, or of agencies which contract with political subdivisions to provide services. Fiscal notes shall be prepared, in cooperation with affected political subdivisions, for agency actions requiring annual expenditures of more than 100K. Fiscal notes shall be submitted to the admin. rules coordinator along with the NIA. The fiscal note shall also be submitted to the fiscal committee of the legislative council.			
SF 205		RESIDENCY REQUIREMENTS FOR COMMERCIAL MUSSEL FISHERS	effective 5/14/91		signed by governor
	109B.2(5)	Amends code relating to commercial mussel fishers; requires a fisher to have resided in Iowa for one year before applying for a commercial mussel license.			
	109B.4(6) paragraphs g, h, i, l, m, n	Increases existing fees for resident fishers, resident and nonresident buyers; establishes new fees for nonresident fishers, and resident and nonresident commercial mussel helpers.			
	109B.12(1)(d)	Defines in more detail a commercial mussel helper, and requires a license.			
	109B.13(3)	Reciprocal fishing privileges depend on similar privileges being granted to Iowans.			
	109B.14	Commercial mussel buyers, as well as fishers, will now be required to submit monthly reports to the Natural Resource Commission.			

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Bill No.	Code Ref.	Title/Description	Action Dates	FTES	Notes
SF 209		SUPPLEMENTAL APPROPRIATIONS - FY 91			signed by Governor
	8.23	The portion of this bill which affects DNR is: State agencies, when preparing their annual budget for the Dept. of Management, shall reduce their FTE requirements by the historical employee vacancy factor.			
SF 297		INERT INGREDIENTS IN PESTICIDES	effective 5/7/91		signed by Governor
	139.35	Requires the dept. of public health to provide copies of all reports of pesticide poisonings or illnesses to the sec. of agriculture. The secretary shall forward these reports to pesticide registrants.			
	139.35	Requires the dept. of public health to adopt rules specifying the requirements for the operation of an emergency information system operated by a pesticide registrant (in lieu of providing pesticide information to a poison control center).			
	206.12(2)(c) unnumbered paragraph 3	States that inert ingredients will be given trade secret protection from 7/1/90 to 12/31/91. After that date, the inert information will be confidential only if the registrant certifies that: (1) pesticide ingredient information necessary for medical treatment has been provided to a data base used by poison control centers in Iowa, or (2) the registrant operates its own emergency information system subject to dept. of public health's rules.			

Bill No.	Code Ref.	Title/Description	Action Dates	FTES	Notes
		This section also permits the release of inert ingredient information obtained by an independent source.			
SF 323		AMENDMENTS TO THE RESOURCE ENHANCEMENT & PROTECTION PROGRAM			signed by Governor
	256.34(1)	Adds two members to the conservation education program board - one from the Iowa Assoc. of Naturalists, the other from the Iowa conservation education council.			
	455A.19(1)(b)(4) and 455A.19(1)(d)	Swimming pools were added to the list of projects ineligible for county conservation, cities' parks and open spaces account monies.			
	455A.20(1)(c) and 455A.20(1)(d)(9	Makeup of county resource enhancement committees modified slightly, to include any recognized farm or commodity group (this is in addition to those listed in existing code), historical/cultural preservation group, or league of women voters.			
SF 324	455B.146	CIVIL PENALTIES FOR VIOLATIONS OF AIR POLLUTION CONTROL PROGRAMS			awaiting Governor's signature
		Increases the civil penalty for air quality program violations from 5 to 10K per day. Communities operating local air pollution control programs, as authorized by the Department, may impose similar penalties.			

Bill No.	Code Ref.	Title/Description	Action Dates	FTES	Notes
SF 337		CONTRACTS FOR ROAD, BRIDGE, AND CULVERT CONSTRUCTION			signed by Governor
	309.40	Contracts for road, bridge construction which exceed 50K (formerly 40K) shall be advertised for public bidding.			
	309.42	DOT shall review all contracts in excess of 50K (formerly 20K).			
SF 346		PAYMENTS ON PUBLIC CONTRACTS			signed by Governor
	573.12(2)	Requires prompt payment to contractors doing public contract work; interest must be paid on bills remaining unpaid for more than fourteen days, unless specfied differently in a contract. Payment must be made within 30 days in those cases. Interest shall accrue after the 14 or 30 day period. Also requires contractors to pay subcontractors within seven days of receiving payment, or a reasonable time frame.			
	573.14	Limits the amount of money which may be retained for 30 days by a public corporation after completion of the work. Also reduces the time which the public agency has to pay the contract in full (40 instead of 70 days), unless otherwise specified.. This section also limits the time which a person can file a claim, to thirty days after work is completed.			

Bill No.	Code Ref.	Title/Description	Action Dates	FTES	Notes
	573.16	Unpaid funds shall be paid to the contractor within 20 days after a release is received by the public corporation; otherwise, interest is due on the upaid funds.			
SF 362		LEAKING UNDERGROUND STORAGE TANKS (LUST) - ENVIRONMENTAL REQUIREMENT AND UST FUND CHANGES			awaiting Governor's signature
	455B.301(20)	DNR related amendments: Petroleum contaminated soil which has been remediated to acceptable federal or state standards is now exempted from the definition of solid waste.			
	455B.474(1)(d)	Requires the Environmental Protection Commission to adopt rules which significantly modify the existing corrective action requirements. Contaminated sites are to be classified as 'high risk', 'low risk', or 'no action required', according to the public health, safety, and environmental risk. High risk means a drinking water source is affected, or the contamination poses an explosion hazard. Low risk means groundwater is affected, but it isn't a drinking water source. No action required means the contamination is below action level standards. Sites may be reclassified when conditions warrant.			
	455B.474(1)(f)	Changes the corrective action requirements based on the above classification system. High risk sites shall be remediated; low risk sites shall be monitored periodically, over a several year period; no action required sites shall not be monitored or remediated.			

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Bill No.	Code Ref.	Title/Description	Action Dates	FTES	Notes
		Site assessments (now called site cleanup reports) are still required; however, the content of the reports is specified in statute. Other statutory requirements include: (1) the DNR shall permit bioremediation of soils and groundwater; (2) tank upgrades on high and low risk sites are to have secondary containments systems and interstitial monitoring; (3) the Environmental Protection Commission and the UST Board shall cooperate to ensure that remedial actions are cost effective; (4) the director can still require an operator to take action immediately, if actions are consistent with prioritization rules. In these cases, the actions shall be reviewed at the next commission meeting.			
	455B.474(1)	The department shall issue monitoring certificates for low risk sites (see above). Clean site certificates cannot be issued for sites with monitoring certificates, until the site is reclassified as a 'no risk' site.			
	455G.17(4)	The department shall adopt rules requiring that groundwater professionals register with the DNR. Groundwater professionals are defined, and include engineers, geologists, persons certified by certain national organizations (hydrology, industrial hygiene, water well, groundwater scientists), and others with a minimum of 5 years experience. Registration does not impose liability on the department or UST board.			

Bill No.	Code Ref.	Title/Description	Action Dates	FTES	Notes
SF 508		ENERGY INDEPENDENCE			awaiting Governor's signature
	18.115	The state vehicle dispatcher, regents institutions, community colleges, and other state agencies shall, when purchasing passenger vehicles and light trucks, purchase some alternative fueled vehicles (at least 5% beginning in FY 93, 10% beginning in FY 95). Law enforcement, off-road maintenance, and work vehicles (pulling trailers) excluded.	begins 7/1/92		
	93.11(1) & (5) and 556.18(3)	Places the Energy Research and Development Fund (93.14) as a fund within the Energy Conservation Trust (oil overcharge monies). Requires that all abandoned utility deposits and refunds (556.4) be placed in the development fund, for the purposes of annual appropriation.			
	93.13A	Requires school districts and community colleges to identify and implement all energy conservation measures for which DNR financing has been made available. Excludes facilities unlikely to be in operation for the next six years.			
	93.19 & 93.20	Expands the parties eligible to participate in the Energy Bank and the Energy loan fund programs. State agencies and nonprofit organizations added to schools, area education agencies, cities, counties. Also expands the definition of energy conservation measure to include buildings, operations such as water treatment facilities, and vehicles.			
	93.20A	The department may arrange for private financing for the entities above in order to implement energy			

Bill No.	Code Ref.	Title/Description	Action Dates	FTES	Notes
		conservation measures.			
	93.42 (new section)	The department shall adopt rules requiring the use of compact fluorescent bulbs in exit signs at the time of replacement, or by 7/1/2001. The department shall promote their use through educational materials.			
	93.44 (new section)	The department shall adopt rules establishing water efficiency standards for plumbing fixtures. The DNR shall consult with the building code commissioner, dept. of public health, and the plumbing manufacturers' institute. Violaters subject to a $100 civil penalty, to be collected and used by local governments.			
	93A.1 (new section)	Establishes a Midwest Energy Compact. Any state contiguous to Iowa can join, 5 states must join initially for the compact to become effective. Purpose is to increase energy efficiency & energy independence. Also establishes an interstate midwest energy commission, consisting of three members from each state (gov. representative, one senator, one rep). This section also discusses budgets, hiring of staff, general operations, holding meetings, establishing bylaws, and powers and duties of the commission.			
	266.39C	Adds new duties to the Iowa energy center: the center shall develop an energy efficiency assistance program for rural Iowans; cooperate with DOT in conducting a feasibility study regarding "rail through rural Iowa"; cooperate with state board of education in developing an energy efficiency curriculum.			

Bill No.	Code Ref.	Title/Description	Action Dates	FTES	Notes
	307.10	Adds new duties to DOT related to increasing the efficiency of transportation related energy use, including public transit development & promotion.			
	364.24	All lighting replacements necessary for cities to comply with the state traffic light synchronization program must be made by 7/1/2001.			
	364.23	Period or era lighting with a minimum efficiency rating of 58 lumens per watt is exempted from the state requirement that cities replace exterior lighting with high pressure sodium or other similar efficient lighting.			
	470.1(1) & (2)	Changes the definition of facility for the purposes of conducting a life cycle cost analysis. All buildings or physical operations proposed which will use more than 40,000 BTUs per sq. ft. will require a life cycle cost analysis.			
	470.7	Changes the requirements regarding the use of a life cycle cost analysis. The analysis must be completed and approved before bids are let.			
	470.8	Requires that the recommendations in a life cycle cost analysis be implemented. A procedure for granting exemptions to this requirement is provided.			
	session law	DOT, in cooperation with DNR, shall conduct a telecommuting project for state employees. Progress to be reported to the General Assembly by 1/15/92.	report due 1/15/92		

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Bill No.	Code Ref.	Title/Description	Action Dates	FTES	Notes
SF 529		STATE AGENCY APPROPRIATIONS			awaiting Governor's signature
	421.17	The department of revenue and finance is to develop and administer an indirect cost allocation system for all state agencies. The system shall be used to allocate both direct and indirect costs of state agencies in providing services to other state agencies Costs allocated to an agency under this system shall be paid by the state agency from a non general fund source, and is payable to the general fund.			
	session law unless otherwise stated	DNR Appropriations FY 92 - General Fund			
		Office of Director $ 55,893		4.95	
		Coordination and Information $ 725,672		33.95	
		Administrative Services $1,588,181		118.95	
		Parks and Preserves $5,377,899		216.52	
		Condition that the department build a safety fence on the dam at Beeds Lake, Franklin County.			
		Forests and Forestry $1,617,265		59.71	
		Energy & Geological Resources $1,323,941		59.62	
		Environmental Protection $1,973,992		158.75	
		Fish and Wildlife $ 0		335.24	
		Waste Management $ 0		18.75	
		USGS cooperative agreements $ 185,983			
		Green Thumb Program $ 254,000		18.68	
		Energy Research & Development Fund $ 216,000			
		DNR Appropriations FY 92 - Marine Fuel Tax (now part of General Fund)			

Bill No.	Code Ref.	Title/Description	Action Dates	FTES	Notes
		Parks and Preserves for boating facilities $ 450,000			
		Fish & Wildlife Fund for boating access $ 150,000			
		Marine Fuel Tax Capitals (section 324.79) $2,620,568			
		Condition that all unencumbered balances revert to the general fund 9/30/93.			
		Cost Share Grants to Local Governments, construction design costs $ 750,000			
		Condition that 250K of the 750K be spent on the preservation of Five Island Lake.			
		DNR Appropriations FY 92 - Misc. Fees			
		Snowmobile/ATV fees - transferred to Fish & Wildlife Fund for enforcement of snowmobile laws $ 100,000			
		Boat registration fees - transferred to F&W Fund for maintaining boat access on F&W lands $ 950,000			
		Snomobile/ATV fees - transferred on 4/1/92 to F&W Fund for enforcement of snowmobile laws $ 100,000			
		Boat registration fees - transferred on 4/1/92 to F&W Fund for admin. of navigation laws $ 950,000			
		Other conditions/limitations:			
		The department shall not spend more than $145,000 on out-of-state travel, unless notification is provided to to the chairs and ranking members of the ag. and natural resource appropriations subcommittee.			
		Moneys granted to the department by the council of great lakes governors regional biomass energy program shall be awarded to the dept. of agriculture.			

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Bill No.	Code Ref.	Title/Description	Action Dates	FTES	Notes
		DNR Appropriations FY 92 - Fish and Wildlife Administration $2,633,106 Law Enforcement Bureau $5,154,669 Fisheries Bureau $4,773,909 Wildlife Bureau $5,181,922 Division Management $ 184,848			
		Condition that, if there is a budget shortfall, the dept. avoid using funds for capitals & acquisitions unless specifically designated in the Code, or required to match federal funds. Personnel shall be reduced only as a last resort.			
		Additional Requirements/Duties of the Department: The department shall provide to the legislative fiscal bureau a quarterly report which lists the permanent positions added to or deleted from the dept's table of organization during the previous quarter. The list shall contain the position number, salary range, funding source, and reason for addition or deletion. The dept of revenue and finance, in cooperation with the department, shall track receipts to the general fund which have traditionally been deposited into the marine fuel tax and the energy research and development funds. The department shall prepare a report every 3 months which details the revenues from these receipts, and submit it to the legislative fiscal bureau.			

Bill No.	Code Ref.	Title/Description	Action Dates	FTES	Notes
		The department shall provide a monthly report to the leg fiscal bureau which details the indirect cost accounting procedure, amt of funding from each funding source for each cost center, and the dept's internal budget system. Report shall include financial data by cost center & funding source prior to start of fiscal year, and actual expenditures by cost center & funding source at end of fiscal yr.			
		EPD can fill 157.55 FTEs during FY 91.	effective upon enactment		
	455A.6(6)(d)	In addition to approving the budget for programs authorized by 455B, 455C, 455E, 455F, the EPC shall approve budgets for energy & geological resources, coordination & info, administrative services, and director's office.			
	455A.7(1) unnumbered paragraph 1	Adds the Director's Office and the Waste Managemt Authority to the list of divisions, then changes the word division to "administrative units".			
	455A.7(2)	Deletes language authorizing the position of deputy director.			
	455A.9	Authorizes the department to establish a schedule of fees for subscriptions to publications, including periodicals; does not include application forms and materials explaining dept. programs/duties. Fees shall cover reasonable costs of production and purblication.			

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Bill No.	Code Ref.	Title/Description	Action Dates	FTES	Notes
	455A.21	Procedure for filing reports with the General Assembly modified, to cut down on number of copies needed. Now, a limited number will be distributed to party leaders and staff, with a list of available reports sent to each member. Any additional copies sent shall be upon request only.			
		The department shall, by rule, establish prices of plants grown at state nurseries so that all expenses of growing the plants are covered.			
		The department shall develop programs to encourage the wise management and preservation of existing woodlands, and shall continue efforts to encourage forestation on public and private lands. The department shall encourage a cooperative relationship between state and private nurseries.			
		The department shall study how the application of lawn care chemicals contributes to contamination of surface and groundwater.	report due ASAP		
		The department shall not require the use/installation of equipment to control dust, particulate matter in grain storage facilities, if the area is in attainment for suspended particulates.			
	455A.5(6)	The department shall adopt by rule a schedule of fees for permits and conditional permits, including administrative costs. Monies shall be remitted to the department, and used to offset costs of permit and			

Bill No.	Code Ref.	Title/Description	Action Dates	FTES	Notes
		enforcement programs. Fees shall not be greater than actual department costs.			
	455E.11(2)(b)(3)(b)	Permits some flexibility in use of groundwater monies, grants to counties program. A county may, in limited cases, use well plugging money for well testing and vice versa.			
	107.23	The department, rather than the NRC, is charged with the responsibility of protecting, preserving,etc. wildlife of the state, including collecting all statistics. Language which permits the department to charge for printing and publication of this information was deleted.			
	107.33A	The NRC shall annually develop a priority list of watersheds, based on soil loss, which DALS shall use to allocate soil conservation funds under 467A, for watersheds above publicly owned lakes.			
	109.78	Private waters shall not be stocked by the dept. unless the owner agrees to open water to the public. The dept. shall establish, by rule, fees for fish used to stock these waters. Fees to be remitted to Fish and Wildlife fund.			
	455A.9	Codifies language in SF 150. Authorizes the department to use fish and wildlife funds which are not appropriated for fish and wildlife capitals projects and contingencies. Requires executive council approval.			

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Bill No.	Code Ref.	Title/Description	Action Dates	FTES	Notes
SF 532	session law, unless otherwise stated	STATE AGENCY DEAPPROPRIATIONS, FUND TRANSFERS - FY 91 DNR related sections: Transfers any unobligated balances in both the REAP fund and the Groundwater Fund (except oil overcharge and regents centers) to the general fund for FY 91.			signed by Governor
SF 542	session law	OIL OVERCHARGE APPROPRIATIONS To DNR for the following purposes: Groundwater programs, from Stripper: $2,360,000 State energy conservation program and energy extension service, from Exxon: $ 238,200 Oil Overcharge administration: $ 300,000 To DALS for the following purpose: Model Farms Demonstration, from Exxon: $ 600,000 To Human Rights for the following purpose: Low income weatherization, from Warner/Imperial and Exxon: $3,000,000 *Additional conditional language in the bill:* If SF 508 (Energy Independence bill) is enacted, the remaining money (after the initial 150K approp. to DNR) placed in the Energy Research & Development			awaiting Governor's signature

Bill No.	Code Ref.	Title/Description	Action Dates	FTES	Notes
		Fund shall be appropriated to the energy crisis fund (601K.102).			
	403A.11	Requires all low income and elderly housing rented through HUD to have insulation of specified R values in ceilings, floors, perimeter walls, basement walls. Insulation requirements are effective for all new construction after 7-1-91; existing buildings must meet requirements by 6-30-96.			
SF 545		PRODUCTION AND CONSUMPTION OF RENEWABLE FUELS (ETHANOL)			awaiting Governor's signature
	18.115(3)	All state vehicles operated through the vehicle dispatcher shall use ethanol blended fuel only (minimum of 10% ethanol). State credit cards shall be valid for ethanol blended fuel purchases only. Stickers shall be affixed to vehicles indicating that the vehicle operates on ethanol blended fuel.			
	159A.3	Establishes an office of renewable fuel within the agricultural marketing division of DALS. Office authorized to further renewable fuel activities based on price, production capacity and supply, ease and safety of transporation & storage, technological limitations, environmental impact, and the economic development opportunities the fuel provides.			
		Office has broad based duties, including coordination of state and federal renewable fuel activities, monitoring regulations, collecting data, encouraging renewable fuel producers to locate in the state,			

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Bill No.	Code Ref.	Title/Description	Action Dates	FTES	Notes
		conducting research, and analyzing state and federal regs. and programs. The primary purpose of the office is to promote the production and use of ethanol fuel.			
	159A.4	Establishes a renewable fuels advisory committee to assist the office of renewable fuels in providing general oversight of operations. DNR is not represented on the committee.			
	159A.7	Establishes a renewable fuels fund, to be used only to administer the chapter. A portion of the fund is designated to be used for promotion of ethanol fuel, another portion for research at U of I and ISU.			
	262.25A, 279.34, 280A.19A, 307.21(4) 331.908, 364.20, 601L.3	Requires vehicles purchased or operated by regents institutions, school corporations, merged area schools, DOT, counties, cities, and commission for the blind shall use ethanol blended fuel only. All must display stickers which indicate the use of ethanol blended fuel. Regents and DOT credit cards are valid for ethanol blended fuel purchases only. School corporations, merged area schools, cities, and counties have until 1/1/93 to comply.			
	session law	Requires the office of renewable fuel, the U of I, and dept. of General Services to conduct several types of ethanol projects			

Bill No.	Code Ref.	Title/Description	Action Dates	FTES	Notes
SF 548	session law	STATE EMPLOYEE SALARY BILL DNR related sections: (1) States the salary range for the director. (2) Funds the negotiated collective bargaining agreement for state employees belonging to the union. (3) Provides a 2% pay increase for employees not covered by a collective bargaining agreement. Employees shall not receive merit increases. The directors of IDOP, LSB, state board of regents shall conduct a study to determine the impact of the salary adjustment provisions in this bill. Findings and recommendations shall be reported to the General Assembly by 2/1/92.			signed by Governor; line item vetoed as noted**
SF 549		LOTTERY FUND APPROPRIATIONS - FY 92 Direct Use of Lottery Profits: Waste Vol. Reduc. & Recycling Fund $ 700,000			awaiting Governor's signature
	455D.15(2) 455D.15(3)	*Condition that half the money to be allocated to cities and counties pursuant to 455D.15(2). Allocations shall be based on population, and shall be used to implement comprehensive plans. The other half of the funds are to be used for activities in 455D.15(3); preference shall be given to provide grants for waste reduction.*			

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Bill No.	Code Ref.	Title/Description	Action Dates	FTES	Notes
	455E.11(2)(b)	Groundwater Protection Fund, Ag. Management Acct., to be used for plugging abandoned wells $ 100,000			
	455E.11(2)(b)	Groundwater Protection Fund, Ag. Management Acct., to be used for rural well testing $ 100,000			
	99E.32(4)(e)	Iowa State Water Resource Research Institute for research on subsurface water and nutrient management systems $ 50,000			
		Environmental Protection Division for surface water assessment $ 100,000			
	467A.42 through 467A.75	Soil Conservation Div. of DALS for soil and water conservation cost-share $ 200,000			
	467F.4	Water Protection Fund in DALS for filter strips and waterways $ 150,000			
		Soil Conservation Div. of DALS for reforestation programs $ 150,000			
		Iowa Energy Center for energy efficiency projects in transportation $ 200,000			
		Iowa Energy Center for competitive grants to communities for energy efficiency and self sufficiency $ 200,000			
		DALS for on-farm alternative fuels demonstrations $ 100,000			
		DNR for energy efficiency programs $ 150,000			
		Renewable fuel fund in DALS (SF 545) $ 300,000			
		Resource Enhancement & Protection $2,500,000			
		Agencies appropriated funds above may use some of the moneys for administration, including additional FTEs. Any additional FTEs added shall be reported to the legislative council.			

Bill No.	Code Ref.	Title/Description	Action Dates	FTES	Notes
		Lottery Profits used to reimburse General Fund:			
		Soil Conservation Cost Share, DALS $ 6,439,972			
		Parks and Preserves Division, DNR $ 5,377,899			
		Forests & Forestry Division, DNR $ 1,617,265			
		Environmental Protection Division, DNR $ 1,973,992			
		Ag. Experiment Station, ISU $18,165,260			
		Leopold Center, ISU $ 592,224			
		Comparative Ag. Research $ 3,948,492			
HF 109		**PROHIBITING SHOOTING ACROSS A HIGHWAY/ HUNTER HARRASSMENT**			awaiting Governor's signature
	109.54	Adds shotgun (with slug load), pistol, and revolver to shooting rifle as the types of firearms that cannot be fired across a public roadway. Does not apply to peace officers or military personnel.			
	109.125	Prohibits a person from harassing a hunter, fisher, or trapper when doing it legally. This does not include a landowner or lessee from prohibiting these activities on their own land.			
HF 173		**STATE AGENCY DEAPPROPRIATIONS AND TRUST FUND TRANSFERS - FY 91**			signed by Governor; line item vetoes as noted
		DNR related sections (reduction of FTEs in FTE column at right):			
		Administrative Services - reduced from $1,903,642 to $1,763,272		reduced by 5	

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Bill No.	Code Ref.	Title/Description	Action Dates	FTES	Notes
		Coordination & Information - reduced from $788,691 to $732,871 Energy & Geological Resources - reduced from $1,260,841 to $1,253,041 Environmental Protection - reduced from $2,105,700 to $1,983,750 Forests & Forestry - reduced from $1,581,069 to $1,535,269 Parks and Preserves - reduced from $5,415,886 to $5,260,106 *Additional reduction: $13,000 of the amount budgeted for out of state travel for the remainder of the fiscal year.* REAP - use of lottery profits for REAP reduced from 25 million to 20 million for FY 91. Transfers the remaining lottery profits & interest (from the CLEAN fund) to the general fund. **DNR Trust Fund Transfers (to General Fund):** All unobligated balances in the following funds are to be transferred to the general fund for FY 91. Energy Research and Development Fund (93.14) State Conservation Fund (107.17) Administration Fund (107.17) Public Outdoor Recreation & Resources Fund (107.17) County Conservation Board Fund (107.17) Marine Fuel Tax Fund (324.79)		reduced by 1 no change reduced by 2 reduced by 1 reduced by 2	

Bill No.	Code Ref.	Title/Description	Action Dates	FTES	Notes
		Condition: Moneys transferred for this fiscal year (for all the above funds) are to be spent for their intended purpose. Depreciation Fund, State Vehicle Dispatcher ($3,800,000); moneys associated with activities under fish and game protection fund are exempt from transfer. **Other provisions:**			line item vetoed
	8.23	Requires that beginning in FY 92, state agency base budget requests reflect reductions in FTEs and salary monies due to vacancies the previous fiscal year.			line item vetoed
	93.14	Energy Research and Development Fund is to become part of General Fund for FY 92 and 93, with the department receiving an annual appropriation of $150K.			
	107.17	Transfers all moneys in the conservation, administration, public outdoor recreation & resources, and county conservation funds to the general fund for FY 92 & 93. Funds are then to be appropriated out of the general fund.			line item vetoed
	107.19	Prohibits any moneys from being deposited into the Administration Fund for FY 92.			line item vetoed
		Requires that administrative costs (administration and conservation fund expenditures) be paid from appropriations.			line item vetoed

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Bill No.	Code Ref.	Title/Description	Action Dates	FTES	Notes
HF 233	110.27	HUNTER SAFETY AND ETHICS EDUCATION PROGRAM Amends existing code and adds a new subsection. Persons born after January 1, 1967, shall not obtain a hunting license unless the person has completed a hunter safety and ethics education course approved by the Natural Resource Commission. A person born after 1/1/67, who already has obtained a license, must meet the new requirement or the license will be revoked. These persons must also carry a valid certificate of course completion while hunting. Changes all references regarding this program from "commission" duties to "department" duties.			awaiting Governor's signature
HF 274		OMISSION OF NULLIFIED ADMIN. RULES FROM THE IOWA ADMINISTRATIVE CODE			signed by Governor
	17A.6(1)	The Iowa Administrative Bulletin shall contain resolutions, passed by the General Assembly, which nullify administrative rules.			
	17A.6(3)	The Code Editor shall omit rules/portions of rules which have been nullified by a passed resolution.			
HF 288	106.35	BOATING REGISTRATION REQUIREMENTS Exempts boat manufacturers from registration requirements if they store, repair, or alter vessels (current code language limits it to vessels owned).	effective 4/24/91		signed by Governor

Bill No.	Code Ref.	Title/Description	Action Dates	FTES	Notes
HF 289		OPERATION OF SNOWMOBILES, ATVS, AND MOTORCYCLES			awaiting Governor's signature
	321G.6	Allows motorcycles to be registered as all terrain vehicles, permits motorcycle owners to participate in all programs designed for all terrain vehicles, except safety instruction and certification programs.			
	321G.13(11)	Permits non-ambulatory persons to carry an uncased and unloaded firearm while operating or riding an ATV or snowmobile.			
	321G.16	Requires that motorcycle owners pay a fee to participate in ATV special events. The DNR may require that a portion of that fee be credited to pay for ATV programs. Also amends this section by replacing duties of the commission with duties of the department.			
	321G.24(1)	Persons under 18 shall not operate snowmobiles or ATVs on public lands, or land purchased with snowmobile or ATV registration funds, without obtaining a safety certificate from the department.			
HF 302		INFECTIOUS WASTE MANAGEMENT			awaiting Governor's signature
	455B.133(4), unnumbered paragraph 1	Repeals the stringency clause for air emissions from infectious medical waste treatment or disposal facilities. Standards for hospitals/groups of hospitals licensed under Chap. 135B, operating prior to 1/1/91, must be consistent with federal law until 1/1/95.			

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Bill No.	Code Ref.	Title/Description	Action Dates	FTES	Notes
	455B.335A	The director shall require dispersion modeling for radiological isotopes for existing or proposed incinerators which dispose of pathological radioactive materials. Results must fall within emission standards adopted by the US EPA in order for the permit to be continued or granted. The department shall also conduct a public hearing after the results of the modeling are submitted. If the results are not within federal standards, the modeling must be repeated with best available control technology (BACT).			
	455B.501A	Requires that regents' universities conduct monitoring of their infectious medical waste incinerators to measure compliance with emission limitations/standards adopted by the department. Incinerators may continue to operate only if standards are met (this may require installation of BACT for toxics, as defined by the department).			
	455B.502	The commission is to adopt rules requiring operating permits for infectious waste treatment and disposal facilities. Operation permits to include operator safety, recordkeeping/tracking procedures, BACTs, emergency response/remedial action, waste min-imization, and long term liability.	proposed rules due 1/15/92		
	455B.503	The commission shall adopt rules requiring operating permits for infectious waste collection and transportation operations. Content of rules same as for operating permits above.			

Bill No.	Code Ref.	Title/Description	Action Dates	FTES	Notes
	455B.504	Prohibits the department from issuing a permit for an infectious waste facility within one mile of a site or building which is on the National Register of Historic Places. This doesn't apply to hosptials, doctors offices, other health care facilities.			
	session law (amending 1990 Iowa acts, chapter 1191, section 5)	Extends the moritorium for infectious waste incinerators (and adds all treatment and disposal facilities to the moritorium), until at least 7/1/92, and not before the department adopts rules for operating permits. Moritorium does not apply to hospitals licensed under 135B, if they accept waste only within the hospital(s) service area. Small quantity generators who don't treat the waste themselves must take safety precautions to minimize the public hazard. The department, in cooperation with the department of public health, shall adopt rules specifying these safety precautions.	effective upon enactment		
		Additional operating requirements for infectious waste treatment/disposal facilities include: facility designed to accept waste from within 75 miles of state border; monitoring and stack testing conducted at least every 3 years; facility uses BACT; emissions are within federal and/or state standards; facility pays an operating fee (established by the commission); large quantity generators have to submit comprehensive plans, while small quantity generators have to participate in the development of a city, county, other public agency comp. plan; facility has applied for/is qualified for all necessary permits; facility has means of treating or disposing of ash or residue.			

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Bill No.	Code Ref.	Title/Description	Action Dates	FTES	Notes
		Existing facilities have until 7/1/93 to comply with rules adopted; facilities becoming operational after 5/1/91 must comply with standards and limitations as they are adopted. DNR and dept of public health shall adopt rules defining small quantity generators.			
HF 325		WELL CONTRACTOR CERTIFICATION			signed by Governor
	455B.190A	Establishes some definitions, including "well services" for the purposes of this program. Well services are defined as new well construction, well reconstruction, installation of pitless equipment, or well plugging.			
		Beginning 7/1/93, a person shall not act as a well contractor without being certified; current registration program will be replaced by certification.			
		The department shall develop a certification program, which will include minimum work experience levels, completion of an examination, and continuing education requirements. The department shall also provide for provisional certification in limited circumstances. Certified contractors will pay a fee, established by rule, which is sufficient to cover program costs.			
		A well contractor's council is established to assist in rule development for the program, including certification criteria, examination content, continuing education requirements, and production of a			

Bill No.	Code Ref.	Title/Description	Action Dates	FTES	Notes
		consumer information pamphlet. Council members are to be appointed by the Governor and confirmed by the Senate. The council shall be dissolved after rules are adopted, and the examination has been administered twice.			
HF 373	107.24	AUTHORIZING CONSERVATION OFFICERS TO ISSUE WARNING CITATIONS			signed by Governor
		The department shall adopt rules authorizing conservation officers who are peace officers to issue warning citations for violations of chapters 106 through 112, and chapter 321G.			
HF 375	455D.9A	PROHIBITING THE DISPOSAL OF BALED SOLID WASTE			signed by Governor
		Beginning January 1, 1992, a person shall not dispose of baled solid waste at a sanitary landfill; landfill operators shall not accept it for disposal. Solid waste which is baled on-site is exempted. The department shall adopt rules which define baled solid waste.			
HF 479		STATE AGENCY APPROPRIATIONS - FY 92			signed by Governor
		$10,900,000 of general fund is appropriated to REAP for FY 92. If lottery proceeds are also appropriated for REAP, the general fund contribution will be reduced by the amount of the lottery appropriation.			

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Bill No.	Code Ref.	Title/Description	Action Dates	FTES	Notes
	18.117	State officers and employees, when using their own vechicles for state business, shall be reimbursed at a level which may be the maximum allowable under federal IRS rules (was 21 cents/mile).			
	79.90	Same language applies for public employees who are not state employees.			
	106.78(1) & (5)	Places a five dollar surcharge on all certificates of title, transfers of title, duplicates, security interests, and corrected certificates of title for boats. Money is to be remitted to the general fund.			
	321.20, 23, 42, 46, 47, 48, 50, 52	Similar provision for motor vehicles - five dollar surcharge on all above applications shall be remitted to the state, for deposit in the general fund.			
	556.4	Shortens the time that utilities are required to hold unclaimed deposits and refunds from two years to one year (these monies go into the energy research and development fund).			
	session law	Allows retirees between the ages of 55 and 65, who have worked for the state at least 10 years, to participate in the state health plan. Applies to those retiring between 8/1/91 and 8/1/93.			
HF 571	455A.4(1)	REQUIRED REPORTING ON STATE PARKS AND PRESERVES The department is required to submit a report to the natural resource commission and the general assembly by 1/15/92, and every 5 years thereafter, which contains the following:			signed by Governor

Bill No.	Code Ref.	Title/Description	Action Dates	FTES	Notes
		(1) Classification of the state's parks, recreation areas, and preserves, and recommendations for reclassification based on present and future use; (2) Methods for maintaining the diversity of animal and plant life in state parks, rec areas, and preserves; (3) Options for deer hunting to control overpopulation; (4) Prevention of damage to private property adjacent to these public areas.			
HF 592	17.11	DOCUMENTS FILED WITH THE GENERAL ASSEMBLY Documents that departments or officials are required to submit to the general assembly need only provide copies to the following persons: the clerk of the house, the secretary of the senate, each caucus or research staff director of the general assembly. The clerk of the house and the sec. of the senate shall provide a list of documents and materials available to the leg service bureau. LSB shall provide a weekly list of these documents to the general assembly, and handle any requests for copies.			signed by Governor
HF 610	108B	MISSOURI RIVER PRESERVATION AND LAND USE AUTHORITY Creates a Missouri River preservation and land use authority, comprised of individuals from county conservation boards, elected officials, members of the general public, and ex officio members (a natural resource commission member, and reps. from DOT,			awaiting Governor's signature

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Bill No.	Code Ref.	Title/Description	Action Dates	FTES	Notes
		cultural affairs, and the attorney general). The purpose of the authority is to research and prepare comprehensive plans, and implement strategies for creating multipurpose recreational areas, providing for environmentally sound land and water use practices for land adjacent to the river, and designating/ prioritizing land purchases. The authority shall cooperate with local authorities to accomplish these goals. The authority shall consult with affected persons and groups when developing proposals for acquisition and development of Missouri River property, and conduct public public hearings on proposals. The authority shall report its proposals and findings to the General Assembly; an initial report outlining a ten year plan shall be submitted 1/1/93. This bill also establishes a Missouri River Preservation and Land Use Fund, to be administered by the authority. Money deposited in the fund shall be used for plan development, land acquisition, and property tax payments.	report due 1/1/93		
HF 649		TECHNICAL CORRECTIONS TO HAZARDOUS WASTE LAWS			signed by Governor
	455B.381(2) 455B.411(1) 455B 423, 426, 427 , 428, 430	Renames "abandoned and uncontrolled disposal site" as "hazardous waste or hazardous substance disposal site" in sections of 455B referring to hazardous waste sites (state registry) and hazardous			

Bill No.	Code Ref.	Title/Description	Action Dates	FTES	Notes
		conditions.			
	455B.411(1)	Amends the definition of a hazardous waste or hazardous substance disposal site to include any adjoining real property and groundwater affected by the disposal activities.			
HF 657		CHANGING REFERENCES FROM GASOHOL TO EHANOL BLENDED GASOLINE			signed by Governor
	214A.2(3) 323A.2(1) 324.2(7) 324.3(5) 324.8(6) & (7) 324.18 324.21 324.85(1) 422.45(11)	Updates all these sections of the code which refer to "gasohol", by changing the wording to read "conventional blend ethanol" or "ethanol blended gasoline".			
HF 661	455B.103A 455B.105(11)(a)	GENERAL PERMITS Authorizes the department to issue general permits for stormwater discharges. The conditions of a general permit shall be adopted by rule. A person proposing to conduct activities under a general permit shall provide notice of intent on a form provided by the department. In addition, the person shall provide notice in the two largest newspapers in the area of the facility. If, at any time, the department finds that an activity is not covered by a general permit, the department shall require that the person apply for an individual permit.	effective 5/6/91		signed by governor

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Bill No.	Code Ref.	Title/Description	Action Dates	FTES	Notes
		Other conditions of this general permit program are: (1) the department shall perform on-site inspections and review monitoring data to assess the effectiveness of a general permit; (2) the department shall establish a procedure for the filing of complaints by persons believing themselves to be adversely affected; (3) applicants shall pay a permit fee, to be established by rule; (4) three years after the adoption of a general permit by rule, the department shall assess the activities and determine if any significant adverse environmental impact has occurred.			
HF 683		TOXICS POLLUTION PREVENTION	effective upon enactment		awaiting Governor's signature
		Establishes a policy and goal of pollution prevention through pollution prevention techniques, in preference to waste management or pollution control.			
	455B.502	Provides several definitions, including 'toxics user', 'toxic substance', and 'toxic pollution prevention technique'.			
	455B.503	Outlines the duties of the Waste Management Authority in establishing a voluntary toxics pollution prevention program. These duties include rule development, identifying obstacles to pollution prevention, compiling an assessment inventory of information and technical assistance needs of toxics users and air contaminant sources, being a repository of information regarding pollution prevention activities, and making recommendations to the			

Bill No.	Code Ref.	Title/Description	Action Dates	FTES	Notes
		general assembly regarding a permanent funding mechanism for the pollution prevention program.	report due 1/1/92		
	455B.504	Specifies the content of the pollution prevention plans that toxics users will be encouraged to develop and implement. Plans are to include types, amounts of toxics used, current production techniques which utilize toxic substances, alternative techniques which would reduce the amount of toxics used, and any plans to implement these techniques.			
	30.7	Requires the department of employment services to compile data from the emergency and hazardous chemical inventory forms (Community Right-to-know) by county, and provide the summary to at least one public library in each county.			
	30.8	Requires the DNR to compile toxic release inventory (TRI) data, and make it available to the public.			
	455B.133, 455B.134(3), (9) 455B.141	Authorizes the department to issue air operation permits pursuant to the federal clean air act amendments of 1990. Rules governing the program shall include permit conditions and fees on regulated pollutants sufficient to cover program costs. The department is also authorized to take enforcement actions.			
	455B.133B	Permit fees are to be deposited in a separate fund, and used only for the air quality program.			

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Bill No.	Code Ref.	Title/Description	Action Dates	FTES	Notes
	455B.133A	A temporary air toxics fee is imposed until the air operation permit fee is established. The fee, $25/ton, shall be paid on the 189 air toxics regulated under the federal clean air act amendments. The reporting for purposes of this fee shall be based on TRI reporting. Fees are due 11/1/91. The first 50K shall be used for the pollution prevention program ($2,000 to go to Dept. of Employment Services), with the remainder going to fund the air operation permit program. The department shall report to the general assembly by 2/15/92 regarding the amount of fees collected.	2/15/92		
	session law	The department may hire additional staff to implement the responsibilities mandated by this bill.			
	455D.19(6)(a)	Amends language which bans packaging with heavy metals. Amendment allows packaging used by the alcoholic beverage industry to contain heavy metals in excess of specified levels until 7/1/92.			
HF 703		INCREASING HUNTING AND FISHING LICENSE FEES			awaiting Governor's signature
	109.60	Exempts persons who breed rock doves and pigeons from having to obtain a game breeders license.			
	109.95	Requires only non-resident fur dealers to pay a fee for a location permit.			

Bill No.	Code Ref.	Title/Description	Action Dates	FTES	Notes
	110.1(1-6)	Fees are increased as follows:	effective 12/15/91 except as noted		
		Fishing - resident $ 10.50			
		nonresident $ 22.50			
		7 day license $ 8.50			
		trout stamp $ 10.00			
		Hunting - resident $ 12.50			
		deer, resident $ 25.00	7/1/91		
		turkey, resident $ 22.00	7/1/91		
		Hunting - nonresident $ 60.50			
		deer, nonresident $110.00	7/1/91		
		turkey, nonresident $ 55.00	7/1/91		
		hunting & fishing combined, resident $ 23.50			
		hunt, fish, fur harvester combined, resident $ 37.50			
		fur harvester, dealer, game breeder, resident $ 20.50			
		harvester, dealer, breeder, under 16, resident $ 5.50			
		fur harvester, nonresident $175.50			
		fur dealer, resident $225.00			
		fur dealer, nonresident $500.00			
		game breeder $ 15.00			
		location permit, nonresident fur dealer $ 55.00			
		scientific collector's license $ 5.00			
		private fish hatcheries $ 15.00			
		bait dealer, resident $ 30.00			
		bait dealer, nonresident $ 60.00			
		taxidermy $ 15.00			
		falconry (3 years) $ 20.00			
		nongame support certificate $ 5.00			
		special wildlife habitat stamp $ 5.00			
	110.24	Adds residents who are disabled veterans and POWs of the Persian Gulf War to list of persons eligible for a lifetime hunting and fishing combined			

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Bill No.	Code Ref.	Title/Description	Action Dates	FTES	Notes
		license. Permits permanently disabled persons, whose income is below federal poverty guidelines, to obtain a fishing & hunting combined license at no charge. Lifetime licenses issued before 1/1/92 are valid.			
HF 706		INCREASING AND APPROPRIATION OF SOLID WASTE TONNAGE FEES			awaiting Governor's signature
	9B.1	Requires all persons hauling more than 40 waste tires to register with the secretary of state. The secretary of state shall establish the requirements, but they shall include requiring haulers to pay damages caused by improper disposal, and shall require proof of financial assurance (of at least 10K). Registrations shall be valid for one year; the secretary of state shall charge a fee for registration. Violators of this provision are subject to a 10K civil penalty. Penalties collected are to be deposited in the waste volume reduction and recylcing fund.			
	455B.310(2)	Beginning 7/1/91, the solid waste tonnage fee is increased an additional 75 cents per ton (so the total tonnage fee beginning in July will be $3.75). The moneys collected are to be appropriated as follows: (1) 10 cents to DNR for grants to regional economic development centers for a by-product and waste exchange service. The department shall allocate up to 30K to the Iowa Waste Reduction Center to provide			

Bill No.	Code Ref.	Title/Description	Action Dates	FTES	Notes
		training and technical assistance. (2) 15 cents to DNR to establish permanent HHW collection centers. (3) 5 cents for HHW center transportation costs (i.e., hazardous waste haulers). (4) 12.5 cents for additional toxic cleanup days. (5) 27.5 cents to DNR for low/no interest loans to Iowa businesses who manufacture products using postconsumer materials. Priority to be given to tire recycling. DNR and DED shall cooperate in developing the rating criteria and in monitoring the loans. (6) 5 cents to DED for recycled product marketing initiative. For FY 92, 50K to be used for biomass research. For FY 93, 50K to be granted out to businesses needing new equipment to implement waste reduction techniques.			
	455B.310	Authorizes the department to grant exemptions from the 75 cent tonnage fee increase if: the landfill has a contract with another person which specifically prohibits a fee increase, and the contract cannot be renegotiated. The contract must also have been in effect prior to 1/1/91, and cannot have been amended since that time. Application for the exemption shall be made on forms provided by the department. This exemption clause is in effect until 1/1/93. This section is also amended to require a reduced tonnage fee for foundry sand which is used as landfill daily cover. For FY 92, 40% of this material from any one source shall be charged $1.00/ton, with the			

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Bill No.	Code Ref.	Title/Description	Action Dates	FTES	Notes
		remaining material charged the regular fee. For FY 93, the fee for the 40% shall be $1.50/ton. After that time, the tonnage fee for all foundry material is the regular fee.			
	455E.11(2)(a)(11)(b)	Allocates 15 cents of current tonnage fees which, to date, remain unallocated. Allows cities and counties that operate landfills (and are responsible for impementing comprehensive plans) to keep the money for waste reduction and recycling. In the case of private landfills who are not responsible for implementing a comp. plan, they are to submit the money to DNR. The department will return it to the agency responsible for comp. plan implementation. All landfill operators must report to the department regarding what activity they used the money for (the activity must be part of their comp. plan).			
	455D.11	The environmental protection commission shall adopt rules which require all persons who contract for waste tire disposal, do so with a registered hauler. The rules shall also contain a requirement that all persons transporting waste tires for final disposal bring them to a permitted sanitary disposal facility.			

Director Wilson presented an overview of 1991 legislation items pertaining to DNR, particularly bills of interest to the Commission. Director Wilson stated that he feels it was a good year in the legislature with ~~six~~ five commissioners and a director re-appointed, and confirmed, a license fee increase received, REAP money appropriated, and some good support from the legislature. one New Commissioner appointed,

This was an informational item; no action was required.

GENERAL DISCUSSION ITEMS

Director Wilson distributed a newspaper clipping showing statistics on how buffer strips help to filter pollutants.

Chairperson Hartsuck asked about the status of the Midwest Low Level Radioactive Waste Compact Commission.

Director Wilson stated that he believes, at their June 25 meeting, there will be an indication from Michigan that they wish to withdraw from the compact. The commission will then meet at a later date, revoke their membership and will have to then designate a new host state.

Nancylee Siebenmann reported that CHEEC has published data on aquifers and water wells throughout the state. She added that she has copy of the report if anyone would like to see it.

Chairperson Hartsuck noted that he received a letter from Ken McNichols, Director of the Iowa Limestone Producers Association, inviting the Commission to tour a facility and he would be happy to make the arrangements.

ADJOURNMENT

Motion was made by William Ehm to adjourn the meeting. Seconded by Nancylee Siebenmann. Motion carried unanimously.

With no further business to come before the Environmental Protection Commission, Chairperson Hartsuck adjourned the meeting at 5:00 p.m., Monday, June 17, 1991.

Larry J. Wilson

Larry J. Wilson, Director

Richard Hartsuck, Chairperson

Nancylee Siebenmann, Secretary

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