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Agenda

Environmental Protection Commission

August 17, 1998
10:00 AM
Wallace State Office Building, Fourth Floor Conference Room

Public Participation **10:30 A.M.**

Agenda Topics

1.	Approve Agenda	
2.	Approve Minutes of July 20, 1998	
3.	Budget FY 2000-2001	Stan Kuhn (Information)
4.	Toxic Cleanup Days Contract Approval	Roya Stanley **(Decision)**
5.	Waste Management Assistance Division Communication Strategy	Roya Stanley (Information)
6.	Monthly Reports	Allan Stokes (Information)
7.	Summary HF 2494, An Act That Further Regulates Animal Feeding Operations	Allan Stokes (Information)
8.	Non Point Source Pollution Control Project Contracts	Allan Stokes **(Decision)**
9.	Non Point Source Pollution Control Project Contracts - FY 98 Funds	Allan Stokes **(Decision)**
10.	Final Rule--Chapter 28, New and Revised NAAQS	Allan Stokes **(Decision)**
11.	Final Rule--Chapter 20, 22, 23, Case-by-Case MACT	Allan Stokes **(Decision)**
12.	Final Rule--Chapter 22, 23, Acid Rain Exemptions and Primary Aluminum Reduction Plants NESHAP	Allan Stokes **(Decision)**
13.	Referrals to the Attorney General a) Lehigh Portland Cement Company (Mason City) b) Edward Bodensteiner (Des Moines)	Allan Stokes **(Decision)**
14.	General Discussion	
15.	Address Items for Next Meeting	

Next Meeting Dates
September 21, 1998 (Rathbun Hatchery)
October 19, 1998
November 16, 1998

ENVIRONMENTAL PROTECTION COMMISSION

Monday, August 17, 1998

NAME	COMPANY OR AGENCY	CITY
(PLEASE PRINT)		
Cathy Woollums	MidAmerican Energy	Davenport
Susan Heathcote	Iowa Environmental Council	Des Moines
Catharine Fitzsimmons	DNR - Air Quality	DSM
ARLEEN KAIZER	DNR Air Quality	DSM
JANE McALLISTER	AHLERS LAW FIRM	DSM
Mark Siebert	DSM Register	DSM
TIM McDERMOTT	Legislative Service Bureau	DSM
Andrew Fogue	IA League of Cities	DSM
DAN WEST	GROWMARK, INC.	Bloomington, IL
[illegible]	IA Dept Econ Devlp	DSM
Wayne Farrand	DNR - WQ	DM
KATHY MORRIS	ISOSWO	Davenport.
Mel Pins	DNR	WALLACE BURN
Deb Kozel	LFB	Des Moines
Helen F Mahler	Sierra Club	Des Moines, IA
Chris Garrett	Farm Bureau	Des Moines
FOX, T. J.	BROWN, WINICK	DES MOINES
Hal Morton	DMCRSWC	Burlington

ENVIRONMENTAL PROTECTION COMMISSION

Monday, August 17, 1998

NAME	COMPANY OR AGENCY	CITY
(PLEASE PRINT)		
Scott Yoney	Bryan Cave	KC

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MINUTES

OF THE

ENVIRONMENTAL PROTECTION COMMISSION

MEETING

AUGUST 17, 1998

WALLACE STATE OFFICE BUILDING
DES MOINES, IOWA

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MEETING MINUTES

CALL TO ORDER

The meeting of the Environmental Protection Commission was called to order by Chairman Ehm at 10:00 a.m. on Monday, August 17, 1998, in the Wallace State Office Building, Des Moines, Iowa.

MEMBERS PRESENT

William Ehm, Chair
Rozanne King
Dean McWilliams
Charlotte Mohr, Secretary
Kathryn Murphy
Gary Priebe
Terrance Townsend, Vice-Chair
Rita Venner

MEMBERS ABSENT

Randal Giannetto

ADOPTION OF AGENDA

Motion was made by Charlotte Mohr to approve the agenda as presented. Seconded by Terrance Townsend. Motion carried unanimously.

APPROVED AS PRESENTED

APPROVAL OF MINUTES

Motion was made by Dean McWilliams to approve the meeting minutes of July 20, 1998, as presented. Seconded by Rita Venner. Motion carried unanimously.

APPROVED AS PRESENTED

BUDGET FY 2000-2001

Stan Kuhn, Division Administrator, Administrative Services Division, presented the following item.

Preliminary budget information will be presented at the August meeting to both the NRC and EPC for discussion purposes. Although no formal action is expected. each commission will be asked to provide guidance for purposes of preparing the final recommendations for presentation at the September meetings..

The Iowa Code provides that the NRC approve the agency's budget request as it relates to Fish and Wildlife, Parks, Forestry, and the Five-Year Capital plan. The EPC has similar budget authority regarding the Environmental Protection, Waste Management Assistance, and Energy & Geology. Both commissions have budget request approval authority regarding the Director's office, Information and Education and Administrative services. Guidance from DOM requests that State agencies submit a general fund request similar to or less than the current appropriation.

Either with this brief, or shortly thereafter, each commission will be provided the following items:

Preliminary Five Year Capital Plan: The preliminary plan is based on the following assumptions: (a) a REAP appropriation of $9 million, (b) a Marine Fuel Tax appropriation of $2.3 million, (c) continuing the Restore the Outdoors infrastructure appropriation of $3 million, (d) requesting continuation of the lakes dredging program and recreational grant program initiated by the 1998 G.A., (e) maintaining current fee levels, and (e) funding levels for other programs similar to previous years.

Standard Budget Detail: The following items are attached:

A. Appropriation request summary.
B. Division operations summary, actual, budget request and FTE.
C. Fish and Wildlife revenue & expense summary and cash flow.
D. Special funds, Groundwater, REAP, Tire, Water Protection.
E. Special revenues revenues, actual and estimated.
F. Operations decision packages array from base to lowest priority.

Staff expects to recommend an increase of approximately $1.5 million in the Air program to replace emission fees and hazardous waste remedial funding for the portion of the Air program other than related to the recent update of the Federal Clean Air Act. This increase for FY00 and beyond was reflected in last year's request.

Staff is recomending that the increase in staffing for the Floodplains program of 2 FTE funded with Storm Water fees be continued in FY00/01. A request for 2 FTE and $2 million annually is included in the decision package schedule to enhance groundwater monitoring, as explained at the July EPC meeting.

Staff is also considering the following environmental protection program initiatitves:

Total Maximum Daily Load (TMDL); 5 FTE, $500,000. EPD staff estimates this level of resources is needed to meet TMDL requirements with respect to water quality management and planning.

Animal Feedlot Operations: Full implementation of HF2494 will require additional EPD staff. Our current, conservative estimate is that 11 more FTE , $600,000, will be needed in FY00/01. This estimate is subject to change pending further analysis of workload.

Stream Gauging, $300,000: Stream gauging has been reduced drastically durning the past ten years. This negatively impacts DNR's ability to manage water use during drought; the ability of the floodplains staff to forecast high river flows during floods; and the ability of the water quality program to assure water quality standards.

"Brownfields" Implementation; 2.5 FTE, $250,000. While enrolled sites are expected to pay the state up to $7,500 per site, it will be necessary to provide a minimum level of staffing to manage the program; provide for "start-up" costs; and anticipate that the statuatory $7,500 fee may not be sufficient to pay all costs.

Staff is considering recommending an increase of $250,000 in the general Fish and Wildlife operating budget. This reflects a desire to compensate for inflationary pressures related to ordinary operating items and increased costs of printing associated primarily with more complex deer hunting regulations. Also under consideration is a increase of one FTE in Forestry to compensate for increased Loess Hills Forest workload and requests from landowners for technical forestry assistance.

The Waste Management Assistance division is requesting augmentation of the Landfills Alternative grants program with $1.3 million of state sales taxes currently collected on commercial solid waste collection and disposal services. The division believes this increase will be necessary to accomplish the 50% waste reduction goal. This funding approach was recommended by the Waste Management Monitoring Committee (WMMC) to the Legislature last spring. This would offset, to a degree, the decrease in landfill revenues resulting from recent statuatory changes.

Current Level: Other than referenced above, staff expects to recommend a budget reflecting the current level of operating and program activity.

Budgeting For Results (BFR): Each division is preparing performance or result oriented information at the "program" level. DNR divisions, REAP, Infrastructure and the Groundwater program have been defined as "programs.". The intent of BFR is to provide policy makers with more performance information regarding what an agency accomplishes in addition to the tradition focus on input (salaries, travel, etc.). To the degree possible, the supplemental BFR result measures will be presented to the commissions along with final staff budget recommendations at the September meetings.

The Iowa Code requires that agency budget requests be presented to DOM by October 1st. As a practical matter, budget staff are currently assembling and inputing budget detail into the computerized budget system. General, informal direction from each conmission is needed at the August meeting so that preparation of budget detail can be continued in an orderly manner. Based on input received at this meeting and previously, staff will present a final budget recommendation for approval at the September meetings of the NRC and EPC.

DEPARTMENT OF NATURAL RESOURCES
APPROPRIATION REQUEST SUMMARY
(Dollars in thousands)

Appropriation Name	FY 97 Actual	FY 98 Actual	FY 99 Actual	FY 00 Request	FY 01 Request
General Fund Appropriations					
General Fund Operations	12,928	14,414	15,613	19,175	19,175
REAP	9,000	9,000	9,000	9,000	9,000
Marine Fuel Tax Operations	411	411	411	411	4,111
Water Quality Protection	729	729	414	729	729
ISU Water Contamination Studies	0	0	300	0	0
Lewis and Clark Rural Water System	0	15	15	0	0
Park Officer Retirements	0	350	0	150	150
State Voluntary Clean-up Program	65	0	0	0	0
Total General Fund Appropriations	23,133	24,919	25,753	29,465	33,165
Other Appropriations					
Fish and Wildlife Operations	21,888	22,758	23,499	23,299	23,199
Fish and Wildlife Officer Retirements	0	245	0	0	0
Fish and Wildlife Capitals	500	5,100	6,306	4,396	4,561
Park Facility Restoration	0	3,000	3,000	3,000	3,000
Marine Fuel Tax Capitals	1,800	1,800	2,288	2,300	2,300
Lake Dredging Program	0	0	2,200	2,200	2,200
E. Bedell State Park Renovation	0	0	430	278	50
Blufflands Revolving Loan Program	0	0	500	0	0
Recreational Grant Matching Program	0	0	2,500	2,500	2,500
Groundwater Fund	11,814	12,112	12,325	12,212	12,038
Oil Overcharge	1,115	1,065	1,440	510	0
ISU Earthen Storage Structure Study	0	200	0	0	0
ISU Private Well Study	0	0	50	0	0
UST Administration Match	75	75	75	75	75
Snowmobile Fee Transfer to FW	100	100	100	100	100
Boat Registration Fee Transfer to FW	1,300	1,350	1,600	1,400	1,300

Appropriation to USDA	0	50,000	0	0	0
Total Other Appropriations	38,592	97,805	56,313	52,270	51,323
Total Appropriations	61,725	122,724	82,066	81,735	84,488
Staffing Budgeted FTE	999	1005	1016	1018	1018
Staffing Actual FTE	938	960	980		

DEPARTMENT OF NATURAL RESOURCES
Revenue estimates by fund
(Dollars in thousands)

Fund Name	FY 97 Actual Receipts	FY 98 Actual Receipts	FY 99 Budgeted Receipts	FY 00 Budgeted Receipts	FY 01 Budgeted Receipts
Fish and Wildlife Trust Fund	26,593	27,952	27,170	27,170	27,170
Conservation Fund Parks	2,889	2,993	2,776	2,776	2,776
Conservation Fund Forestry	696	804	779	779	779
Administration Fund	456	442	424	424	424
Red Rock Condition 5	61	347	70	70	70
Riverton Condition 5	0	38	50	50	50
Rathbun Condition 5	25	25	25	25	25
Coralville Condition 5	60	94	60	60	60
Saylorville Condition 5	46	58	50	60	50
Des Moines Corridor Condition 5	16	15	20	60	20
Snyder Condition 5	9	9	10	10	10
Louisville Bend Condition 5	0	1	1	1	1
Snowmobile Registration	586	200	500	100	500
ATV Registration	93	50	100	50	100
Boat Registration	2,250	553	2,200	500	2,200
Diamond Shamrock Oil Overcharge	18	19	18	9	0
Stripper Oil Overcharge	367	435	150	70	0
Exxon Oil Overcharge	91	70	50	25	0
Hazardous Waste Remedial Fund	348	358	350	350	350
Groundwater Fund	12,562	12,491	12,038	12,038	12,038
REAP Fund	10,475	10,288	10,300	10,300	10,300
Waste Volume Reduction Fund	36	17	100	100	100
Air Contaminant Source Fund	5,789	4,770	5,000	5,000	5,000
Groundwater Prof Registration Fees	9	42	10	50	10
Operator Certification Fees	98	31	100	30	100
Stormwater Permit Fees	249	842	200	200	200
Well Driller Certification Fees	19	32	25	25	25

Laboratory Certification Fees	90	172	100	100	100
Water Quality Protection Fund	1,147	1,186	1,180	1,180	1,180
Tire Fund	1,532	2,587	3,585	3,585	2,585
Pilot Grove	2,294	2,587	2,500	2,500	2,500
Conservation Memorial Trust	0	0	0	0	0
Total	68,904	69,508	69,941	67,697	68,723

Special Fund Usage Report

(Dollars in thousands)

Groundwater Protection Fund	FY 97 Actual Expense	FY 98 Actual Expense	FY 99 Budgeted Expense	FY 00 Budgeted Expense	FY 01 Budgeted Expense
Storage Tank Account	$529	$540	$600	$600	$600
Oil Overcharge Account	$84	$14	$15	$0	$0
Household Haz. Waste Account	$237	$510	$572	$474	$300
Agriculture Management Account	$4,144	$4,656	$3,900	$3,900	$3,900
Solid Waste Account	$6,820	$6,392	$7,238	$7,238	$7,238
Total Groundwater Fund	$11,814	$12,112	$12,325	$12,212	$12,038
Total REAP Fund	$10,475	$10,288	$10,300	$10,300	$10,300
Total Water Protection Fund	$597	$626	$1,330	$1,180	$1,180
Total Waste Tire Fund	$792	$1,082	$3,585	$3,585	$2,586

DEPARTMENT OF NATURAL RESOURCES

Division Operations, FY00/01 Budget Request

(Dollars in Thousands)

	FY97 Actual	FY98 Actual	FY99 Budget	FY00 Request	FY01 Request
Director's Office:					
Expense	1,815	1,866	2,224	2,224	2,224
Staffing (FTE)	21.30	22.56	27.15	27.15	27.15
Administration:					
Expense	5,229	5,535	5,934	5,934	5,934
Staffing (FTE)	89.09	94.48	93.10	93.10	93.10

Parks:					
Expense	9,169	9,514	9,600	9,600	9,600
Staffing (FTE)	199.94	200.43	195.73	195.73	195.73
Forestry:					
Expense	2,800	2,848	2,976	2,976	2,976
Staffing (FTE)	44.08	46.72	48.71	48.71	48.71
Energy/Geology:					
Expense	3,957	3,607	5,088	5,088	5,088
Staffing (FTE)	49.18	48.26	54.00	54.00	54.00
Environmental Protection:					
Expense	18,671	16,661	21,562	23,562	23,562
Staffing (FTE)	198.33	211.67	236.50	238.50	238.50
Fish and Wildlife:					
Expense	19,950	20,483	21,439	21,239	21,139
Staffing (FTE)	338.89	336.98	344.18	344.18	344.18
Waste Management:					
Expense	1,260	1,477	1,599	1,599	1,599
Staffing (FTE)	18.83	19.04	16.75	16.75	16.75

Fish And Wildlife Trust Fund

(Dollars in thousands)

	FY97 Actual	FY98 Actual	FY99 Budget	FY00 Request	FY01 Request
Fish & Wildlife Division:					
Sources of Funds:					
Balance Fwd	5,448	4,384	4,382	2,477	2,382
Federal	5,473	5,409	6,200	6,200	6,200
Transfers, Boat & Snowm. Fees	1,400	1,400	1,700	1,400	1,300
Licenses & Receipts	19,720	21,143	20,000	20,000	19,800
	32,041	32,336	32,282	30,077	29,682

Summary of Uses:

Expenditures & Transfers					
FW Capitals, (See 5yr Plan)	5,769	5,100	6,306	4,396	4,561
Admin. & Services Support, See Director's Office/ASD	2,310	2,287	2,260	2,260	2,260
FW Division Operations:					
Transfer from Trust Fund Receipts, per Appropriation	19,578	20,567	21,239	21,039	20,939
Federal Reservior Receipts	243	305	295	295	295
Available for Operations	19,821	20,872	21,534	21,334	21,234

DEPARTMENT OF NATURAL RESOURCES

Decision Package Priority Schedule
FY00/01 Budget Request
(Dollars in thousands)

Rank	Description	General Fund	Other Funds	FTE
Base	75% of current General Fund and FW operations, plus operations funded by federal and earmarked revenues	12,006	48,278	823.11
1	Restore wastewater construction permit and water quality monitoring activities.	179		2.00
2	Restore Floodplain programs by providing for state supervision of flood plain construction activities.	324		5.50
3	Provide minimum State General funds to match Federal Air Quality grant. Replaces Hazardous Waste funds and toxics fee waiver used for match in FY99. Includes program increases.	1,150	-1,150	
4	Restore staffing at 19 state parks to resume campground operation, park security and visitor services at intermediate park management levels.	1,606		24.00
5	Restore Big Springs hatchery as well as statewide enforcement and public land management activities.		1,232	18.80

6	Restore Yellow River, Stephens, Shimek state forest operations as well as forestry management assistance to land owners.	190		3.00
7	Restore administrative support, license, finance, and data processing staff required to maintain basic support for essential departmental activities.	567	443	19.00
8	Restore gauging stations and geologic and hydrologic data used for development, management and conservation of water and mineral resources.	341		4.00
9	Restore fire protection and urban forestry programs as well as 98% of the DNR's state forest management capabilities	165		3.83
10	Restore wildlife extension work with local landowners, fish management/stocking and law enforcement activities.		1,263	20.00
11	Restore water withdrawal program by providing for state supervision of water use activities.	148		2.50
12	Restore staffing at Volga, Backbone, and Lake Manawa to resume operations, park security, and visitor services at intermediate park management levels.	125		3.00
13	Restore staffing at Beeds Lake, and Mines of Spain as well as part-time help to 14 other State Recreation areas to maintain recreation facilities.	139		5.00
14	Restore sediment stations to monitor sediment (erosion) load of streams, and to restore collection and analysis of water-use data.	50		0.00
15	Restore field information and education activities, resuming TV, radion, periodical and brochure contact with the public concerning DNR programs.	66	52	2.00
16	Restore Mississippi monitoring programs and fish and wildlife research activities as well as recreational safety programs.		1,279	17.80
17	Restore state forest management activities to 100% of current FY96 level of service.	88		2.00

18	Restore part-time help required to maintain day to day wildlife and fisheries facilities as well as boating navigation enforcement activities.		1,430	58.58
19	Restore publishing support for brochures, magazine and news release preparation.	25	19	1.00
20	Restore media link electronic news release service.	6	4	0.00
21	Restore Millfoil Eradication Program		101	1.00
22	Provide for additional surface and groundwater monitoring efforts statewide.	2,000	0	2.00
23	Provide for the replacement of worn out boats, motors, trailers, and other miscellaneous boating equipment used in fish and wildlife water patrol activities.	0	100	
	Total Packages	**7,169**	**4,773**	**195.01**
	Total Anticipated Operations Request	**19,175**	**53,051**	**1018.12**
		0	**0**	**0**

Mr. Kuhn presented the budget recommendations and Decision Package Priority Schedule. He noted that the department will need to add 1.5 million dollars to replace Hazardous Waste Remedial Funding and Air Emission Fees Funding for continuation of the Clean Air Program. Mr. Kuhn pointed out that the department is asking for $2,000,000/year from the general fund for a water quality monitoring package. He added that other recommendations are to increase the floodplain program staff by 2 FTE's, the TMDL Program by 5 FTE's, the Animal Feedlot Operations program by 11 FTE's, and the Brownfields Implementation Operations by 2 FTE's. Staff are also asking for $300,000 for stream gauging. He noted the following corrections to be made to the Appropriation Request Summary: FY98 Actual "Total Other Appropriations" should be 47, 855 and "Appropriation to USDA should be 50, and the "Total Appropriations" should be 72,774; under FY01 the "Marine Fuel Tax Operation" should be 411, the "Total General Fund Appropriations" should be 29,465, and the "Total Other Appropriations" should be 80,788. He asked the Commission to let him know their concerns.

Charlotte Mohr asked about the listing of three Oil Overcharge accounts.

Mr. Kuhn stated that due to court settlements he is required to separate those accounts instead of grouping them all together.

Discussion followed regarding revenue loss due to fewer materials going to the landfills as a result of the waste reduction goals, and appropriations reduced by the legislature.

INFORMATIONAL ONLY

In response to a request by the Commission last month, Roya Stanley distributed copies of a paper showing a visual depiction of various volumes and weights of waste tires, and discussed how it applies to beneficial use rules.

TOXIC CLEANUP DAYS CONTRACT APPROVAL

Roya Stanley, Division Administrator, Waste Management Assistance Division, presented the following item.

The Department of Natural Resources is requesting contract approval for Laidlaw Environmental Services of Illinois, Inc. to provide hazardous waste collection and disposal services for Department sponsored Toxic Clean-up Day events held throughout the state. The contract amount is not to exceed $287,906 for Fall 1998 events. Toxic Clean-up Day host counties are required to provide a minimal cost share based upon the number of households in the county.

The Department recently issued a request for proposals from twenty-eight hazardous waste firms to provide collection and disposal of hazardous waste received at Toxic Clean-up Day events. Seven proposals were received for consideration. After careful evaluation, the top three firms were selected for an interview. After review of the written proposals and interview responses, Laidlaw Environmental Services, Inc. was selected as the Contractor.

Proposals are evaluated on a number of criteria including; capability to adequately staff the collection sites, ensuring proper safety measures are taken, providing technical expertise and cost of operating a collection event. In addition to the level of detail provided by the applicant to the above evaluation criteria, Laidlaw also provided a detailed safety plan and general operating procedures, policy for handling of non-hazardous materials and a contingency plan for waste not licensed to handle

Cost estimates were evaluated by a schedule of fees for services and materials as well as a cost estimate for a hypothetical collection event (provided in the RFP). Of the three highest scoring proposals, Laidlaw also provided the lowest cost estimate for the hypothetical collection. The high marks that Laidlaw received in the technical categories for running a household hazardous waste collection event and the positive working history the Department has had with Laidlaw resulted in them being selected hazardous waste contractor for FY 1999 and 2000.

At this time, the Commission is requested to approve the contract with Laidlaw Environmental Services of Illinois, Inc. to provide hazardous waste collection and disposal services for Toxic Clean-up Day events.

Schedule of Toxic Cleanup Days, Fall 1998

September 12, 1998		
		Clarke County

	Contact: Allan Mathias	Clarke County Maintenance Shop
	Phone: 515-342-6654	Osceola, Iowa
		Lyon County
	Contact: Dave Honkomp	Rock Rapids Municipal Airport
	Phone: 712-324-4026	Rock Rapids, Iowa
		Winneshiek County
	Contact: Chris Frantsvog	Winneshiek County Fairgrounds
	Phone: 319-382-6514	Decorah, Iowa

September 19, 1998		
		Audubon County
	Contact: Janet Hansen	Audubon County Landfill
	Phone: 712-563-3589	Audubon, Iowa
		Calhoun County
	Contact: Keith Roos	Secondary Roads Complex
	Phone: 712-297-7131	Rockwell City, Iowa
		O'Brien County
	Contact: Dave Honkomp	O'Brien County Fairgrounds
	Phone: 712-324-4026	Primghar, Iowa

September 26, 1998		
		Hancock County
	Contact: Steven Woodruff	Hancock County Fairgrounds
	Phone: 515-923-2720	Britt, Iowa
		Osceola County
	Contact: Dave Honkomp	Osceola County Sheriff's Building
	Phone: 712-324-4026	Sibley, Iowa

October 3, 1998		
		Adams County
	Contact: James Amdor	Adams County Fairgrounds
	Phone: 515-322-3240	Corning, Iowa
		Clay County
	Contact: Dave Honkomp	Clay County Fairgrounds
	Phone: 712-324-4026	Spencer, Iowa

		Delaware County
	Contact: Roy Atkinson	Delaware County Fairgrounds
	Phone: 319-922-2017	Manchester, Iowa

October 10, 1998		
		Henry County
	Contact: Ed Farley	Henry County Fairgrounds
	Phone: 319-385--1479	Mt. Pleasant, Iowa
		Sioux County
	Contact: Dave Honkomp	Site to be determined
	Phone: 712-324-4026	
		Taylor County
	Contact: Michael Ware	Taylor County Fairgrounds
	Phone: 712-523-2167	Bedford, Iowa

(A copy of the Scope of Work is on file in the department's Records Center)

Ms. Stanley reviewed details of the contract process and the selected contract. She distributed copies of a map showing the number of Toxic Cleanup Days that have been held in each county from 1986 through Spring 1998.

Motion was made by Kathryn Murphy to approve the Toxic Cleanup Days contract with Laidlaw Environmental Services as presented. Seconded by Rita Venner. Following a brief discussion the motion carried unanimously.

APPROVED AS PRESENTED

WASTE MANAGEMENT ASSISTANCE DIVISION COMMUNICATION STRATEGY

Roya Stanley, Division Administrator, Waste Management Assistance Division, presented the following item.

Project Description

As part of its broad-based strategic planning initiative, the Waste Management Assistance Division recognized that a more strategic approach to communication with its customers is essential to encourage Iowans to increase their participation in the practice of pollution prevention and responsible waste management. In November 1997, the division approved and awarded a contract for the development of a communication plan to C Marsh Marketing Public Relations in the amount of $19,500.

This information brief provides the background of the project, benefits of the project to Waste Management and its customers, and future project activities.

Project Background

The communication plan provided by C Marsh Marketing Public Relations identified five strategic objectives all relating to key division customers. Each working objective is defined with strategies, tools, responsibility assignments, timing, budgets and measurements. Division objectives include:

- **Objective 1: Develop division capacity to market waste management programs.** This FY 99 objective focuses on the development of industry knowledge and customer relations skills among division staff. Such activities will allow Waste Management to build on and maintain their knowledge in the solid waste management field. Key resulting impacts include: customer behavior change, customer inquiry and feedback, and improvements in staff's customer communication skills.

- **Objective 2: Develop a marketing model to target state government purchasers.** This objective incorporates a 90-day pilot project with the Department's Parks, Recreation and Preserves Division to secure the purchase of one recycled content product. The resulting model established in this project will be replicated with other state government and private sector purchasers to encourage further recycled content purchases. Key objective measurements include: written protocol to acquire recycled content products in future parks' purchases, post purchase survey of Parks, Recreation and Preserves Division and park users.

- **Objective 3: Integrate ongoing customer input and financial assistance program planning.** This objective establishes a 120-day start to completion project that establishes an integrated financial assistance program with specific investment objectives supported by a financial assistance advisory committee. The project will enhance the division's skills of incorporating customer values and input into the division's work. Key objective measurements include: customer input and feedback, increased program funding, improved proposal and project quality.

- **Objective 4: Increase appropriate waste reduction and recycling practices in selected target areas.** As in recognized in past efforts, progress in achieving solid waste reduction requires the targeting of materials and implementing strategies that generate a desired action. This objective defines a systematic 90-day approach to facilitate greater utilization of division resources among industrial food waste producers, and will result in development of a model to be used for other targets. Key objective measurements include: key partners secured, assessment ordered, projects initiated.

- **Objective 5: Provide education for key customers.** An increased emphasis on collaborating with partners is essential to assist the division in leveraging resources more effectively. To improve resource utilization in waste management education, this FY 99 objective generates a coordinated calendar of educational activities that meet division short term and long term goals, marketing objectives, and customer needs. Key resulting impacts

include: customer inquiries and feedback into division programs, customer compliance, and customer behavior change.

In addition to the formulation of division objectives, the division participated in an intensive two day marketing training session facilitated by Dr. David Rudd, professor of marketing at Michigan Technological University. (Dr. Rudd has over 20 years of professional marketing experience with Fortune 500 companies). The division reviewed marketing of customer services and communicating with customers. The group also had an opportunity to present current work challenges and to develop solutions to these challenges.

Project Benefits

The implementation of this communication plan will enable the Waste Management Assistance Division to improve customer service through improved customer communication. Improved customer communication will increase customer participation in waste management programs leading to increased economic and environmental impacts.

Future Activities

With assistance from C Marsh Marketing Public Relations, the division will continue work on the five stated objectives throughout Fiscal Year 99. Such activities will include:

- Development of working models based on division objectives to be replicated in future division activities;
- Promotion of activities related to the outcome of division objectives. Promotion will include but is not limited to: case studies, news articles, press releases, photos, field days;
- Continued marketing training for Waste Management staff;
- Identification of future strategic opportunities,
- Hiring an information specialist to meet the needs of Waste Management long term.

This Commission is provided a copy of this communication plan for its review.

Ms. Stanley distributed copies of the WMA communications plan entitled "Marketing-Driven Communications" and expanded on details of the plan.

Charlotte Mohr asked about the grant project involving the mobile curbside recycling truck and how it is working out.

Ms. Stanley stated that the project was delayed partially because the original grantee sold out and in the transition there had to be re-education. She related that she does not have results at this time and suggested delaying a report until there are some results.

INFORMATIONAL ONLY

PUBLIC PARTICIPATION

Susan Heathcote (water monitoring)

Susan Heathcote, Iowa Environmental Council, stated that she is pleased to see the that the department is asking for funds for water quality monitoring. She related that the IEC supports the entire budget package, particularly the 2 FTE's for the water monitoring program and the 5 FTE's for Clean Water Act programs. She stated that these programs help reduce pollution from contaminated runoff and very important now, emphasizing that working to prevent contamination of the water is an extremely valuable investment. Ms. Heathcote noted that it is very important to make sure that this package will be part of the Governor's budget. She related that the Commission's support will be significant in making that happen, adding that the IEC will be working very hard to see that the water monitoring portion of the budget is supported by the Governor and the legislature.

Cathy Woolums (NAAQS rules)

Cathy Woolums, Mid American Energy, stated that the federal NAAQS standards have already been adopted, so the practical effect on Iowa will occur whether the Commission adopts the rules by reference or not. She expressed concern about the lack of flexibility the State may have if the Commission does not adopt the rules. Ms. Woolums encouraged the Commission to maintain the flexibility the State has by adopting the rules. She related that adoption of the rules will not affect whether or not certain areas in the State are in attainment. She encouraged the Commission to make sure to maximize the possibilities by going forward with the State lead program.

Chris Gault ($PM_{2.5}$)

Chris Gault, Farm Bureau Federation, expressed concerns about implementing the $PM_{2.5}$ standards when there are still a lot of unanswered questions on this issue. She related that it is unknown who will be impacted and if the sources of $PM_{2.5}$ are in Iowa. She added that it is not known whether the technology is available to solve to the problem if $PM_{2.5}$ rules go into place. Ms. Gault distributed copies of an Implementation Timeline for $PM_{2.5}$ Standards she received by FAX from EPA. She reviewed that Farm Bureau Federation's recommendations during public comment have been to implement the PM_{10} and ozone standards, but not to implement the section dealing with $PM_{2.5}$ until all of the monitoring data is in, three years from now. She noted that on the back side of the timeline schedule she has some proposed language which puts into the rules what is also already federal law and what EPA has stated as far as the timeline for implementation. She related it would insure that the monitoring results are in place prior to implementing any control measures or identifying attainment or nonattainment areas. Ms. Gault noted that DNR staff have not seen the proposed language yet because she just spoke with EPA late last week. She asked the Commission to consider the proposed language.

Kathy Morris (Budget)

Kathy Morris, Scott County Solid Waste Commission, representing ISOSWO reviewed that she spoke to the Commission several years ago about the difficulty in providing integrated solid waste management services when competing with "landfill only" services in other states and a great degree of variance in tonnage fees. She related that other solid waste agencies went to the legislature which resulted in the legislature directing the formation of a "Waste Management Monitoring Committee." Ms. Morris mentioned the names of groups and individuals involved in the committee and the issues covered by the committee, adding they were successful in their work and funding is tied to that success. She stated that other states have a variety of funding sources rather than one sole source of revenue that came from landfilled waste. She noted that the word has to be given to the legislature that the solid waste agencies are committed to pollution prevention and waste reduction in Iowa but the current funding mechanism is not working. Ms. Morris said the 1.3 million dollars from sales tax revenue on commercial waste haulers would be a Band-Aid fix, and she would like see the 1.3 million included in the budget and maintained there.

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.

RULEMAKING STATUS REPORT
August 1, 1998

PROPOSAL	NOTICE TO COMM	NOTICE PUBLISH	RULES REVIEW COMM	HEARING	FINAL SUMMARY TO COMM	RULES ADOPTED	RULES PUBLISH	RULES REVIEW COMM	RULE EFFECTIVE
1. Ch. 20, 22 and 23 - AQ Case-by-Case MACT	5/18/98	6/17/98	7/6/98	7/17/98	8/17/98	*8/17/98	*9/09/98	*10/05/98	*10/14/98
2. Ch. 22 - Air Quality Permits	2/16/98	3/11/98	4/13/98	4/10/98	6/15/98	6/15/98	7/15/98	8/10/98	*8/19/98
3. Ch. 22 and 23 - NESHAPS Acid Rain Exemptions and Primary Aluminum Reduction Plants	5/18/98	6/17/98	7/6/98	7/17/98	8/17/98	*8/17/98	*9/09/98	*10/05/98	*10/14/98
4. Ch. 22, 23, and 25, Hospital, Medical and Infectious Waste Incinerators, and Municipal Waste Combustors	3/16/98	AMEND *8/26/98 4/08/98	*9/07/98 5/04/98	*9/02/98 5/25/98	*9/21/98	*9/21/98	*10/21/98	*11/02/98	*11/25/98
5. Ch. 28 - Revised NAAQS	5/18/98	6/17/98	7/6/98	7/17/98	8/17/98	*8/17/98	*9/09/98	*10/05/98	*10/14/98

6. Ch. 50 – Agricultural Drainage Wells - EMERGENCY	----------	----------	----------	----------	7/20/98	7/20/98	8/12/98	*9/07/98	7/24/98
7. Ch. 103 - Solid Waste Rules	4/20/98	5/20/98	6/8/98	6/11/98	7/20/98	7/20/98	8/12/98	*9/07/98	*9/16/98
8. Ch. 137 – Brownfield Program	7/20/98	8/12/98	*9/07/98	*9/1,2,3/98	*10/19/98	*10/19/98	*11/18/98	*12/07/98	*12/23/98
9. Ch. 219 – Waste Tire Beneficial End Users	7/20/98	7/20/98	*9/07/98	*9/02/98	*10/19/98	*10/19/98	*11/18/98	*12/07/98	*12/23/98

Monthly Variance Report - July 1998

No.	Facility	Program	Subject	Decision	Date
1	Amana Appliances-Amana	Air Quality	Permit Requirements	Approved	07/01/98
2	Glidden, City of	Air Quality	Trade Wastee	Denied	07/08/98
3	Creston, City of	Wastewater	Pump Clogging Protection	Denied	07/13/98
4	Osage, City of	Wastewater	Reliability	Approved	07/02/98
5	Muddy Creek Pedestrian Bridge-Coralville	Flood Plain	Floodway Encroachment	Approved	07/24/98
6	Muddy Creek Pedestrian Bridge-Coralville	Flood Plain	Freeboard	Approved	07/24/98
7	Adair County Sanitary Landfill	Solid Waste	Groundwater Monitoring	Approved	07/16/98
8	Bluestem Site #1 Sanitary Landfill-Cedar Rapids	Solid Waste	Groundwater Monitoring	Approved	07/21/98
9	Butler County Sanitary Landfill	Solid Waste	Groundwater Monitoring	Approved	07/21/98
10	Calhoun County Sanitary Landfill	Solid Waste	Groundwater Monitoring	Approved	07/21/98
11	Cedar Rapids Ash Storage Landfill	Solid Waste	Groundwater Monitoring	Approved	07/22/98
12	Floyd-Mitchell County Sanitary Landfill	Solid Waste	Groundwater Monitoring	Approved	07/01/98
13	Franklin County Sanitary Landfill	Solid Waste	Groundwater Monitoring	Approved	07/21/98
14	Guthrie County Sanitary Landfill	Solid Waste	Financial Assurance	Approved	07/01/98
15	Guthrie County Sanitary Landfill	Solid Waste	Groundwater Monitoring	Approved	07/21/98
16	Kossuth County Sanitary Landfill	Solid Waste	Groundwater Monitoring	Approved	07/21/98
17	LaFarge Cement Kiln Dust Landfill	Solid Waste	Permit Exemptions	Denied	07/01/98
18	South Dallas County Sanitary Landfill	Solid Waste	Groundwater Monitoring	Approved	07/21/98
19	Woodbury County Sanitary Landfill	Solid Waste	Groundwater Monitoring	Approved	07/21/98

20	Wright County Sanitary Landfill (Closed)	Solid Waste	Groundwater Monitoring	Approved	07/06/98
21	Briman Prairie Subdivision -Muscatine County	Watersupply	Design Basis	Approved	07/29/98
22	Hawkeye Tri-County Electric Co-op-Cresco	Watersupply	Design Basis	Denied	07/02/98
23	Ringsted, City of	Watersupply	Installation Procedures	Approved	07/29/98

Monthly Spill Report - July 1998

During the period July 1, - July 31, 1998, 75 reports of hazardous conditions were received. A general summary and count by field office is presented below.

Month	Total Incidents	Petroleum Product	Agri - Chemical	Other Chemicals	Handling and Storage	Pipe-line	Highway Incident	RR Incident	Fire	Other
Oct.	70(52)	37(28)	17(10)	16(14)	28(31)	6(0)	28(13)	5(4)	0(0)	3(4)
Nov.	44(33)	25(18)	9(9)	10(6)	15(16)	3(0)	23(12)	2(2)	0(0)	1(3)
Dec.	52(33)	27(20)	19(3)	6(10)	21(16)	4(1)	22(12)	4(0)	0(1)	1(3)
Jan.	42(39)	32(28)	3(4)	7(7)	19(20)	2(1)	16(15)	1(2)	1(0)	3(1)
Feb.	48(54)	28(29)	5(7)	15(18)	24(29)	3(2)	13(20)	2(1)	1(2)	5(0)
Mar.	48(53)	27(37)	11(9)	10(7)	26(29)	0(0)	17(16)	2(4)	0(0)	3(4)
Apr.	60(64)	23(33)	23(25)	14(6)	25(28)	3(0)	25(30)	5(2)	(0)	2(4)
May	135(103)	58(35)	64(53)	13(15)	58(33)	3(2)	69(61)	2(4)	1(1)	2(2)
Jun.	118(81)	76(42)	24(20)	18(19)	70(49)	3(3)	38(23)	1(6)	0(0)	6(0)
Jul.	75(81)	48(42)	5(18)	22(21)	57(38)	0(5)	15(32)	0(2)	0(0)	3(4)

(numbers in parentheses for the same period in fiscal year '97)

Total Number of Incidents Per Field Office This Period:

1	2	3	4	5	6
3	8	7	4	20	33

ENFORCEMENT REPORT

Name, Location and Field Office Number	Program	Alleged Violation	Action	Date
Oakland Mills Store, Mt. Pleasant (6)	Drinking Water	Operation Without Permit; Monitoring/Reporting-Nitrate; Public Notice	Order/Penalty $200	7/7/98

Pewe Mercantile, Inc.; Dion Pewe, Grand Mound (6)	Underground Tank	Site Check	Order	7/10/98
Pewe Mercantile, Inc.; Dion Pewe, Grand Mound (6)	Underground Tank	Insurance Violation	Order/Penalty $10,000	7/10/98
Eagle Lane Corporation, Blue Grass (6)	Drinking Water	Operation Without Permit; Monitoring/Reporting-Bacteria, Other Inorganics, Radioactivity, Other; Public Notice	Order/Penalty $4,000	7/10/98
Vande Haar Dairy Farm, Marion Co. (5)	Animal Feeding Operations	Prohibited Discharge-Open Feedlot	Order/Penalty $3,000	7/15/98
Doug Clark d/b/a Charlie's Supper Club, Livermore (2)	Drinking Water	Permit Renewal; Monitoring/Reporting-Bacteria	Referred to AG	7/20/98
Farmland Industries, Inc., Eagle Grove (2)	Drinking Water	MCL – Bacteria (Acute)	Emergency Order	7/27/98
Obie's West, Maquoketa (1)	Drinking Water	MCL – Bacteria (Acute)	Emergency Order	7/27/98
Hank's Tavern, North Buena Vista (1)	Drinking Water	MCL – Bacteria	Emergency Order	7/27/98
Henderson, City of (4)	Drinking Water	MCL – Bacteria	Emergency Order	7/27/98
Beacon, City of (5)	Wastewater	Permit Conditions; Operational Violations	Order/Penalty $3,000	7/27/98
Mike's Fisherman's Wharf, Dubuque (1)	Drinking Water	Monitoring/Reporting; Compliance Schedule; Permit Renewal Fees	Order/Penalty $2,500	7/29/98
IES Utilities, Inc., Cedar Rapids (1)	Wastewater	Discharge Limits	Order	7/30/98

SUMMARY OF ADMINISTRATIVE PENALTIES

The following administrative penalties are due:

NAME/LOCATION	PROGRAM	AMOUNT	DUE DATE
Marvin Kruse d/b/a K & C Feeds (Luana)	UT	300	12-01-92
Duane Pospisil d/b/a Duane's Service (Lisbon)	UT	1,000	5-04-93
Melvin Foubert d/b/a Mel's Repair Service (What Cheer)	UT	400	12-13-93
Stan Simmer d/b/a Tire City (Des Moines)	UT	600	12-21-93
Leland Koster and Jim Koster (Alexander)	UT	350	6-11-94
Coralville Lake Terrace Assn. (North Liberty)	WS	550	9-01-94
Bill Dettman d/b/a Dettman Oil Co. (Fonda)	UT	2,800	9-15-94
*Dale Hall d/b/a Hall Oil Co. (Des Moines)	UT	250	11-15-94

William R. Hennessey & Son, Inc. (Cedar Rapids)	UT	2,670	12-06-94
Donald K. Schmidt (Cedar Rapids)	UT	3,000	12-27-94
Collier Oil Co.; Clark Concrete Co. (Onawa)	UT	3,300	1-22-95
Rock Falls Lounge (Rock Falls)	WS	1,500	6-12-95
David A. Dohlman d/b/a Dave's Conoco (Dumont)	UT	2,300	7-18-95
M & L Service; Loyal Dorr; Mark Courtney (Guthrie Center)	UT	1,000	8-30-95
Norman Klynsma d/b/a OK One Stop Service (Hospers)	UT	2,000	9-01-95
Searsboro, City of	WW	2,500	11-08-95
Economy Solar Corp. (Monticello)	AQ	7,500	11-25-95
Elery Fry; Allen Fry; Becky Sandeen (Monroe Co.)	SW	6,000	1-20-96
Patrick McCoy (Keokuk Co.)	AQ/SW	2,000	2-10-96
Cheryl Straughn d/b/a Cher's Mini Mart (Chapin)	UT	600	2-21-96
David Kramer (Camanche)	UT	600	5-03-96
Latimer, City of	WS	150	5-03-96
McClelland Bar & Grill (Council Bluffs)	WS	100	5-06-96
Paul L. Dunkel (Delaware Co.)	SW	1,500	6-27-96
*Orrie's Supper Club, Inc. (Hudson)	WS	650	7-15-96
Plantation Village Mobile Home Park (Burlington)	WW	1,000	8-01-96
Dennis L. Mattison (Winnebago Co.)	AQ/SW	600	9-03-96
Riverside Lutheran Bible Camp (Story City)	WS	500	10-28-96
Wunschel Oil, et.al. (Battle Creek)	UT	4,400	12-23-96
Gassman's MHP & Spruce Harbor Inn (Dubuque)	WS	4,500	12-26-96
Mark Anderson d/b/a Westside Park for Mobile Homes; M A, Inc. (Burlington)	AQ/SW	1,000	1-03-97
*Ken Frese (Keokuk Co.)	AQ/SW	175	1-09-97
J.F.V. Corporation; Frank Hawk; Sharon Hawk (Prole)	UT	600	2-19-97
Hofer's Danceland Ballroom (Walford)	WS	3,188	4-19-97
Ronald Slocum; Tammy Lynn Determan (Marshall Co.)	SW	10,000	5-24-97
*Vernon Kinsinger d/b/a K & K Sanitation (Washington Co.)	AQ/SW	9,530	6-05-97
Fibred-Iowa, Inc. (Iowa Falls)`	AQ	2,000	7-29-97
Roy E. Hawkins (Newton)	SW	1,000	10-22-97
South Park Mobile Home Park (Iowa Falls)	WW	1,000	1-04-98
James LaFollette d/b/a Jim's Tree Service; Kurt Douglas (Marion Co.)	AQ/SW	2,000	2-16-98
Russell Barkema d/b/a Barkema Construction (Wright Co.)	AQ/SW	1,000	3-31-98
# Harold Unternahrer (Washington Co.)	AFO	3,000	4-06-98
*#John Adam (Keokuk Co.)	WW	2,500	4-15-98
Webb, City of	WS	2,000	4-27-98
Sale-R-Villa Const., Inc. (Perry)	AQ	7,000	5-01-98
Larry Cope, Susan E. Cope, Bill VanPelt (Carlisle)	WW	1,500	5-05-98
Dennis Sharkey d/b/a Sharkey Bldg. Wrecking (Dubuque)	AQ	2,000	7-01-98
*#Leroy Wulf (Des Moines Co.)	WW	500	8-03-98
Bar K Farms (Sioux Co.)	AFO	2,000	8-09-98
# Troy Hanson (Wright Co.)	AFO	1,500	8-14-98
*Home Asbestos & Lead Abatement Services (Johnston)	AQ	1,750	8-15-98
# Rodney Mullins (Humboldt Co.)	AFO	500	8-22-98
Frank Bollin (Woodbury Co.)	FP	2,000	8-29-98
Albert Fleming (Clayton Co.)	FP	2,000	9-06-98
Oakland Mills Store (Mt. Pleasant)	WS	200	9-07-98
Eagle Lane Corp. (Blue Grass)	WS	4,000	9-14-98
Vande Haar Dairy Farm (Marion Co.)	AFO	3,000	9-15-98
Pewe Mercantile, Inc.; Dion Pewe (Grand Mound)	UT	10,000	9-20-98
Deer Ridge Estates (Ottumwa)	WS	100	-----
Beacon, City of	WW	3,000	-----

Mike's Fisherman's Wharf (Dubuque)	WS	2,500	-----
	TOTAL	**136,163**	

The following cases have been referred to the Attorney General:

Donald P. Ervin (Ft. Dodge)	SW	669	3-05-90
Robert and Sally Shelley (Guthrie Center)	SW	1,000	3-04-91
Vernus Wunschel d/b/a Wunschel Oil (Ida Grove)	UT	300	1-12-92
Verna and Don Reed; Andrea Silsby (Union Co.)	SW	1,000	4-07-94
Relative, Inc.; Doug Smuck (Des Moines)	UT	3,070	10-11-94
Relative, Inc.; Doug Smuck (Des Moines)	UT	600	10-11-94
Trust Trucking Corp.; Jim and Brenda Huyser (Lovilia)	UT	840	11-01-94
Paul Underwood d/b/a Underwood Excavating (Cedar Rapids)	AQ	4,000	3-24-95
Oscar Hahn (Solon)	AQ/SW	2,000	8-29-95
Randy Ballard (Fayette Co.)	FP	2,000	5-30-95
ESCORP Associates Ltd.,; Arnold Olson (Cedar Rapids)	AQ	10,000	7-09-95
Long Branch Tavern (Monmouth)	WS	100	5-01-96
Long Branch Tavern (Monmouth)	WS	6,400	10-28-96
Long Branch Tavern (Monmouth)	WS	200	3-18-97
*R.V. Hopkins, Inc. (Davenport)	AQ	10,000	11-15-95
Dean Williams d/b/a Williams Oil Co. (Stuart)	UT	4,800	
Carpenter Bar & Grill (Carpenter)	WS	725	9-27-96
Don Grell d/b/a Dodger Enterprises (Ft. Dodge)	AQ	10,000	2-16-93
Hidden Valley Mobile Home Court (Washington Co.)	WS	200	10-22-94
Robert Jeff White (Dallas Co.)	AQ/SW	10,000	7-14-97
Charlie's Supper Club (Algona)	WS	100	
	TOTAL	**68,004**	

The following administrative penalties have been appealed:

NAME/LOCATION	PROGRAM	AMOUNT
Joe Eggers, Jr., et.al. (St. Ansgar)	SW	1,000
Hickory Hollow Water Co. (Ankeny)	WS	400
Wayne Transportation, Inc. (Greene)	WW	1,000
Mulgrew Oil Company (Dubuque)	HC	500
Chickasaw Co. SLF, et.al. (Chickasaw Co.)	SW	1,000
Plymouth Cooperative Oil Co. (Hinton)	WW	1,000
King's Terrace Mobile Home Court (Ames)	WW	500
ITWC, Inc. (Malcom)	AQ	1,000
Frank Hulshizer (Benton Co.)	SW	500
LeMars, City of	WW	5,000
Crane Co. d/b/a Crane Valves (Washington Co.)	SW	500
Donald Udell (Plymouth Co.)	SW	1,000
Oakwood Park Water, Inc. (Ankeny)	WS	1,000
Waverly Gravel & Ready-Mix aka Shell Rock Sand & Gravel (Shell Rock)	AQ	3,000
Coastal Mart, Inc.-Store #1081 (Davenport)	UT	5,320
HiWay Texaco, Ltd.; Roger Kanne; Rick Kanne (Bagley)	UT	5,000
Joseph L. Ranker; Daryl Hollingsworth (Indianola)	UT	4,000
Tom Wiseman (Sheffield)	UT	3,500
Karl and Thelma Boylan d/b/a Boylan's Service (Northboro)	UT	1,800
William Jensen d/b/a B & B Tire & Oil Co. (Avoca)	UT	2,300

Crabtree Lake Resort (Rhodes)	WW	5,400
Elmer R. Faust d/b/a Faust Garage & Grocery (Delaware)	UT	2,300
American Coals Corporation - Site #5 (Bussey)	AQ/SW	10,000
H.E.W., Inc. aka Hazardous Environmental Wastes, Inc. aka Algona Roofing & Insulation, Inc. (Algona)	AQ	5,000
Bankston, City of	WS	550
Wunschel Oil, et.al. (Ida Grove)	UT	10,000
Jim Foust (Indianola)	SW	2,175
Titan Wheel International, Inc. (Walcott)	WW	10,000
Ronald Sizemore and Mark Murphy (Eldora)	UT	3,200
Keith Owens and Howard Maurer (Wilton)	UT	3,100
Tom Babinat d/b/a Tom's Car Care (Grundy Center)	UT	3,600
Henry and Randy Krohn d/b/a Krohn Const. (Waukee)	AQ/SW	4,000
James and Roxann Neneman; J&R Mini Mart (Council Bluffs)	UT	3,900
Simonsen Industries, Inc. (Cherokee Co.)	WW	5,000
Dennis Malone & Joanne Malone (Morning Sun)	UT	600
Economy Solar Corp.; Jeffrey C. Intlekofer (Cedar Rapids)	AQ	10,000
Marty Feinberg d/b/a Feinberg Scrap Iron; Betty Feinberg; F & F Metals (Lee Co.)	HC/WW	10,000
Earth Media Technologies, Inc. (Polk Co.)	SW	3,000
Pilot Oil Corporation (Walcott)	WW/UT	5,000
Leonard C. Page (Adams Co.)	SW	3,000
Boyer Valley Company (Arion)	WW	8,000
Wilbur McNear; Gilbert Persinger (Smithland)	UT	2,500
Donald Krieger (Terrill)	UT	600
Donald J. Foreman d/b/a D & R Feedlots (Woodbury Co.)	WW	3,000
Wilbur McNear d/b/a McNear Oil Co. (Charter Oak)	UT	2,000
Holiday Mobile Lodge, Inc. (Johnson Co.)	AQ/SW	2,000
Shell Rock Products, Inc. (Butler Co.)	AQ/SW	10,000
E.L. Incorporated (Algona)	SW	5,000
Weber Construction, Inc. (Cascade)	AQ	4,000
Tri-County Bank & Trust (Cascade)	AQ	4,000
Jack Pinney Operations, Inc. (Sioux City)	AQ	4,000
Roy Burger (Gillette Grove)	UT	5,400
Fremont County Sanitary Landfill (Fremont Co.)	SW	5,000
Spencer Municipal Hospital (Spencer)	AQ	3,000
Westside Park for Mobile Homes (Burlington)	WW	3,000
Climax Molybdenum Company (Ft. Madison)	HC/AQ	10,000
Clarence, City of	WW	3,000
Daryl & Karen Hollingsworth d/b/a Medora Store(Indianola)	UT	4,800
Hidden Valley Mobile Home Park (Washington)	WW	2,000
Markley Knock d/b/a Knock's Bldg. Supply (Parkersburg)	AQ/SW	2,000
Russell Stagg (Muscatine Co.)	AQ/SW	2,000
Obie's Hurstville Tap, Inc. (Maquoketa)	WS	100
Dallas County Care Facility (Adel)	WW	2,500
Mount Joy Mobile Home Park (Davenport)	WW	2,000
Louisa-Muscatine Community School (Letts)	WS	500
Davenport Travel Plaza (Walcott)	WS	250
Vermeer Manufacturing Co. (Pella)	AQ	10,000
Gary Walker (Montgomery Co.)	AQ/SW	3,000
Haasco, Ltd. (Dubuque)	AQ	3,000
Site Services, Ltd. (Waterloo)	AQ	5,000
Bernie Brauns d/b/a Brauns Waste Mgmt. (Muscatine Co.)	AQ/SW	10,000
Ron Rupe (Polk Co.)	SW	2,000

Richard L. Magdefrau (Washington Co.)	AQ/SW	2,000
Lamoni, City of	WW	1,000
Margaret and Gene Palmersheim d/b/a G & M Service Mart (Greeley)	UT	1,500
Dakota Mobile Home Park (Oxford)	WW	2,550
Waste Mgmt. & Design; Monfort, Inc. (Des Moines)	SW/WW	10,000
#Boomsma Egg Site #1; A.J. DeCoster (Wright Co.)	WW	1,000
Richard Sprague (Tripoli)	AQ/SW	5,000
Joseph Barragy; Tom Barragy; J & M Woodshavings, Inc. (Cerro Gordo Co.)	AQ/SW	4,000
Marvin Low d/b/a Low's DX (Toledo)	UT	10,000
Carroll, City of	WS	3,000
Todd L. Salow (Washington)	AQ/SW	5,000
Camp Golden Valley (Lockridge)	WW	5,700
Holliman LTD.; Terry Holliman (Hamburg)	SW/WW	10,000
Organic Technologies Corp.; Tim Danley; Ken Renfro (Warren Co.)	SW/WW	10,000
Ralene Hawkins d/b/a R.J. Express Salvage & Demolition; Clara Lindstadt (Des Moines Co.)	AQ/SW	1,000
Bellevue Golf Club, Inc. (Bellevue)	WS	300
Cliff's Place, Inc. (Waverly)	WS	1,500
Craig Burgin (Indianola)	UT	600
Wayne Johnson (Rockford)	AQ/SW	1,000
Sylvan Acres (Janesville)	WS	1,000
Paul Behounek; Todd Behounek (Tama Co.)	AQ/SW	7,100
Delaware County Landfill, Inc.	SW	5,000
Brittany Estates Addition (Manchester)	WS	4,000
Kruger Seed Co. (Dike)	AQ	3,000
Ritchie Industries, Inc. (Conrad)	AQ	3,000
Bob Luke d/b/a D & R Tree Service (Washington)	AQ/SW	1,000
Country Pumpkin (Deloit)	WS	500
Robert Frees; Elizabeth Mathes (Washington Co.)	SW	1,000
Tire-Tech Environmental Systems, Inc. (Muscatine)	SW/WW	2,500
Iowa Waste Systems, Inc.; Fayette Co. Solid Waste Comm.	SW	10,000
Advanced Technologies Corp. (Waterloo)	AQ	7,500
Biovance Technologies, Inc. (Oskaloosa)	AQ	4,000
Stellar Industries, Inc. (Garner)	AQ	3,000
Joyce Wagner; Bruce Manthe d/b/a Wagner Truck Wash (Merrill)	WW	5,000
Iowa Mold Tooling Co., Inc. (Garner)	AQ	5,000
Keokuk Steel Castings Co., Inc. (Keokuk)	AQ	5,000
Walnut Grove Water Company (Davenport)	WS	2,500
Big Ten Mart/Truck Stop (Lowden)	WS	5,000
North Central Cooperative (Clarion)	WW/HC	2,000
# Iowa Select Farms, L.P. (Hardin Co.)	WW	1,500
Troy Elevator, Inc. (Troy)	WW/HC	4,000
Milton, City of	SW/AQ	1,000
# Austin J. DeCoster (Nursery 8) (Wright Co.)	WW	1,000
# Iowa Select Farms, L.P. (Sow 8) (Wright Co.)	WW/HC	3,000
Sac City, City of	WW	4,000
Rockwell City, City of	WW	10,000
James Mills (Webb)	AQ/SW	3,000
Webb, City of	AQ/SW	3,000
Ira and Debby Cooley; Karen Sauer (Keokuk Co.)	AQ/SW	1,000
# Irvin Leichty (Henry Co.)	WW	3,000
Ed Engelbrecht d/b/a E & E Auto Salvage (Lee Co.)	AQ/SW	1,000
Enviro Safe Air, Inc. (Creston)	AQ	10,000

Pathway Christian School (Kalona)	WS	500
Pictured Rocks Methodist Campt (Monticello)	WS	700
Wiese Corporation (Perry)	AQ	5,000
Ben Haven Mobile Home Park	WS	5,500
Howard Victor and Wanda Victor (Des Moines)	UT	10,000
	TOTAL	**482,245**

The following administrative penalties were paid last month:

NAME/LOCATION	PROGRAM	AMOUNT
*Home Asbestos & Lead Abatement Services (Johnston)	AQ	50
Rural Iowa Waste Management Assoc. (Eldora)	UT	500
Paul Niemann Construction Co. (Sumner)	WW	2,000
National Cooperative Refinery Assoc. (Council Bluffs)	AQ	1,000
Ainsworth, City of (Paid 12/11/97)	WS	50
*#Leroy Wulf (Des Moines Co.)	WW	250
Fairfield, City of (Paid 6/19/98)	WW	5,000
Al DeCarlo Demolition Co. (Des Moines) (Paid 3/26/98)	AQ	1,000
*Home Asbestos & Lead Abatement Services (Johnston)	AQ	50
Kind and Knox Gelatine, Inc. (Sioux City)	AQ	10,000
	TOTAL	**19,900**

ATTORNEY GENERAL REFERRALS
August 1, 1998

Name, Location and Region Number	Program	Alleged Violation	DNR Action	New or Updated Status	Date
Advanced Technologies Corp. Iowa City (6)	Air Quality	Asbestos	Referred to Attorney General	Referred Petition Filed	6/20/97 6/05/98
Ballard, Randy Fayette Co. (1)	Flood Plain	Construction Without Permit	Order/Penalty	Referred Petition Filed	5/29/96 6/05/98
Buringrud, Mark d/b/a Carpenter Bar and Grill Carpenter (2)	Drinking Water	Monitoring/ Reporting- Bacteria, Nitrate	Order/Penalty	Referred Petition Filed	11/17/97 6/04/98
Clark, Doug d/b/a Charlie's Supper Club Livermore (2) NEW	Drinking Water	Failure to Renew Permit; Monitoring/ Reporting	Order/Penalty	Referred	7/20/98
DeCoster, A.J. Wright Co. (2)	Waste-water	Prohibited Discharge	Referred to Attorney General	Referred Petition Filed Hearing on Pre-Trial Motion Order Denying Defendant's Motion Order Granting State's Motion State's Motion to Compel Hearing	7/17/95 1/23/96 10/28/96 11/06/96 11/21/96 1/28/97- 2/06/97

				Order Granting State's Motion	2/11/97
				Trial	2/21/97 3/05/97
				Closing Arguments	3/28/97
				Ruling ($59,000/Civil)	9/05/97
				Defendant's Notice of Appeal	4/04/97
				Defendant's Brief Filed	9/05/97
				Defendant's Amended Brief Filed	9/24/97
				State's Brief Filed	1/12/98
				State's Amended Brief Filed	1/22/98
				Defendant's Reply Brief Filed	2/19/98
DeCoster, A.J. Nursery Unit #3 Wright Co. (2)	Waste-water	Prohibited Discharge	Referred to Attorney General	Referred Petition Filed Consolidated With Sow Unit #1 (See Below)	8/19/96 11/25/96 4/28/97
DeCoster, Austin J. Sow Unit #1 (2) **UPDATED**	Waste-water	Prohibited Discharge	Referred to Attorney General	Referred	1/22/97
				Petition Filed	4/24/97
				State's Motion to Change Venue	4/28/97
				State's Motion to Consolidate	4/28/97
				Order Granting Motions	4/28/97
				Amended & Substituted Petition Filed	5/19/97
				Defendant's Motion for Partial Summary Judgment	7/14/97
				State's Motion for Partial Summary Judgment	8/04/97
				Hearing on Defendant's Motion for Partial Summary Judgment	8/11/97
				Hearing on State's Motion for Partial Summary Judgment	8/25/97
				Ruling Denying Defendant's Motion for Partial Summary Judgment	9/02/97
				Ruling Granting State's Motion for Partial Summary Judgment	9/04/97
				Trial	9/16-18/97
				Ruling for State	1/15/98
				Defendant's Notice of Appeal	2/13/98
				Defendant's Proof Brief Filed	7/08/98
DeCoster, Austin J. Sow Unit #11; Nursery Unit #7 Wright Co. (2)	Waste-water	Prohibited Discharge	Referred to Attorney General	Referred Petition Filed Consolidated With Nursery Unit #4 (See Below)	6/20/97 3/20/98
DeCoster, Austin J. Nursery Unit #4 Wright Co. (2)	Waste-water	Prohibited Discharge	Referred to Attorney General	Referred Petition Filed	8/18/97 3/20/98
DeCoster, Austin J. Sow Unit #3 Hamilton Co. (2)	Waste-water	Prohibited Discharge	Referred to Attorney General	Referred	12/15/97
Dunkel, Paul L. Delaware Co. (1) **UPDATED**	Solid Waste	Illegal Disposal	Referred to Attorney General	Referred	6/19/95
				Petition Filed	2/16/96
				Default Judgment ($10,000/Civil; $1,500/Admin. & Injunction)	6/17/96
				Contempt Judgment	7/21/98

Economy Solar Corp. Ft. Madison (6)	Air Quality	Asbestos	Referred to Attorney General	Referred Petition Filed Trial Date Ruling ($1,600/Civil & Injunction) Notice of Appeal Voluntary Dismissal	3/21/94 8/29/94 11/06/95 11/30/95 1/03/96 4/11/96
Economy Solar Corp./Central Community School DeWitt (6)	Air Quality	Asbestos	Referred to Attorney General	Referred Petition Filed Trial Date Consent Decree ($9,000/Civil)	7/17/95 1/03/97 3/23/98 5/22/98
Farmers Hybrid Companies, Inc. Poweshiek Co. (1)	Animal Feeding Operation	Prohibited Discharge	Referred to Attorney General	Referred	3/16/98
Gassman, Charles and Ruth d/b/a Gassman's MHP Dubuque (1)	Drinking Water	Monitoring/Reporting-Nitrate	Referred to Attorney General	Referred	6/15/98
Grell, Don d/b/a Dodger Enterprises Ft. Dodge (2)	Air Quality	Open Burning	Order/Penalty	Referred	1/20/98
Hahn, Oscar Solon (6)	Air Quality Solid Waste	Open Burning Illegal Disposal	Order/Penalty	Referred Petition Filed Entry of Default	12/18/95 4/18/96 11/01/96
Hidden Valley Mobile Home Court Washington Co. (6)	Drinking Water	Monitoring/ Reporting - Lead and Copper	Order/Penalty	Referred	1/20/98
Home Asbestos & Lead Abatement Services; Robert G. Condon West Des Moines (5)	Air Quality	Asbestos	Order/Penalty	Referred Motion for Judgment Consent Decree ($1,850/Admin.)	10/20/97 6/01/98 6/05/98
Huyser, James; Trust Trucking Lovilia (5)	Under-ground Tank	Site Assessment	Referred to Attorney General	Referred Petition Filed Dismissed for Lack of Service Bankruptcy Petition Filed	11/21/94 4/18/96 9/20/96 9/20/96
Larson, Daryl Clinton Co. (6)	Waste-water	Prohibited Discharge	Referred to Attorney General	Referred Petition Filed	10/20/97 6/26/98
Martinez, Vincent d/b/a Martinez Sewer	Hazardous Condition	Remedial Action	Order/Penalty	Referred Petition Filed	2/17/92 12/21/92

Service Davenport (6)				Partial Default Judgment (Injunction)	10/11/94
Organic Technologies; Tim Danley; Ken Renfrow; Mike Danley Warren Co. (5)	Solid Waste	Permit Violations	Referred to Attorney General	Referred	12/15/97
Orrie's Supper Club, Inc. Hudson (1)	Drinking Water	Monitoring /Reporting; Lead & Copper	Order/Penalty	Referred	10/16/95
Owens & Owens Realty, Inc. Wilton (6)	Under-ground Tank	DNR Defendant	Defense	Petition Filed Answer Filed	3/29/96 4/19/96
Papetti's of Iowa Food Products, Inc. Taylor Co. (4)	Waste-water	Prohibited Discharge	Referred to Attorney General	Referred	1/22/97
Postville Pork Postville (1)	Waste-water	Prohibited Discharge	Referred to Attorney General	Referred Petition Filed Trial Date	5/20/96 7/09/97 11/4/98
Reed, Verna and Don; Andrea Silsby Union Co. (4)	Solid Waste	Illegal Disposal	Order/Penalty	Referred Petition Filed Entry of Default	6/20/94 8/10/94 12/12/94
Relative, Inc.; Doug Smuck Des Moines (5)	Under-ground Tank	Insurance Violation	Order/Penalty	Referred Petition Filed Order Granting Default Judgment	10/17/94 5/12/95 11/26/96
R.V. Hopkins Davenport (6)	Air Quality	Emission Violations	Order/Penalty	Referred Petition Filed	5/21/97 6/09/98
Schoenberr, R.B. d/b/a Long Branch Tavern Monmouth (1)	Drinking Water	Permit Renewal	Orders/ Penalties	Referred Petition Filed	6/20/97 6/04/98
Stickle Farms, Inc. Linn Co. (1)	Waste-water	Prohibited Discharge	Referred to Attorney General	Referred	4/21/97
Tire Tech Environmental Systems, Inc. Muscatine (6)	Solid Waste	Tire Processing Permit Violations	Referred to Attorney General	Referred Petition Filed	4/20/98 6/23/98
Tracy, Ronald d/b/a TRACE, Inc.	Waste-water	Prohibited Discharge	Referred to Attorney	Referred Criminal Complaint Filed	11/17/97 11/26/97

Howard Co. (1)			General		
Underwood, Paul d/b/a Underwood Excavating and Demolition Cedar Rapids (1)	Air Quality	Asbestos	Order/Penalty	Referred Motion for Judgment	5/15/95 8/15/96
Vermeer Manufacturing Pella (5)	Air Quality	Construction Without Permits	Referred to Attorney General	Referred Consent Decree ($100,000/Civil; Plus SEPs)	6/30/98 7/01/98
White, Robert Jeff Dallas Center (5)	Air Quality; Solid Waste	Open Burning; Illegal Disposal	Order/Penalty	Referred	4/20/98
Williams, Dean d/b/a Williams Oil Co. Stuart (4)	Under-ground Tank	Site Assessment	Order/Penalty	Referred	10/20/97
Wunschel Oil Co.; Vernus Wunschel and Jaquelyn Wunschel Battle Creek (3)	Under-ground Tank	Site Assessment	Referred to Attorney General	Referred Motion for Judgment Consent Decree ($6,400/Admin.) Referred	1/17/95 8/28/96 12/13/96 3/30/98

CONTESTED CASES
August 1, 1998

Date Received	Name of Case	Action Appealed	Program	Assigned To	Status
6-08-89	Shaver Road Investments	Site Registry	HW	Kennedy	New draft consent order issued to company
6-08-89	Hawkeye Rubber Mfg. Co.	Site Registry	HW	Kennedy	New draft consent order issued to company
6-08-89	Lehigh Portland Cement Co.	Site Registry	HW	Murphy	Hearing continued. Discovery initiated.
11-03-89	Bridgestone/Firestone, Inc.	Site Registry	HC	Murphy	Hearing continued pending negotiations.
5-08-90	Texaco Inc./Chemplex Co. Site	Site Registry	HW	------	Settlement proposed.
5-14-90	Alter Trading Corp. (Council	Admin. Order	SW	Kennedy	Permit issued. District court suit dismissed.
6-20-90	Des Moines, City of	NPDES Permit Cond.	WW	Hansen	EPD met with City to resolve appeal issues.
7-02-90	Keokuk Savings Bank and Trust;	Site Registry	HW	-----	Hearing continued.
7-30-90	Key City Coal Gas Site; and	Site Registry	HW	-----	Decision appealed (Pixler).
8-01-90	J.I. Case Company	Site Registry	HW	Preziosi	Hearing continued indefinitely pending
1-07-91	Joe E. Eggers, Jr.; Joe and Mary	Admin. Order/Penalty	SW	Kennedy	Hearing continued. Clean-up continuing
5-20-91	Great Rivers Coop-Lockridge	Site Registry	HC	Murphy	Settlement close, 7/1/98.
9-25-91	Archer Daniels Midland	Admin. Order	SW	Kennedy	DNR engineers reviewing documents.
1-17-92	Hickory Hollow Water Co.	Admin. Order/Penalty	WS	Hansen	Settlement offer to WS. Counter offer
1-30-92	Center Oil Co., Inc.	Admin. Order	HC	Murphy	Negotiating before filing.
4-09-92	Wayne Transports, Inc.	Admin. Order/Penalty	WW	Murphy	Negotiating before filing.
4-15-92	Mulgrew Oil Co.	Admin. Order/Penalty	HC	Wornson	Settlement letter sent 8/31/94. SCR
5-05-92	Plymouth Cooperative Oil Co.	Admin. Order/Penalty	WW	Murphy	Negotiating before filing.
5-12-92	Paris & Sons, Inc.	Site Registry	HC	Murphy	Negotiating before filing.
6-23-92	Chickasaw County Board of	Admin. Order/Penalty	SW	Kennedy	County to include closing in FY 1997
9-21-92	ITWC	Admin. Order/Penalty	AQ	Preziosi	Settlement close. Negotiating penalty.
9-22-92	King's Terrace MHP	Admin. Order/Penalty	WW	Hansen	8/94-Letter to facility regarding resolution of

11-16-92	Frank Hulshizer	Admin. Order/Penalty	SW	Kennedy	Amended order issued 1/11/96.
12-14-92	Quantum	Permit Conditions	WW	Hansen	3/30/93 Dept. settlement offer made. 5/03/93
4-05-93	Mapleton, City of	WW Operator	WW	Hansen	Under review by EPD. Appeal discussion
4-12-93	LeMars, City of	Admin. Order/Penalty	WW	Hansen	Construction permit issued. Schedule
4-21-93	Donald Udell	Admin. Order/Penalty	SW	Kennedy	Clean-up completed. Penalty settlement due.
6-21-93	Jacobs Energy Corp., Inc.	Permit Denial	AQ	Preziosi	Hearing continued. Meeting held.
7-06-93	Dennis E. Good	Admin. Order	UT	Wornson	Tier 1 complete. Tier 2 initiated.
7-09-93	Oakwood Park Water, Inc.	Admin. Order/Penalty	WS	Hansen	Construction permit issued 2/94. Facility to
7-20-93	Valley Restaurant/Sierp Oil; Mary	Admin. Order	UT	Wornson	Tier 2 initiated.
11-16-93	Iowa Southern Utilities	Permit Conditions	AQ	Preziosi	8/12/97 - Appeal being reviewed in context
12-23-93	Waverly Gravel & Ready-Mix aka	Admin. Order/Penalty	AQ	Preziosi	Negotiating penalty. Settlement close.
1-27-94	Archer-Daniels-Midland	Permit Conditions	AQ	Preziosi	Negotiating before filing.
2-28-94	Coastal Mart - Davenport	Admin. Order/Penalty	UT	Wornson	Deficient SCR. Letter sent. Penalty on
3-03-94	Burlington Northern Railroad	Tax Certification	WW	Hansen	3/96 - Letter to company regarding appeal.
5-10-94	Dennis Malone; Joanne Malone	Admin. Order/Penalty	UT	Wornson	Untimely appeal. Compliance 3/97.
5-27-94	Joseph L. Ranker; Daryl	Admin. Order/Penalty	UT	Wornson	Tanks closed. Property sold. Buyer is Fund
6-15-94	Lakeview Heights	Permit Conditions	WS	Hansen	Facility proposal under review by WS. DNR
7-12-94	Tom Wiseman	Admin. Order/Penalty	UT	Wornson	Appeal untimely. Follow-up letter sent. Fund
8-12-94	Karl and Thelma Boylan d/b/a	Admin. Order/Penalty	UT	Wornson	Inability to pay. Failed to return required
8-29-94	B and B Tire and Oil	Admin. Order/Penalty	UT	Wornson	SCR accepted. Letter sent offering penalty
9-01-94	Elmer R. Faust d/b/a Faust Garage	Admin. Order/Penalty	UT	Wornson	SCR accepted - negotiating penalty.
9-02-94	Crabtree Lake Resort	Admin. Order/Penalty	WW	Hansen	Facility in compliance.
9-06-94	HEW, inc.	Admin. Order/Penalty	AQ	Preziosi	3/1/96 - Amended order to be issued.
9-09-94	American Coals Corp.,Site 5	Admin. Order/Penalty	SW/AQ	Kennedy	Bankruptcy filed. Phone conversation
9-15-94	Bankston	Admin. Order/Penalty	WS	Hansen	1/95 - Information from City. Compliance
9-16-94	Wunschel Oil Co.; Vernus	Admin. Order/Penalty	UT	Wornson	Consent order. SCR received. Revisions to
9-26-94	James D. Foust	Admin. Order/Penalty	SW	Kennedy	Hearing continued by ALJ because of
10-07-94	Titan Wheel International	Admin. Order/Penalty	WW	Hansen	Revised BMR report submitted/reviewed by
10-19-94	Ronald Sizemore; Mark Murphy	Admin. Order/Penalty	UT	Wornson	Inability to pay documented. County took
11-14-94	Tom Babinat d/b/a Tom's Car Care	Admin. Order/Penalty	UT	Wornson	Inability to pay - requested documentation --
12-14-94	Campbell Clean-Up Service	Permit Denial	AQ	Preziosi	Negotiating before filing.
1-10-95	Steamboat Rock	Admin. Order	WS	Hansen	2/95 - Settlement offer by City and response
1-11-95	Henry and Randy Krohn d/b/a	Admin. Order/Penalty	AQ/SW	Kennedy	Settlement offer made. FO rejected offer.
1-13-95	James and Roxann Neneman	Admin. Order/Penalty	UT	Wornson	Inability to pay. Forms sent. No response.
1-13-95	Simonsen Industries, Inc.	Admin. Order/Penalty	WW	Hansen	2/28/95 - Submittal by facility's engineer
2-23-95	Lehigh Portland Cement	Permit Conditions	WW	Hansen	Informal settlement meeting held on 6/96.
3-23-95	American Coals Corp.	Admin. Order	SW	Kennedy	In bankruptcy. Consent order drafted.
4-13-95	The Weitz Corp.; Barton Solvents,	Admin. Order	HC	Kennedy	Remediation plan received 5/27/96.
5-05-95	C & O Recycling Enterprises;	Permit Denial	AQ	Preziosi	Negotiating before filing.
5-25-95	Marty Feinberg d/b/a Feinberg	Admin. Order/Penalty	HC/WW	Kennedy	Hearing continued. Clean-up continuing.
5-25-95	E.I. DuPont DeNemours (95-A-	Permit Conditions	AQ	Preziosi	Awaiting engineering evaluation.
5-25-95	Fremont County SLF	Admin. Order/Penalty	SW	Kennedy	Negotiating before filing.
5-30-95	Earth Media Technologies	Admin. Order/Penalty	SW	Kennedy	In the process of clean-up.
5-31-95	E.I. DuPont DeNemours (91-A-266	Permit Conditions	AQ	Preziosi	Awaiting engineering evaluation.
6-16-95	Pilot Oil Corporation	Admin. Order/Penalty	WW/UT	Murphy	Compliance achieved; settlement offer made
6-20-95	Toledo, City of	Permit Conditions	WW	Hansen	WW permits to negotiate settlement. Status
6-23-95	Leonard C. Page	Admin. Order/Penalty	SW	Kennedy	Penalty settlement due 8/30/97.
7-03-95	Donald J. Foreman d/b/a D & R	Admin. Order/Penalty	WW	Hansen	Negotiating before filing.
7-05-95	Boyer Valley Co.	Admin. Order/Penalty	WW	Hansen	Informal meeting held for 6/7/96. Response
7-10-95	Donald Krieger	Admin. Order/Penalty	UT	Wornson	Tanks removed. Report due.
7-10-95	Gilbert Persinger/Smithland Store	Admin. Order/Penalty	UT	Wornson	SCR received - rejected. Review progress.
7-28-95	**Harold T. Knott; James C. Knott**	**Admin. Order**	**UT**	**Wornso**	**Compliance achieved. Closed.**
8-01-95	Wilbur McNear d/b/a McNear Oil	Admin. Order/Penalty	UT	Wornson	**SCR received/rejected. Referral for state**

8-18-95	Holiday Mobile Lodge, Inc.	Admin. Order/Penalty	AQ/SW	Kennedy	Appellant's attorney reply due 2/29/96.
8-24-95	Shell Rock Products, Inc.	Admin. Order/Penalty	AQ/SW	Kennedy	Settlement offer due 8/1/96.
9-06-95	Kraft Foods Inc.; Oscar Mayer	Variance Denial	WW	Hansen	Follow-up letter requesting information sent
9-20-95	FKI Industries, Inc.; Fairfield	Admin. Order	WW/HC	Murphy	Negotiating before filing.
10-09-95	E.L. Incorporated	Admin. Order/Penalty	SW	Kennedy	Appellant no longer accepting waste.
10-17-95	Tri-County Bank	Admin. Order/Penalty	AQ	Preziosi	Awaiting penalty payment.
10-17-95	Weber Construction, Inc.	Admin. Order/Penalty	AQ	Preziosi	Hearing held 4/25/97. Decision received in
11-03-95	Jack Pinney Operations, Inc. aka	Admin. Order/Penalty	AQ	Preziosi	Settled. Awaiting penalty payment.
12-12-95	Vernon Kinsinger; K & K	Admin. Order/Penalty	AQ/SW	Kennedy	Clean-up progressing. Working with F.O. #6.
12-27-95	Ag Processing, Inc.	Permit Denial	AQ	Preziosi	Negotiating before filing.
12-29-95	Spencer Memorial Hospital	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
1-04-96	Catherine E. Meredith	Admin. Order	UT	Wornson	Compliance initiated by Atlantic Bottling.
1-08-96	Westside Park for Mobile Homes	Admin. Order/Penalty	WW	Hansen	Past due monthly monitoring reports
1-11-96	Climax Molybdenum Company	Admin. Order/Penalty	AQ/HC	Preziosi	Negotiating before filing.
1-12-96	Clarence, City of	Admin. Order/Penalty	WW	Hansen	1/96 - Facility inspected by FO 6. 9/96 letter
1-22-96	Daryl Hollingsworth and Karen	Admin. Order/Penalty	UT	Wornson	**Tanks removed. Property sold. Parties**
1-25-96	Hidden Valley Mobile Home Park	Admin. Order/Penalty	WW	Clark	Negotiating before filing.
1-25-96	Markley Knock d/b/a Knock's	Admin. Order/Penalty	AQ/SW	Kennedy	Phone conference with attorney regarding
2-06-96	Russell Stagg	Admin. Order/Penalty	AQ/SW	Kennedy	Negotiating before filing.
3-11-96	Dallas County Care Facility	Admin. Order/Penalty	WW	Hansen	Facility inspected by FO. Now in
3-14-96	Laurel, City of	Admin. Order	WW	Hansen	Information submitted by city under review
3-14-96	Lamoni, City of	Admin. Order	WW	Hansen	Flow information requested from City's
3-19-96	Obie's West.	Admin. Order	WS	Hansen	Under review by WS section.
3-22-96	Mt. Joy Mobile Home Park	Admin. Order/Penalty	WW	Hansen	3/25/96 Inspection by FO 6. Facility in
3-26-96	Louisa-Muscatine Community	Admin. Order/Penalty	WS	Hansen	Negotiating before filing.
5-07-96	Lakeview Mobile Home Park	Admin. Order/Penalty	WW	Hansen	6/20/96 - informal meeting held. Facility to
5-08-96	Vermeer Mfg. Co. (96AQ06)	Admin. Order/Penalty	AQ	Preziosi	Drafting consent order.
5-14-96	Gary Lee Walker	Admin. Order/Penalty	AQ/SW	Kennedy	Negotiating before filing.
5-16-96	Grand Laboratories, Inc.	Permit Denial	WW	Hansen	Information received and reviewed by EPD.
5-29-96	Haasco, Ltd.	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
6-07-96	Clow Valve Company	Permit Conditions	AQ	Preziosi	Negotiating before filing.
6-07-96	Koehring Cranes, Inc.	Open Burning	AQ	Preziosi	Negotiating before filing.
6-10-96	DeCoster Farms of Iowa (19 sites)	Admin. Order	WW	Clark	Proposed decision 11/25/96. Appealed to
6-10-96	DeCoster Farms of Iowa (5 sites)	Permit Denial	WR	Clark	Proposed decision 11/25/96. Appealed to
6-19-96	Appanoose Co. Sanitary Landfill	Permit Modification	SW	Kennedy	Hearing set for 6/29/98 - settlement pending.
6-25-96	Bernie Brauns d/b/a Brauns Waste	Admin. Order/Penalty	AQ/SW	Kennedy	Negotiating before filing.
7/17/96	Richard L. Magdefrau	Admin. Order/Penalty	AQ/SW	Kennedy	Negotiating before filing.
8/01/96	DeCoster Farms of Iowa (Nursery	Permit Denial	WW	Clark	Proposed decision 11/25/96. 12/27/96 -
8/01/96	DeCoster Farms of Iowa	Admin. Order/Penalty	WW	Clark	Hearing continued - date to be set.
8/09/96	Gene and Margaret Palmersheim	Admin. Order/Penalty	UT	Wornson	Negotiating before filing.
8/19/96	Capitol Oil Co., Inc. d/b/a Dakota	Admin. Order/Penalty	WW	Clark	Negotiating before filing.
8/23/96	Waste Management & Design	Admin.,	WW/SW	Kennedy	Settlement pending.
8/30/96	Howard Victor & Wanda Victor	Admin. Order/Penalty	UT	Wornson	Closed facility. Negotiating penalty.
9/04/96	Ag Processing, Inc./Sheldon	Permit Denial	AQ	Preziosi	Negotiating before filing.
9/24/96	North Star Steel Iowa	Permit Denial	AQ	Preziosi	Negotiating before filing.
10/11/96	DeCoster Farms of Iowa (96-	Admin. Order	WW	Clark	Hearing continued indefinitely.
10/17/96	DeCoster Farms of Iowa	Permit Revocation	WW	Clark	Hearing continued indefinitely.
10/28/96	Fischer Controls International	Permit Conditions	WW	Hansen	Negotiating before filing.
11/01/96	Joseph Barragy and Tom Barroy	Admin. Order/Penalty	AQ/SW	Kennedy	Negotiating before filing.
11/05/96	Marvin Low d/b/a Low's DX	Admin. Order/Penalty	UT	Wornson	Tanks removed. Closure report submitted.
11/07/96	Todd L. Salow	Admin. Order/Penalty	AQ/SW	Kennedy	Negotiating before filing.
11/08/96	**Caseys General Stores, Inc.**	**Mean Time to**	**UT**	**Wornso**	**Settled. Closed.**
11/08/96	Carroll, City of	Admin. Order/Penalty	WS	Hansen	Returned to compliance.

11/25/96	Camp Golden Valley	Admin. Order/Penalty	WW	Kennedy	Negotiating before filing.
12/02/96	Organic Technologies Corp.	Permit Denial	SW	Murphy	**Proposed decision received 8/1/97;**
12/05/96	Organic Technologies Corp. -----	Admin. Order/Penalty	SW	Murphy	**Proposed decision received 8/1/97;**
1/02/97/	Ruan Leasing Co., aka Ruan	Admin. Order	AQ	Preziosi	Negotiating before filing.
1/28/97	Ralene Hawkins d/b/a R.J. Express	Admin. Order/Penalty	SW/AQ	Kennedy	Clean-up complete. Negotiating penalty.
2/07/97	Craig Burgin	Admin. Order/Penalty	UT	Wornson	Compliance complete. Negotiating penalty.
2/19/97	Cliff's Place, Inc.	Admin. Order/Penalty	WS	Hansen	Compliance initiated.
2/21/97	Farmland Foods, Inc. (Denison)	Permit Conditions	AQ	Preziosi	Negotiating before filing.
3/04/97	Wayne Johnson	Admin. Order/Penalty	SW/AQ	Kennedy	Negotiating before filing.
3/20/97	Sylvan Acres	Admin. Order/Penalty	WS	Hansen	Compliance initiated.
3/28/97	Paul Behounek; Todd Behounek	Admin. Order/Penalty	SW/AQ	Kennedy	Negotiating before filing.
4/07/97	AGP, Inc. (Ag Processing, Inc.)	Permit Conditions	AQ	Preziosi	Negotiating before filing.
4/10/97	Lehigh Portland Cement	PSD Permit Denial	AQ	Preziosi	Negotiating before filing.
5/07/97	Delaware County Landfill, Inc.	Admin. Order/Penalty	SW	Kennedy	Negotiating before filing.
6/06/97	Carroll's Foods of the Midwest	Const. Permit Denial	WW	Clark	Negotiating before filing.
6/10/97	Kruger Seed Co.	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
6/16/97	Ritchie Industries, Inc.	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
6/17/97	Bob Luke d/b/a D & R Tree	Admin. Order/Penalty	AQ/SW	Kennedy	Negotiating before filing.
6/30/97	Linwood Mining and Minerals	Admin. Order	AQ	Preziosi	Negotiating before filing.
7/22/97	CIPCO	Construction Permit	AQ	Preziosi	Negotiating before filing.
7/22/97	Robert P. Frees; Elizabeth R.	Admin. Order/Penalty	SW	Kennedy	Negotiating before filing.
7/30/97	Country Pumpkin	Admin. Order/Penalty	WS	Hansen	Negotiating before filing.
7/31/97	Advanced Technologies Corp.	Admin. Order/Penalty	AQ	Preziosi	New case.
8/01/97	Dodger Enterprises Co., Tire Chop	Admin. Order	SW	Murphy	**Proposed decision 6/26/98. Appeal to EPC.**
8/05/97	Biovance Technologies	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
8/08/97	Iowa Waste Systems, Inc.; Fayette	Admin. Order/Penalty	SW	Kennedy	Negotiating before filing.
8/15/97	Ralston Purina Co.	Permit Conditions	AQ	Preziosi	Negotiating before filing.
8/18/97	Stellar Industries Inc.	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
8/25/97	Joyce Wagner; Bruce Manthe d/b/a	Admin. Order/Penalty	WW	Murphy	9/97 - Case on hold pending compliance.
9/17/97	Keokuk Steel Castings	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
9/25/97	Iowa Mold Tooling Co., Inc.	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
9/26/97	Walnut Grove Water Co.	Admin. Order/Penalty	WS	Hansen	Under review by WS section. Connection to
10/6/97	North Central Cooperative	Admin. Order/Penalty	HC/WW	Murphy	3/98 - Site assessment proceeding.
10/6/97	Big-Ten Mart/Truck Stop	Admin. Order/Penalty	WS	Murphy	**Hearing set for 7/17/98. Default entered**
10/6/97	Holnam, Inc.	Permit Conditions	AQ	Preziosi	Negotiating before filing.
10/7/97	Ottumwa, City of	Variance Denial	WW	Hansen	Informal meeting held 11/13/97. City
10/17/97	Iowa Select Farms, L.P. (Gast	Admin. Order/Penalty	WW	Clark	**Proposed decision 5/29/98. Appealed to**
10/22/97	Lehigh Portland Cement Co.	Admin. Order	AQ	Preziosi	Negotiating before filing.
11/19/97	Troy Elevator, Inc.	Admin. Order/Penalty	WW/HC	Murphy	Negotiating before filing.
12/02/97	Dows, City of	Admin. Order	WW	Hansen	F.O. 2 inspection 3/98. To be set for hearing.
12/03/97	Milton, City of	Admin. Order/Penalty	SW/AQ	Kennedy	Negotiating before filing.
12/12/97	Donald E. Grell; Dodger	Notice of Intent to	SW	Murphy	**Proposed decision 6/26/98. Appeal to EPC.**
12/22/97	Dave and Kristi Castenson; Donald	Harcourt Variance	WW	Hansen	Hearing set for 7/20, 21/98.
1/07/98	Iowa Select Farms, L.P. (Sow Farm	Admin. Order/Penalty	WW/HC	Clark	**Proposed decision 5/29/98. Appealed to**
1/13/98	DeCoster Farms of Iowa (Nursery	Admin. Order/Penalty	WW	Clark	Negotiating before filing.
1/16/98	Pilgrim Heights Camp	NPDES Permit	WW	Hansen	Negotiating before filing.
1/23/98	Sac City	Admin. Order/Penalty	WW	Hansen	Status report received from city's consultant.
1/29/98	Ralston Purina Company	Permit Conditions	AQ	Preziosi	Negotiating before filing.
1/30/98	Rockwell City	Admin. Order/Penalty	WW	Hansen	Meeting on 4/22/98 with city's engineer
2/13/98	Ed Engelbrecht d/b/a E & E Auto	Admin. Order/Penalty	AQ/SW	Kennedy	Negotiating before filing.
2/17/98	Irvin Leichty	Admin. Order/Penalty	WW	Clark	**Draft consent amendment sent 7/15/98.**
2/26/98	Ira Cooley, Debby Cooley and	Admin. Order/Penalty	AQ/SW	Kennedy	Negotiating before filing.
2/27/98	James Mills	Admin. Order/Penalty	AQ/SW	Preziosi	Negotiating before filing.

2/27/98	Webb, City of	Admin. Order/Penalty	AQ/SW	Preziosi	Negotiating before filing.
3/05/98	**Bluff Harbor Marina**	**Denial of Tag**	**UT**	Wornson	**Compliance achieved. Closed.**
3/06/98	Enviro Safe Air, Inc. (98-AQ-05)	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
4/03/98	Pictured Rocks Methodist Camp	Admin. Order/Penalty	WS	Hansen	**Facility agreed to install chlorination. FO**
4/03/98	Cooperative Oil Company; Mickey	Admin. Order	UT/WW	Wornson	Compliance initiated.
4/23/98	North Liberty, City of	Admin. Order	WW	Hansen	Negotiating before filing.
4/27/98	Weise Corporation	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
4/28/98	ALCOA	Permit Conditions	WW	Hansen	Negotiating before filing.
5/04/98	Ben Haven Mobile Home Court	Admin. Order/Penalty	WS	Hansen	New case. Chlorination system installed by
5/11/98	Teri Cook-Schlutz	401 Certification	WQ	Murphy	Negotiating before filing.
7/01/98	Ag Processing, Inc.	Permit Conditions	AQ	Kaizer	New case.
7/27/98	Mitchell Dam Bar	Permit Conditions	WS	Hansen	New case.
7/28/98	Q.C. Metallurgical Laboratory	Laboratory	UT	Wornson	New case.
7/29/98	Eagle Lane Corporation	Admin. Order/Penalty	WS	Hansen	New case.
7/29/98	Archer Daniels Midland 98-A-	Permit Provisions	AQ		New case.

Mr. Stokes stated that in regard to the Rulemaking Status Report the Commission should pay attention to the statewide and default standards in the Brownfields rules. He noted that as staff got to working through the rules there appeared to be a problem in the crafting of the language and staff are not sure it was truly reflective of the legislative intent, although it may have been. He noted that the law basically states to use whichever is least restrictive of drinking water maximum contaminant level, or the background standard, or one-in-a-million cancer risk. He noted that whichever is least restrictive of those three numbers is the one a person can apply. Mr. Stokes related that it was decided to put in the rules that if one has a drinking water standard, they look at the MCL in a drinking water standard. He added that this could be construed as being contrary to law if there is a situation where one of the other applicable standards would be less stringent than the standard to meet the maximum contaminant level. He noted that there may be public comments on that issue and the department will work with the technical advisory committee to clean it up.

Chairman Ehm asked if the minimum standard would be an MCL if there is one, and if no MCL it would be the least restrictive of the background standard or the one-in-a-million cancer risk.

Mr. Stokes noted that is correct.

Brief discussion followed.

INFORMATIONAL ONLY

SUMMARY OF HF 2494 - - FURTHER REGULATION OF ANIMAL FEEDING OPERATIONS

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

The Environmental Protection Commission will be provide a summary of HF 2494. The summary will discuss each section of HF 2494, the effective date of each section and the action that DNR is to take to implement the section. Along with the summary, a list of the major rules or procedures to be developed and a general schedule for the development and adoption of the rules will be provided.

A list of the Animal Agriculture Consulting Organization (AACO) will be provided. House File 2494 requires the DNR to consult with AACO in the development and implementation of rules dealing with animal feeding operations.

Mr. Stokes introduced Wayne Farrand, Section Supervisor, Waste Water Section, and related that he would give a brief overview of HF2494 dealing with animal feeding confinements.

Mr. Farrand distributed copies of the following Summary of HF 2494 and highlighted items of significance. He noted that the summary has been provided to AACO members. Mr. Farrand related that copies of HF 2494 are available from him if a Commissioner would like one. He thoroughly explained the following summary to the Commission.

Summary of HF 2494 **7-23-98 ua**

Sections 1-8, 41-45:

Scope: These sections all address issues related to the manure storage indemnity fund. Major provisions of these sections include:

- Responsibility for administering fund is transferred to DNR
- Executive Council is given authority to transfer money from state general fund to indemnity fund
- Indemnity fee is increased, payment requirements expanded to include operations which must submit MMP but not obtain permit
- Fund use expanded to include demolition and disposal of confinement feeding structures
- Provisions added to allow fund to be used for emergency cleanup where conditions causing clear, present, & impending danger to public health or environment exist
- Established delinquency penalty and provides mechanism for collecting late fees & penalty

Effective Date: Sections 41-43 effective May 21, 1998, remaining sections (including fee increases) effective July 1, 1998

DNR Action Items: Revise indemnity fee form; modify permitting & MMP rules to specify which operations must pay fees, adopt rules/procedures covering administration of indemnity fund and cleanup of abandoned sites by county and emergency cleanup by DNR

Section 9:

Scope: Limits the ability of counties to adopt or enforce legislation regulating animal feeding operations to only those regulatory issues which counties are expressly authorized to address by state law.

Effective Date: May 21, 1998
DNR Action Items: None

Section 10:

Scope: Requires DNR is either issue or deny a permit within 6 months of receiving a complete application (note - for animal feeding operations, Section 25 establishes a 60 day limit); prohibits DNR from issuing a new permit to a person classified as a habitual violator for 5 years from the date of the last violation by that person; allows DNR to revoke or refuse to renew a permit to a person classified as a habitual violator if it determines the continued operation of the confinement operation constitutes a clear, present, and impending danger to public health or the environment
Effective Date: May 21, 1998
DNR Action Items: Revise Subrule 65.6 to reflect revised language of HF 2494

Section 11:

Scope Allows complaints against animal feeding operations to be filed with DNR or a county board of supervisors: requires counties to review complaints and either notify parties involved that allegation made in complaint does not constitutes a violation or refer complaint to DNR; requires DNR to investigate complaints received and shall give county opportunity to designate county employee to accompany DNR staff during investigation; requires DNR to notify complainant, animal feeding operation, and county of investigation results and any anticipated enforcement actions; allows counties and DNR to keep information regarding the identity of a complainant confidential; requires DNR staff and county employees conducting investigations to comply with standard biosecurity requirements of the animal feeding operation
Effective Date: January 1, 1999
DNR Action Items: Adopt new rules & modify existing DNR procedures governing county response to complaints and investigation/follow-up of complaints by DNR concerning animal feeding operations; finalize standardized biosecurity procedures

Sections 12-13:

Scope: Section 12 adds definitions of aerobic structure, cemetery, spray irrigation equipment, and unformed manure storage structure to Iowa Code Section 455B.161; Section 13 adds cemeteries (except pioneer cemeteries) to the definition of public use areas
Effective Date: Section 12 - July 1, 1998; Section 13 - January 1, 1999
DNR Action Items: Revise public use area definition in Chapter 65 rules to include cemeteries; modify separation distance tables to include cemeteries as public use areas

Section 14:

Scope: Puts into Iowa Code current DNR rule requirements defining adjacency of two or more animal feeding operations for purposes of determining applicable separation distances from residences, public use areas, etc.; also puts into Iowa Code current DNR rule provision defining "construction"
Effective Date: May 21, 1998

DNR Action Items: None

Sections 15-16:

Scope: Increases some of the separation distance requirements between animal feeding operations and residences, businesses, churches, or schools constructed or expanded after January 1, 1999; prohibits construction or expansion of animal feeding operations within 100 feet of bridges or road right-of-ways (limited exemption to provision provided in Section 21); prohibits disposal of liquid manure within 750 feet of residences not owned by the owner of the land on which the manure is disposed (several exemptions provided in Section 21)

Effective Date: January 1, 1999

DNR Action Items: Revise separation distance tables to reflect new distance requirements; revise Chapter 65 rules to incorporate minimum distance requirements to roads/bridges & disposal on liquid manure near residences (including exemptions to these requirements) (see Section 21 on exemptions)

Section 17:

Scope: Modifies definition of qualified confinement feeding operation by raising minimum animal weight capacity for bovine from six to eight million pounds

Effective Date: July 1, 1998

DNR Action Items: Current rules do not include definition of qualified confinement feeding operation, may be appropriate to include definition and incorporate aerobic treatment requirements for qualified operations into rules

Section 18:

Scope: Allows expansion of existing animal feeding operations which do not meet separation distance requirements to lesser of double their capacity on the effective date of the distance requirements or 625,000 lb; provides a limited exemption from separation distance requirements for replacing unformed manure storage structures with formed structures

Effective Date: January 1, 1999

DNR Action Items: Revise rules to incorporate revised expansion provisions

Section 19

Scope: Provides that distances be measured from closest points, except that distances to roadways & bridges be measured from closest point of right-of-way

Effective Date: January 1, 1999

DNR Action Items: Revise rules to incorporate requirements for measurement from closest point of right-of-way for roadways, etc.

Section 20:

Scope: Allows state or political subdivisions to grant written waiver from separation distance requirements to roadways/bridges for construction or expansion of confinement

operations; amends current waiver provisions for other protected properties to allow waiver for construction of new and expansion of existing confinement operations
Effective Date: January 1, 1999
DNR Action Items: Revise exemption requirements of rules to incorporate new waiver language

Section 21:
Scope: Allows confinement feeding operations to be constructed or expanded within 100 feet of a roadway or bridge if permanent vegetation exists between the operation and the roadway/bridge; provides several exemption to the requirement that liquid manure not be applied within 750 feet of a residence not owned by the owner of the land on which the manure is applied (exemptions provided if manure is injected or incorporated within 24 hours, if written exemption from owner of residence is obtained, or if spray irrigation meeting specific criteria is used); exempts confinement operations from distance requirements to cemeteries if construction or expansion of the operation was completed or initiated prior to January 1, 1999
Effective Date: January 1, 1999
DNR Action Items: Revise rules to incorporate exemption provisions (see also Action Items under Section 15-16) Definition or description of permanent vegetation is needed

Section 22:
Scope: Adds several definitions to Iowa Code Section 455B.161, including new definitions of commercial manure applicator, restricted spray irrigation, and spray irrigation equipment
Effective Date: July 1, 1998
DNR Action Items: Revise rules to incorporate new definitions (if needed - only required if terms are also used in later sections of rules)

Section 23:
Scope: Authorizes DNR to adopt needed rules relating to construction or operation of animal feeding operations
Effective Date: January 1, 1999
DNR Action Items: None

Section 24:
Scope: Requires DNR to notify persons classified as habitual violators by certified mail, including providing notification of any special restrictions or civil penalties being imposed upon them
Effective Date: July 1, 1998
DNR Action Items: None

Section 25:
Scope: Requires DNR to adopt rules relating to the construction, expansion, or operation of animal feeding operations, including requirements dealing with minimum manure control, issuance of permits, investigations, inspections, and testing

Effective Date: July 1, 1998
DNR Action items: None

Section 26:

Scope: Requires DNR to issue permits for construction or expansion of animal feeding operations in accordance with requirements of DNR rules, including issuing permits for operations which apply on voluntary basis; prohibits DNR from requiring permits from small animal feeding operations; identifies specific items which permit application must contain; allows DNR to require hydrological monitoring system for earthen manure storage structures; requires copy of permit application be sent to county and requires the county to publish a notice indicating its receipt of the application and informing the public of its opportunity to comment; allows county to provide its and local citizen comments to DNR; requires DNR to notify the county in advance of inspecting the site of a proposed operation and allows the county to designate an employee to accompany DNR staff on its inspection; requires DNR to notify the county of its decision to issue or deny a permit within 3 days of making its decision and gives the county 14 days to contest the decision to the EPC; prohibits DNR from issuing a permit to a person having an enforcement action pending; prohibits DNR from issuing a permit to a person classified as a habitual violator for 5 years from the date of the last violation by that person

Effective Date: January 1, 1999

DNR Action items: Adopt rules governing the installation and operation of hydrological monitoring systems at exclusively earthen manure storage structures; modify existing procedures relating to the processing of permit applications to incorporate the requirements of HF 2494, including those regarding county review and comment; notify counties of their rights and responsibilities under HF 2494

Section 27

Scope: For purposes of determining if a DNR construction permit is needed, requires that two or more operations be considered a single operation if they have a combined animal wt capacity of less than 625,000 lb and the operations are less than 1,250 feet apart; for operations of 625,000 lb or greater combined animal wt capacity, two or more operations are considered adjacent if they are less than 2,500 feet apart

Effective Date: May 21, 1998

DNR Action Items: Revise the Chapter 65 rules to include the new definition of adjacency (for purposes of determining if a permit is required)

Section 28:

Scope: Deletes 455B.201(4) from the Code - this section prohibited manure application by spray irrigation, except as provided by DNR rules. (Note: Section 34 of HF 2494 reinserts the deleted wording in 455B.203B(2).

Effective Date: July 1, 1998

DNR Action Items: None

Section 29:

Scope: Defines "suspect transaction as one in which a habitual violator transfers controlling interest in a confinement feeding operation site to a relative, employee, or business partner or in which the habitual violator provides financing to any person for construction or operation of a confinement operation; requires persons receiving controlling interest in a confinement site through a suspect transaction to notify DNR with 30 days; requires DNR to review the suspect transaction - if DNR determines that one purpose of the transaction was to avoid the conditions and enhanced penalties imposed on a habitual violator, the person receiving the controlling interest is subject to the same conditions and enhanced penalties as the habitual violator
Effective Date: May 21, 1998
DNR Action Items: None

PRIORITY SECTION

Section 30:

Scope: Requires manure management plans (MMPs) to be submitted for all confinement feeding operations, other than small animal feeding operations, constructed after May 31, 1985; for persons who apply manure on land in Iowa from confinement feeding operations, except small operations, located out-of-state; prohibits removal of manure from confinement feeding operation structures subject to the MMP requirements unless DNR has approved a MMP for the operation - DNR can by rule allow manure removal until a MMP is approved or disapproved; requires DNR to act on MMPs within 60 days of receipt; requires MMPs be submitted on forms prescribed by DNR; prohibits DNR from issuing a permit for a confinement operation unless a MMP is submitted along with permit application
Effective Date: January 1, 1999
DNR Action Items: Revise Chapter 65 rules to reflect expanded MMP requirements of HF 2494; work with ISU Extension, NRCS, & farm organizations to develop standardized MMP development procedures & accompanying MMP forms; adopt rules to allow operations which have submitted MMPS to DNR to remove and land apply manure while DNR review of MMP is pending

Section 31:

Scope: Requires all persons required to submit MMP to also maintain current MMP and records showing compliance with MMP; provides that DNR is to keep records confidential, except as otherwise provided by law
Effective Date: January 1, 1999
DNR Action Items: None

Section 32:

Scope: Retains current provisions of Iowa law giving DNR authority to inspect confinement operations, including reviewing MMP records, and requiring regular

inspections of "habitual violator" operations and assessment of inspection costs against habitual violator; removes requirements that DNR comply with 455B.103 and biosecurity procedures in conducting inspections (note - Section 11 of HF 2494 includes these requirements, so this deletion only has impact of moving requirements to a different section of the Iowa Code).
Effective Date: July 1, 1998
DNR Action Items: None

PRIORITY SECTION

Section 33:
Scope: Requires commercial manure applicators and confinement site manure applicators to be certified to apply manure to land; exempts small animal feeding operations from certification requirements; requires DNR to develop and administer certification programs, including educational program requirements, for both categories of applicators; requires DNR to consult with various agricultural and other organizations/agencies in developing and administering the programs; allows DNR to collect fees to support the certification programs
Effective Date: January 1, 1999
DNR Action Items: Develop and adopt rules to implement certification program requirements; consider deleting licensing requirements applicable to commercial manure applicators under current DNR Chapter 68 rules; establish committee to oversee development of required certification program

PRIORITY SECTION

Section 34:
Scope: Requires DNR to adopt rules for application of manure from anaerobic lagoons or aerobic structures, with allowable application rates based upon the available water holding capacity of the soils in the application area; requires DNR to adopt rules governing the manure application by use of spray irrigation equipment; prohibits use of restricted spray irrigation equipment to apply manure from a confinement feeding operation unless the manure has been diluted as required in rules adopted by DNR
Effective Date: January 1, 1999
DNR Action Items: Adopt rules governing manure application from anaerobic lagoons or aerobic structures; adopt rules specifying minimum dilution requirements for applying manure via restricted spray irrigation equipment; establish technical committee to assist in the development of these requirements

Section 35:
Scope: Defines major water source and prohibits construction of an animal feeding operation structure within 500 feet of a major water source; defines watercourse and prohibits construction of an animal feeding operation structure within 200 feet of a watercourse; prohibits construction, expansion, or diversion of a major water source or a watercourse within 500 feet and 200 feet, respectively, of an animal feeding operation

structure; exempts manure storage structures constructed with a secondary containment barrier from the distance requirements - requires DNR to adopt rules on construction and use of secondary containment barriers; prohibits construction of an animal feeding operation structure within 500 feet of a surface intake, wellhead, or cistern of an ag drainage well or known sinkhole; prohibits construction or expansion of an unformed manure storage structure within an ag drainage well area

Effective Date: January 1, 1999

DNR Action Items: Modify current rules to incorporate new distance requirements for major water sources and watercourses; adopt rules and design standards governing the construction and use of secondary containment barriers; revise rule requirements related to location with respect to ag drainage wells (to reflect inclusion of wellheads and cisterns in HF 2494)

Section 36:

Scope: Requires DNR to establish by rule engineering standards for construction of manure storage structures for which a permit must be obtained; incorporates into the Iowa Code the major requirements of current DNR rules relative to construction of unformed manure storage structures; requires DNR to conduct a routine but limited visual inspection of each unformed manure storage structure at least once a year

Effective Date: July 1, 1998

DNR Action Items: Review design standards in current rules to determine if they comply with requirements of this section and/or if additional standards are needed; develop procedures for conducting required annual inspections of unformed manure storage structures; adopt rules which explain how design standards apply to all confinement operation structures.

Section 37:

Scope: Exempts research activities and experiments of "research colleges" from the requirements of Iowa Law and DNR rules regulating animal feeding operations

Effective Date: July 1, 1998

DNR Action Items: Incorporate exemption provisions for research colleges into Chapter 65 rules – include general statement on nature/extent of exemption

Section 38:

Scope: Amends Iowa Code Section 657.11; modifies nuisance protection provisions of Iowa Law as they apply to animal feeding operations

Effective Date: May 21, 1998

DNR Action Items: None

Section 39:

Scope: Makes technical corrections to Iowa Code Section 657.11, subsection 4, regarding the application of the nuisance protection provisions to chronic violators

Effective Date: May 21, 1998

DNR Action Items: None

Section 40:

Scope: Adds one additional member from a general agricultural organization to AACO, retains current duties and responsibilities of AACO

Effective Date: May 21, 1998

DNR Action Items: Request one additional member to AACO be appointed by an organization representing agricultural producers

Sections 41-45: (covered previously, in conjunction with review of Sections 1-8)

Section 46:

Scope: Requires that all MMPs meet the same requirements as for permitted operations; gives non-permitted operations which submitted MMP not meeting all MMP requirements until July 1, 1999 to submit new MMP

Effective Date: July 1, 1998

DNR Action Items: Revise rules to require full MMP for all operations and establish July 1, 1999 deadline for submitting revised MMPs for operations whose MMPs do not comply with full MMP requirements

Section 47:

Scope: Allows manure applicators 60 days after effective date of certification section (January 1, 1999) to become certified

Effective Date: July 1, 1998

DNR Action Items: Incorporate certification deadline into certification program rules

Section 48:

Scope: Requires DNR to consult with AACO regarding the state's animal feeding operations Act, rules adopted under the Act, and the Act's implementation to the same extend and manner as required in HF 519

Effective Date: May 21, 1998

DNR Action Items: Continue to work with AACO on the Act, revision of the DNR rules, and implementation of the Act and rules

Section 49:

Scope: Requires DNR to adopt rules as necessary to implement the requirements of HF 2494

Effective Date: May 21, 1998

DNR Action Items: DNR will be proposing rules and/or rule revisions needed to administer administer the program.

Sections 50-52:

Scope: Directs Code editor to transfer amended Chapter 204 to a chapter determined appropriate by editor and to transfer 159.27 to or near 455B.204A; provides that transfer of requirements from one Code section to another does not affect the applicability of DNR rules (except as required by HF 2494; provides that if any sections of HF 2494 are invalid, this finding does not impact validity of other sections

Effective Date: July 1, 1998
DNR Action Items: None

Section 53:

Scope: Stipulates dates when specific sections of HF 2494 become effective
Effective Date: May 21, 1998
DNR Action Items: Consider dates when HF 2494 requirements become effective when determining priorities for rule development and program implementation

RULES OR PROCEDURES NEEDED TO IMPLEMENT HF 2492

A. Manure Management Plans
B. Certification of confinement site and commercial applicators
C. Manure from anaerobic/aerobic structures-application based on water holding capacity of soils.
D. Use of restricted spray irrigation equipment to apply manure from a confinement site operation unless the manure has been diluted.
E. Abandoned site cleanup and emergency cleanup modify permitting and MMP rules to specify which operations must pay fees.
F. Hydrological monitoring at earthen manure storage structures
G. County involvement with complaints and inspections-review of permit applications and notification to counties of permits being issued.
H. Revised expansion provision
I. Review of design standards and how they apply to confinement feeding operations
J. Separation distance and exemptions- measurement of separation distances-waiver of distances by cities and counties
K. Prevent water course changes near animal feeding operation--separation distances from water courses - separation distances from ag drainage wells, wellheads and cisterns. Secondary containment near water courses
L. Administrative rules for improved administration of the program
M. Definitions
N. Revocation of permits
0. Research college exemptions

DEVELOPMENT AND REVIEW SCHEDULE
HF 2494

ACTIONS	APPROXIMATE DATES
DRAFT RULES FOR ACCO REVIEW AND COMMENT	9/15/98
PROPOSED RULES TO EPC FOR NOIA	10/19/98
PUBLIC HEARING	11/30/98

REVIEW OF PROPOSED FINAL RULES AND COMMENTS BY ACCO	12/10/98
EPC APPROVAL OF FINAL RULES	12/21/98

Mr. Farrand displayed an overhead showing a flow chart beginning with the submission of a permit application through the review process and issuance or denial of the permit. He distributed copies of the flow chart to the Commission.

Discussion took place regarding manure management plans, the turn around time for submitting a plan, and which facilities are required to have an MMP.

Chairman Ehm asked if the department is keeping track of the land being identified in the MMP's so there is no duplication at the same farm.

Mr. Farrand replied that there is no data base set up to cross check if there is duplication, but it could be managed with duplication in certain cases.

Mr. Farrand noted that Section 40 adds a new AACO member from a general agricultural organization (Iowa Farmers Union) and he distributed copies of the current AACO membership list. He also explained the list of "Rules or Procedures Needed to Implement HF 2494" and covered the "Development and Review Schedule."

Mr. Stokes reviewed original workings of the AACO committee and added that staff have modified the procedure by splitting up into subcommittees to develop proposed rule language. He related that the AACO committee members have been invited to participate in those subcommittee discussions. He noted that the draft rules will be taken to AACO for their review, input and changes. Mr. Stokes stated that a Notice of Intended Action will be before the Commission by October, adding that it will be an ongoing process for a number of months.

INFORMATIONAL ONLY

SECTION 319 NONPOINT SOURCE POLLUTION CONTROL PROJECT CONTRACTS

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

Commission approval is requested for 5 contracts for nonpoint source (NPS) pollution control projects. The contracts are for FFY99 activities of multi-year NPS projects. Funds for the contracts will be from EPA Section 319 grants previously awarded to the Department specifically for these projects. Funding from other state and federal programs will also support activities in many of these projects.

The contractor, contract amounts, project descriptions and activities supported with Section 319 funds are provided below.

Division of Soil Conservation (DSC), Iowa Department of Agriculture and Land Stewardship

- **Johnson County Urban Water Quality Project, Johnson County, $48,000**

  This contract will extend for one additional year an ongoing project to demonstrate the effectiveness and technical and economic feasibility of construction site erosion control practices in Johnson County. In addition, the project will provide training and information on such practices to developers, contractors, government officials, engineers and realtors. The erosion control practices to be demonstrated will meet or exceed applicable federal (NPDES), state, and local construction site erosion control requirements. Additionally, the project will implement a construction site planning education program to educate the general public about construction site planning and land development. Contract funds will be used to support a project coordinator and program administrative costs.

- **Hickory Creek Water Quality Project, Allamakee County, $47,000; and Trout Run Water Quality Protection Project, Winneshiek County, $72,000**

  The two contracts will support the FY99 activities of ongoing projects to protect and improve the water quality of the two listed trout streams. Protection of these streams will be accomplished by reducing sedimentation from erosion of cropland and streambanks and nutrient loading from commercial fertilizer and animal waste in the stream watersheds. Section 319 funds will be used to support the project coordinators and project administration and to provide financial incentives for best management practices including streambank stabilization, stream corridor fencing, alternative watering systems, sinkhole and spring protection, nutrient and pest management, no-till farming, construction of animal waste management structures and grazing management.

- **Battle Creek Watershed Groundwater Protection Project, Ida County, $74,000**

  This project will support the FY99 activities of an ongoing project to protect and improve shallow groundwater and well water resources in an area of Ida County impacted by agricultural nonpoint source pollutants. The project will provide information and technical assistance on wellhead protection, demonstrations on renovation of wells and septic systems, nutrient and pest management, and manure management. Contract funds will be used to support a project coordinator and to support the information/education component of the project.

Iowa State University Extension - Sustainable Agriculture Education and Training: Weed and Nutrient Management - $50,000

This 16-month project will provide education and training in practical sustainable weed and nutrient management practices and strategies to key local Extension, IDALS-DSC and NRCS staff. Trained staff will then be positioned to better inform and educate farmers, agribusiness service providers, consultants, special water quality project personnel and others on alternative weed and nutrient management strategies. Use of alternative weed and nutrient management programs will benefit the environment by reducing potential ground and surface water contamination from non-point sources. Contract funds will support hourly staff, notebook and resource development for workshop attendees, and farmer/instructor compensation.

Mr. Stokes reviewed details of the contracts.

Motion was made by Terrance Townsend to approve the Nonpoint Source Polllution Control Project contracts. Seconded by Kathryn Murphy.

Chairman Ehm requested a roll call vote. "Aye" vote was cast by Commissioners King, Mohr, Murphy, Priebe, Townsend, Venner, and Ehm. "Nay" vote was cast by Commissioner McWilliams. Motion carried on a vote of 7-Aye to 1-Nay.

APPROVED AS PRESENTED

SECTION 319 NONPOINT SOURCE POLLUTION CONTROL PROJECT CONTRACTS - FY 98 FUNDS

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

Commission approval is requested to enter into contracts with the Department of Agriculture and Land Stewardship – Division of Soil Conservation for one year extensions of the following five nonpoint source (NPS) pollution control projects, contingent upon receipt of the FFY98 Section 319 grant award. These projects have been supported by previous Section 319 grants. Funding from other state and federal programs is also being used to support these projects.

The project costs (in terms of Section 319 funds provided), project descriptions, duration of project, and the activities supported with Section 319 funds are provided below.

- **Clear Lake Enhancement and Restoration Project - $80,000** - This is an extension of an ongoing project in Cerro Gordo and Hancock Counties to protect and improve the water quality of Clear Lake. The primary goal of the project is to educate, encourage and assist agricultural producers and urban landowners in the Clear Lake watershed in the application of best management practices to effectively address all identified nonpoint sources of pollution (agricultural and urban) that impair water quality and threaten the long-term value of Clear Lake. The primary focus of the activities to be conducted as part of this extension will be on better assessing the specific causes and sources of the phosphorus loading of Clear Lake and, based on the results of this assessment, refining the project activities and BMPs to

be implemented under the project. Project funds will be used to support a project coordinator, public information and education activities, and miscellaneous project implementation costs.

- **Storm Lake Watershed Project - $58,000** – This is an on-going project in Buena Vista County to protect and improve the water quality of Storm Lake by implementing Best Management Practices (BMPs) within the lake's watershed to reduce the sediment, nutrients and pesticides entering the lake. Activities conducted as part of this project include implementing structural and non-structural BMPs such as terraces; filter strips; contour farming; pasture and hayland management; conservation (no-till) tillage; nutrient and pest management, and urban lawn care and education programs. An evaluation of previous project activities will be completed and used to determine future activities of the project. Project funds will be used to support a project coordinator and related project costs.

- **Des Moines Metro Area Urban Water Quality Project - $50,000** – This is an on-going project to protect and improve the water quality of lakes, rivers, and streams in the Des Moines Metro urban areas. The project provides training and demonstration sites relative to the selection, design , installation, and maintenance of appropriate erosion control Best Management Practices (BMPs) that reduce erosion and sediment movement from construction sites. Construction site impacts are monitored by measuring sediment and water sampling. A major component of this project is to establish demonstration sites within the Easter Lake watershed to reduce pollution of the lake. Practices demonstrated include soil stabilization and sediment control practices such as seeding, mulching, filter fabric fences, infiltration trenches, retention basins, wetlands, and grass chutes. Project funds will be used to support a project coordinator.

- **Southern Iowa Water Quality Project - $68,000** – This is an ongoing project to determine the impacts of grazing livestock on the physical, chemical, and biological characteristics of warm water streams in southern Iowa and to assist producers in implementing practices which protect these streams while also providing economic benefits through improved forage and herd management. This project covers a 16 county area of south central Iowa and is being coordinated with related activities of NRCS and ISU Extension. Project funds will be used to support a project coordinator, the monitoring and evaluation of changes in stream corridors resulting from BMP implementation, the development of demonstration sites, and a public information program.

- **Spring Branch Water Quality Project - $50,000** – This is an ongoing project to protect and improve Spring Branch Creek (a coldwater trout stream) in Delaware County by implementing Best Management Practices (BMPs) within the stream's watershed to reduce the amount of sediment, nutrients, pesticides and animal waste entering Spring Branch. The focus of the project's final year activities will be on completing installation of structural and non-structural BMPs such as water and sediment control basins; animal waste management activities; nutrient and pesticide management; and completion of a final project report. Project funds will be used to support a project coordinator, public information and education program, and related project costs.

Mr. Stokes reviewed details of the contracts and noted that the source of these funds would be using Section 319 funds that the department would be receiving yet this year.

Motion was made by Kathryn Murphy to approve the Nonpoint Source Pollution Control Project contracts for FY98 Funds. Seconded by Rozanne King. Motion carried unanimously.

APPROVED AS PRESENTED

FINAL RULE--CHAPTER 28, NEW AND REVISED NAAQS

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

The Commission will be asked to approve the proposed amendments to Chapter 28, "Ambient Air Quality Standards," Iowa Administrative Code.

The purpose of this rule making is to adopt by reference the new $PM_{2.5}$, and revised PM_{10} and ozone national ambient air quality standards (NAAQS), which were effective federally on September 16, 1997. The U.S. Environmental Protection Agency amended the existing NAAQS for ozone and promulgated a new annual and 24-hour $PM_{2.5}$ NAAQS to better protect public health, especially those at higher risk, such as children, the elderly, and individuals with preexisting heart or lung diseases. They also made revisions, which relaxed the current PM_{10} NAAQS. The federal Clean Air Act requires that each NAAQS be reviewed and possibly revised every five years to reflect the most recent health information available.

40 Code of Federal Regulations Section 50.2(b) states that the "National primary ambient air quality standards define levels of air quality which the Administrator judges are necessary, with adequate margin of safety, to protect the public health." In Iowa Code subsection 455B.133[3], the Commission is required to "Adopt, amend, or repeal ambient air quality standards for the atmosphere of this state on the basis of providing air quality necessary to protect the public health and welfare..."
No changes have been made to the Notice of Intended Action as a result of comments received during the public comment period.

ENVIRONMENTAL PROTECTION COMMISSION [567]
Adopted and Filed

Pursuant to the authority of Iowa Code section 455B.133, the Environmental Protection Commission hereby gives Notice of Intended Action to amend Chapter 28, "Ambient Air Quality Standards," Iowa Administrative Code.

The Notice of Intended Action was published in the Iowa Administrative Bulletin on June 17, 1998, as ARC 8086A. Three public hearings were held: Davenport on July 15, 1998,

The Notice of Intended Action was published in the Iowa Administrative Bulletin on June 17, 1998, as ARC 8086A. Three public hearings were held: Davenport on July 15, 1998, Council Bluffs on July 16, 1998, and Urbandale on July 17, 1998. The close of the public comment period was July 17, 1998. No changes were made to the Notice of Intended Action as a result of comments received during the public comment period.

This adopts by reference the new $PM_{2.5}$ and revised PM_{10} and ozone national ambient air quality standards (NAAQS), which were effective federally on September 16, 1997. The U.S. Environmental Protection Agency amended the existing NAAQS for ozone and promulgated a new annual and 24-hour $PM_{2.5}$ NAAQS to better protect public health, especially the health of those at higher risk, such as children, the elderly, and individuals with preexisting heart or lung diseases. Revisions were also made which relaxed the current PM_{10} NAAQS. The federal Clean Air Act requires that each NAAQS be reviewed and possibly revised to reflect the most recent health information available.

Amend rule 567--28.1(455B) as follows:

567--28.1 (455B) Statewide standards. The state of Iowa ambient air quality standards shall be the National Primary and Secondary Ambient Air Quality Standards as published in 40 Code of Federal Regulations Part 50 (1972) and as amended at 38 Federal Register 22384 (September 14, 1973), 43 Federal Register 46258 (October 5, 1978), ~~and~~ 44 Federal Register 8202, 8220 (February 9, 1979), ~~and~~ 52 Federal Register 24634-24669 (July 1, 1987), and 62 Federal Register 38651-38760, 38855-38896 (July 18, 1997).

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Date

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Larry J. Wilson, Director

(A copy of the Responsiveness Summary is on file in the department's Records Center)

Mr. Stokes reviewed the rules and public comments received. He related that it is not a requirement under federal law to adopt the federal NAAQS. He noted that if the Commission chose not to adopt the standards at this time it does not mean the federal government would step in immediately and supersede the State program. He pointed out that there are time schedules set forth whereby the state will have to address certain items and certain aspects in the way of state implementation plan revisions that will have to focus on the numerical standards, the $PM_{2.5}$ and the ozone. Mr. Stokes said if the state does not address those, then the federal government would come in and establish a federal implementation plan. He noted that this morning a commentor distributed a suggested language addition which was intent language by the Farm Bureau. He related that the department does not intend to move ahead of the federal schedule and intends to implement the standards schedule consistent with federal law, rules and guidance. Mr. Stokes told the Commission that if they wish to add language as a double check system, he would have some discomfort with the language offered by the Farm Bureau becaue it is a little too specific as it relates to the T21 law and could raise some issues and problems of itself. He

offered the following alternative language as follows: "The department shall implement these rules in a time frame and schedule consistent with implementation schedules in federal laws, regulations and guidance documents."

Motion was made by Terrance Townsend to approve Final Rule--Chapter 28, New and Revised National Ambient Air Quality Standards with the addition of the intent language as provided by Allan Stokes. Seconded by Rozanne King.

Charlotte Mohr asked if there would be no dates if adopted with the intent language.

Mr. Stokes stated there is a variety of dates for various actions to be taken at various times but does not get specific and ties it to the federal implementation schedule.

A lengthy discussion took place regarding timelines, the SIP and nonattainment.

Rozanne King commented that this is difficult to deal with because with no idea of which areas are nonattainment for $PM_{2.5}$, one has no idea how the rules will impact people.

Further discussion followed regarding particulate matter and ozone standards.

Chairman Ehm asked in adopting this rule if it will be specifying everything as unclassified on $PM_{2.5}$.since the data is unknown.

Mr. Stokes answered affirmatively but noted that for PM_{10} most of the state would be classified as attainment. He related that for ozone the state could probably be classified as attainment but there is an area in the Quad Cities vicinity which is close to nonattainment and the department is working with them to alleviate any problems.

Discussion followed regarding Arizona farmers having to meet PM_{10} standards; having control under the Commission and DNR rather than EPA; and monitoring and lack of data at this time.

Rozanne King asked if the Commission will have a chance to review the SIP and if the public will be notified.

Mr. Stokes replied that the Commission would be notified of the SIP letter relative to PM_{10}, which will go out in September.

Gary Priebe asked if the air in the Wallace Building conference room would pass the $PM_{2.5}$ standard. He related that he has no idea how bad $PM_{2.5}$ or PM_{10} is.

Mr. Stokes explained that it would probably pass $PM_{2.5}$ and noted that these rules do not address indoor air quality. He related that he will put together a visual chart to show examples of $PM_{2.5}$ and PM_{10} and present it at next month's meeting.

Chairman Ehm requested a roll call vote on Commissioner Townsend's motion to approve the rule with the addition of intent language by Mr. Stokes. "Aye" vote was cast by Commissioners McWilliams, Mohr, Murphy, Priebe, Townsend, King, and Ehm. "Nay" vote was cast by Commissioner Venner. Motion carried on a vote of 7-Aye to 1-Nay.

APPROVED WITH ADDITIONAL INTENT LANGUAGE

FINAL RULE--CHAPTER 20, 22 AND 23, CASE-BY-CASE MACT

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

The Commission will be asked to approve the proposed amendments to Chapter 20, "Scope of Title—Definitions—Forms—Rules of Practice," Chapter 22, "Controlling Pollution," and Chapter 23, "Emission Standards for Contaminants," Iowa Administrative Code.

The purpose of this rule making is to implement 40 Code of Federal Regulations Sections 63.40 through 63.44, as mandated by Section 112(g) of the Clean Air Act of 1990. This section of the Act requires states to make case-by-case maximum available control technology (MACT) determinations in the review of air construction permit applications for certain major sources of hazardous air pollutants (HAP), unless a HAP emission standard for the source category has been promulgated federally.

Facilities proposing to construct or reconstruct air emission sources, considered "major" for hazardous air pollutants, will be required to submit an application for MACT determination in addition to their construction permit application.

Three changes have been made to the Notice of Intended Action as a result of comments received during the public comment period. The first of which adds a reference to 40 CFR Section 63.2 to both Items 2 and 5. This incorporates additional definitions. The second change is a minor revision for clarification, and the third adds language to Item 5, so that electric utility steam generating units and research & development sources are exempt from the case-by-case MACT requirements.

These amendments shall rescind the Adopted and Filed Emergency amendment, published in the Iowa Administrative Bulletin on June 17, 1998, as ARC 8085A, once effective.

ENVIRONMENTAL PROTECTION COMMISSION [567]
Adopted and Filed

Pursuant to the authority of Iowa Code section 455B.133, the Environmental Protection Commission proposes to amend Chapter 20, "Scope of Title—Definitions—Forms—Rules of Practice," Chapter 22, "Controlling Pollution," and Chapter 23, "Emission Standards for Contaminants," Iowa Administrative Code.

The Notice of Intended Action was published in the Iowa Administrative Bulletin on June 17, 1998, as ARC 8084A. A public hearing was held in Urbandale on July 17, 1998. The close of the public comment period was July 17, 1998.

This rule making implements 40 CFR Sections 63.40 through 63.44, as mandated by Section 112(g) of the Clean Air Act. This section of the Act requires case-by-case maximum available control technology (MACT) determinations to be made for facilities proposing to construct or reconstruct major sources of hazardous air pollutants (HAP), unless a HAP emission standard for the source category has been promulgated under 40 CFR Part 63. For facilities considering constructing or reconstructing such a source, this rule making would require the submittal of a MACT determination application in addition to the air construction permit application.

Three changes have been made as a result of comments received during the public comment period. The first of which adds a reference to 40 CFR Section 63.2 to both Items 2 and 5. This incorporates additional definitions. The second change is a minor revision for clarification, and the third adds language to Item 5, so that electric utility steam generating units and research & development sources are exempt from the case-by-case MACT requirements.

These amendments shall become effective on October 14, 1999, at which time the Adopted and Filed Emergency amendment, published in the Iowa Administrative Bulletin on June 17, 1998, as ARC 8085A, are hereby rescinded.

ITEM 1. Amend rule 567—20.2(455B) by adding the following **new** definitions in alphabetical order:

"Maximum achievable control technology (MACT)" means the following regarding regulated hazardous air pollutant sources:

1. For existing sources, the emissions limitation reflecting the maximum degree of reduction in emissions that the administrator or the department, taking into consideration the cost of achieving such emission reduction, and any nonair quality health and environmental impacts and energy requirements, determines is achievable by sources in the category of stationary sources, that shall not be less stringent than the MACT floor.

2. For new sources, the emission limitation which is not less stringent than the emission limitation achieved in practice by the best-controlled similar source and which reflects the maximum degree of reduction in emissions that the administrator or the department, taking into consideration the cost of achieving such emission reduction, and any non air quality health and environmental impacts and energy requirements, determines is achievable by the affected source.

"Maximum achievable control technology (MACT) floor" means the following:

1. For existing sources, the average emission limitation achieved by the best 12 percent of the existing sources in the United States (for which the administrator or the department has or could reasonably obtain emissions information), excluding those sources that have, within 18 months before the emission standard is proposed or within 30 months before such standard is promulgated, whichever is later, first achieved a level of emission rate or emission reduction

which complies, or would comply if the source is not subject to such standard, with the lowest achievable emission rate applicable to the source category and prevailing at the time, for categories and subcategories of stationary sources with 30 or more sources in the category or subcategory, or the average emission limitation achieved by the best-performing five sources in the United States (for which the administrator or the department has or could reasonably obtain emissions information), for a category or subcategory of stationary sources with fewer than 30 sources in the category or subcategory.

2. For new sources, the emission limitation achieved in practice by the best-controlled similar source.

ITEM 2. Amend subrule 22.1(1) as follows:

22.1(1) Permit required. Unless exempted in subrule 22.1(2), no person shall construct, install, reconstruct or alter any equipment, control equipment or anaerobic lagoon without first obtaining a construction permit, or conditional permit, or permit pursuant to 22.8(455B), or permits required pursuant to 22.4(455B) and 22.5(455B) as required in this subrule. A permit shall be obtained prior to the initiation of construction, installation or alteration of any portion of the stationary source or anaerobic lagoon. ~~Existing sources built prior to September 23, 1970, are not subject to this subrule, unless they have been modified, reconstructed, or altered on or after September 23, 1970.~~

a. Existing sources. Sources built prior to September 23, 1970, are not subject to this subrule, unless they have been modified, reconstructed, or altered on or after September 23, 1970.

b. New or reconstructed major sources of hazardous air pollutants. No person shall construct or reconstruct a major source of hazardous air pollutants, as defined in 40 CFR 63.2 and 40 CFR 63.41 as amended through December 27, 1996, unless a construction permit has been obtained from the department, which requires maximum achievable control technology for new sources to be applied. The permit shall be obtained prior to the initiation of construction or reconstruction of the major source.

ITEM 3. Amend paragraph 22.1(3) "b," by adding a **new** subparagraph as follows:

(8) Application for a case-by-case MACT determination. If the source meets the definition of construction or reconstruction of a major source of hazardous air pollutants, as defined in paragraph 22.1(1)"b", then the owner or operator shall submit an application for a case-by-case MACT determination, as required in subparagraph 23.1(4)"b"(1), with the construction permit application. In addition to this paragraph, an application for a case-by-case MACT determination shall include the following information:

1. The hazardous air pollutants (HAP) emitted by the constructed or reconstructed major source, and the estimated emission rate for each HAP, to the extent this information is needed by the permitting authority to determine MACT;

2. Any federally enforceable emission limitations applicable to the constructed or reconstructed major source;

3. The maximum and expected utilization of capacity of the constructed or reconstructed major source, and the associated uncontrolled emission rates for that source, to the extent this information is needed by the permitting authority to determine MACT;

4. The controlled emissions for the constructed or reconstructed major source in tons/yr at expected and maximum utilization of capacity to the extent this information is needed by the permitting authority to determine MACT;

5. A recommended emission limitation for the constructed or reconstructed major source consistent with the principles set forth in 40 CFR Part 63.43(d) as amended through December 27, 1996;

6. The selected control technology to meet the recommended MACT emission limitation, including technical information on the design, operation, size, estimated control efficiency of the control technology (and the manufacturer's name, address, telephone number, and relevant specifications and drawings, if requested by the permitting authority);

7. Supporting documentation including identification of alternative control technologies considered by the applicant to meet the emission limitation, and analysis of cost and non-air quality health environmental impacts or energy requirements for the selected control technology;

8. An identification of any listed source category or categories in which the major source is included.

ITEM 4. Amend subrule 23.1(4), introductory paragraph, as follows:

23.1(4) Emission standards for hazardous air pollutants for source categories. The federal standards for emissions of hazardous air pollutants for source categories, 40 Code of Federal Regulations Part 63 as amended through August 11, 1997, are adopted by reference, except 40 CFR §§ 63.12, 63.14, 63.15, ~~63.40 through 63.44,~~ 63.40(a), 63.42(a), (b), 63.43(c), (f)-(m), ~~63.50,~~ 63.560 (b), (e)(2), (3), and 63.562 (c), (d), and shall apply to the following affected facilities. The corresponding 40 CFR Part 63 Subpart designation is in parentheses. 40 CFR Part 63 Subpart B incorporates the requirements of Clean Air Act Sections 112(g) and 112(j) and does not adopt standards for a specific affected facility. Test methods (Appendix A), sources defined for early reduction provisions (Appendix B), and determination of the fraction biodegraded (F_{bio}) in the biological treatment unit (Appendix C) of Part 63 also apply to the affected activities or facilities. For the purpose of this subrule "Hazardous air pollutant" has the same meaning found in 567--22.100(455B). For the purposes of this subrule a "major source" means any stationary source or group of stationary sources located within a contiguous area and under common control that emits or has the potential to emit considering controls, in the aggregate, 10 tons per year or more of any hazardous air pollutant or 25 tons per year or more of any combination of hazardous air pollutants, unless a lesser quantity is established, or in the case of radionuclides, where different criteria are employed. For the purposes of this subrule an "area source" means any stationary source of hazardous air pollutants that is not a major stationary source as defined in this paragraph. Paragraph 23.1(4) "a," general provisions (Subpart A) of Part 63, shall apply to owners or operators who are subject to subsequent subparts of 40 CFR 63 (except when otherwise specified in a particular subpart or in a relevant standard) as adopted by reference below.

ITEM 5. Amend paragraph 23.1(4) "b," as follows:

b. Requirements for control technology determinations for major sources in accordance with Clean Air Act Sections 112(g) and 112(j). (Subpart B)

(1) Section 112(g) requirements. For the purposes of this subparagraph, the definitions shall be the same as the definitions found in 40 CFR 63.2 and 40 CFR 63.41 as amended through December 27, 1996. The owner or operator of a new or reconstructed major source of hazardous air pollutants must apply maximum achievable control technology (MACT) for new sources to the new or reconstructed major source. If the major source in question has been specifically regulated or exempted from regulation under a standard issued pursuant to Section 112(d), Section 112(h), or Section 112(j) of the Clean Air Act and incorporated in another subpart of 40 CFR Part 63, excluded in 40 CFR 63.40 (e) and (f); or the owner or operator of such major source has received all necessary air quality permits for such construction or reconstruction project before June 29, 1998, then the major source in question is not subject to the requirements of this subparagraph. The owner or operator of an affected source shall apply for a construction permit as required in 567 paragraph 22.1(1)"b". The construction permit application shall contain an application for a case-by-case MACT determination for the major source.

(2) Section 112(j) requirements. The owner or operator of a new or existing major source of hazardous air pollutants which includes one or more stationary sources included in a source category or subcategory for which the U.S. Environmental Protection Agency has failed to promulgate an emission standard within 18 months of the deadline established under 112(d) must submit an application for a Title V permit or an application for a significant permit modification or for an administrative amendment, whichever is applicable. The application must be made in accordance with procedures established under Title V, by the Section 112(j) deadline. In addition, the owner or operator of a new emission unit may submit an application for a Notice of MACT Approval before construction. ~~(Subpart B)~~

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Date

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(A copy of the Responsiveness Summary is on file in the Department's Records Center)

Mr. Stokes explained details of the rule and changes made due to public comment.

Motion was made by Rozanne King to approve Final Rule--Chapters 20, 22 &23, Case-by-Case MACT. Seconded by Terrance Townsend. Following brief discussion the motion carried unanimously

APPROVED AS PRESENTED

FINAL RULE--CHAPTER 22 AND 23, ACID RAIN EXEMPTIONS AND PRIMARY ALUMINUM REDUCTION PLANTS NESHAP

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

The Commission will be asked to approve the amendments to Chapter 22, "Controlling Pollution," and Chapter 23, "Emission Standards for Contaminants," Iowa Administrative Code.

The purpose of this rule making is to adopt by reference the new and revised acid rain exemptions and the national emission standard for hazardous air pollutant (NESHAP) for primary aluminum reduction plants. It also re-establishes the original compliance dates for submittal of the title V, voluntary, and small source operating permit applications.

New unit and retired unit exemptions of the acid rain exemptions have been streamlined, making it easier for facilities to petition the Department for exemption. Industrial utility-unit exemption has been created because this type of unit will not be able to participate in allowance trading at the federal level. The NESHAP for primary aluminum reduction plants establishes standards for a variety of units within a primary aluminum reduction plant.
One change has been made to the Notice of Intended Action as a result of a comment received during the public comment period. Additional language was added to Item 9 for clarification

ENVIRONMENTAL PROTECTION COMMISSION [567]
Adopted and Filed

Pursuant to the authority of Iowa Code section 455B.133, the Environmental Protection Commission hereby gives Notice of Intended Action to amend Chapter 22, "Controlling Pollution," and Chapter 23, "Emission Standards for Contaminants," Iowa Administrative Code.

The Notice of Intended Action was published in the Iowa Administrative Bulletin on June 17, 1998, as ARC 8087A. A public hearing was held in Urbandale on July 17, 1998. The close of the public comment period was July 17, 1998.

This rule making adopts by reference the new and revised acid rain exemptions and the national emission standard for hazardous air pollutant (NESHAP) for primary aluminum reduction plants. It also reestablishes the original compliance dates for submittal of the Title V, voluntary, and small source operating permit applications.

Item 1 corrects an internal citation.

Item 2 reestablishes the original compliance date for submittal of the Title V operating permit application.

Item 3 rescinds the former acid rain new unit exemption and adopts by reference acid rain exemptions for new unit exemption, retired unit exemptions, and industrial utility-unit exemption. The revisions to the new unit and retired unit exemptions made the exemption process more automatic by making the exemption effective for the entire year in which the petition was submitted. The revisions also streamline the petition for exemption process by eliminating the requirement for public notification on the petition. The industrial utility-unit exemption is new. The U.S. Environmental Protection Agency had stated that no allowances would be allocated to industrial utility-units under Section 405 of the Clean Air Act of 1990.

Because of this they promulgated a limited exemption for industrial utility-units that served, at any time starting in 1985, a generator that produced electricity for sale.

Item 4 rescinds the former acid rain retired unit exemption. The revised retired unit exemption was adopted by reference in Item 3.

Item 5 reestablishes the original compliance date for submittal of the voluntary operating permit application.

Item 6 revises language to exclude violations of the requirement to obtain a title V operating permit from the compliance certification for voluntary operating permits.

Item 7 reestablishes the original compliance date for submittal of the small source operating permit application.

Item 8 adds language for clarification.

Item 9 adopts the NESHAP for primary aluminum reduction plants by reference. This adoption establishes standards for each new or existing potline, paste production plant, and anode bake furnace associated with a primary aluminum reduction plant, and for each new pitch storage tank associated with a primary aluminum production plant. Additional language was added for clarification.

ITEM 1. Amend subparagraph 22.103(2) "a"(2) as follows:

(2) A storage tank which contains no volatile organic compounds above a vapor pressure of 0.75 pounds per square inch at the normal operating temperature of the tank when other emissions from the tank do not exceed the levels in ~~paragraph 22.103(2) "b."~~subparagraph 22.103(2) "a"(1).

ITEM 2. Amend paragraph 22.105(1) "a" as follows:

a. Timely application. Each source applying for a Title V permit shall submit an application:

(1) By November 15, 1994, if source was existing on or before April 20, 1994 for the first time submittals of Title V permit applications. However, a source may choose to defer submittal of Part 2 of the permit application until December 31, 1995. The department will mail notice of the deadline for Part 2 of the permit application to all applicants who have filed Part 1 of the application by October 17, 1995.

(2)~~(1)~~ At least 6 months but not more than 18 months prior to the date of permit expiration if the application is for a permit renewal.

(3)~~(2)~~ By January 1, 1996, (for sulfur dioxide) or by January 1, 1998, (for nitrogen oxides) if the application is for an initial Phase II acid rain permit.

(4)~~(3)~~ At least 6 months prior to any planned significant modification of a Title V permit. See rule 22.113(455B).

(5)~~(4)~~ Within 12 months of commencing operation for a source subject to 112(g) of the Act or subject to rule 22.4(455B) (prevention of significant deterioration permitting) or subject to rule 22.5(455B) (nonattainment area permitting). Where an existing Title V permit would prohibit such construction or change in operation, the source must obtain a Title V permit revision before commencing operation.

(6)~~(5)~~ Within 12 months of becoming subject to this rule for a new source or a source which has become subject to the Title V permit requirement after April 20, 1994.

ITEM 3. Rescind rule 22.123(455B) and adopt the following in lieu thereof:
567—22.123(455B) Acid rain exemptions.

22.123(1) New unit exemption. The new unit exemption, as specified in 40 CFR §72.7, as amended through October 24, 1997, except for 40 CFR §72.7(c)(1)(i), is adopted by reference. This exemption applies to new utility units.

22.123(2) Retired unit exemption. The retired unit exemption, as specified in 40 CFR §72.8, as amended through October 24, 1997, is adopted by reference. This exemption applies to any affected unit that is permanently retired.

22.123(3) Industrial utility-unit exemption. The industrial utility-unit exemption, as specified in 40 CFR §72.14, as amended through October 24, 1997, is adopted by reference. This exemption applies to any noncogeneration utility unit.

ITEM 4. Rescind and reserve rule 22.124(455B).

ITEM 5. Amend subrule 22.203(1), paragraph "a," as follows:

a. Timely application. Each source applying for a voluntary operating permit shall submit an application:

(1) By July 1, 1996, if the source is existing on or before July 1, 1995, unless otherwise required to obtain a Title V permit under rule 22.101(455B);

(2)~~(1)~~ At least 6 months but not more than 12 months prior to the date of expiration if the application is for renewal;

(3)~~(2)~~ Within 12 months of becoming subject to rule 22.101(455B)~~this rule~~ for a new source or a source which would otherwise become subject to the Title V permit requirement after July 1, 1995.

ITEM 6. Amend subparagraph 22.203(2) "e"(1), as follows:

(1) Certification of compliance for the prior year with all applicable requirements with an exception for violations of ~~subrule~~subrules 22.1(1) and 22.105(1);

ITEM 7. Amend subrule 22.300(8), paragraph "a," subparagraph (1), as follows:

(1) Timely registration. Each source registering for an operating permit by rule for small sources shall submit a registration form:

1. By August 1, 1996, if the source became subject to rule 22.101(455B) on or before August 1, 1995, unless otherwise required to obtain a Title V permit under rule 22.101(455B).

2. Within ~~within~~ 12 months of becoming subject to rule 22.101(455B) (the requirement to obtain a Title V permit) for a new source or a source which would otherwise become subject to the Title V permit requirement after August 1, 1995.

ITEM 8. Amend subrule 23.1(1), as follows:

23.1(1) In general. The federal standards of performance for new stationary sources (new source performance standards) shall be applicable as specified in subrule 23.1(2). The federal standards for hazardous air pollutants (national emission standards for hazardous air pollutants) shall be applicable as specified in subrule 23.1(3). The federal standards for hazardous air pollutants for source categories (national emission standards for hazardous air pollutants for source categories) shall be applicable as specified in subrule 23.1(4). The federal emission guidelines (emission guidelines) shall be applicable as specified in subrule 23.1(5). Compliance with emission standards specified elsewhere in this chapter shall be in accordance with 567—Chapter 21.

ITEM 9. Amend subrule 23.1(4), by adding the following **new** paragraph:

p. Emission standards for primary aluminum reduction plants. These standards apply to each new or existing potline, paste production plant, or anode bake furnace associated with a primary aluminum reduction plant, and for each new pitch storage tank associated with a primary aluminum production plant, except existing furnaces not located on the same site as the primary aluminum reduction plant. (Subpart LL)

_____
Date

_____
Larry J. Wilson, Director

(A copy of the Responsiveness Summary is on file in the department's Records Center)

Mr. Stokes briefly reviewed the rule.

Motion was made by Charlotte Mohr to approve Final Rule--Chapters 22 and 23, Acid Rain Exemptions and Primary Aluminum Reduction Plants NESHAPS. Seconded by Terrance Townsend. Motion carried unanimously.

APPROVED AS PRESENTED

REFERRALS TO THE ATTORNEY GENERAL

Mike Murphy, Bureau Chief, Compliance and Enforcement 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). The parties have been informed of this action and may appear to discuss this matter. If the Commission needs to discuss strategy with counsel on any matter where the disclosure of matters discussed would be likely to prejudice or disadvantage its

position in litigation, the Commission may go into closed session pursuant to Iowa Code section 21.5(1)(c).

a. Lehigh Portland Cement Company (Mason City) - air quality

b. Edward Bodensteiner (Des Moines) - underground tanks

Lehigh Portland Cement Company

Mr. Murphy stated that this case involves Prevention of Significant Deterioration (PSD) and other violations as summarized in the litigation report. He noted that staff have been in discussion with the company and are hopeful to continue the process of working out a consent decree in this matter. He related that the Attorney General's Office needs to be involved in order to finalize that process. He announced that Jane McAllister, counsel for Lehigh, asked to speak to the Commission.

Jane McAllister

Jane McAllister, representing Lehigh Portland Cement, stated that the violations are all wholly past violations, with the PSD violation dating back to 1987. She stressed that there are no ongoing operational problems or violations. She noted that this past week DNR visited the Mason City plant and all of the emissions were in compliance. Ms. McAllister related that Lehigh has been working with DNR on a consent agreement, and DNR has determined the only way to settle the matter is through a court consent order as opposed to an administrative order. She stated that the company does not concur or share that judgment but will not resist the referral. She explained that Lehigh is not waiving any of their rights or defenses, including the fact that they have provided a PSD permit application to DNR which was rejected, and the company has filed an administrative appeal. She related that Lehigh is not waiving the right to have the administrative appeal heard by an ALJ.

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

REFERRED

Edward Bodensteiner

Mr. Murphy briefed the Commission on the history of this case involving UST violations, and noted that the department has been dealing with this matter for about nine years. He related that there is an outstanding order and penalty and should be referred.

Motion was made by Dean McWilliams for referral to the Attorney General's Office. Seconded by Terrance Townsend. Motion carried unanimously.

REFERRED

GENERAL DISCUSSION

Chairman Ehm asked if the contested case decision last month by Dodger Enterprises has been appealed.

Mr. Murphy reported that all three of the contested case decisions from last month have been appealed.

Chairman Ehm asked if the Commission will have anything on the Brownfields rules at the September meeting since there is an October 1 deadline.

Mr. Stokes replied that there will not be enough time to have the rules ready then, but staff are working on a time frame to be able to hold an electronic meeting on October 1.

Charlotte Mohr commented about the growing, long list of contested cases and referrals and asked if maybe legislative action is needed to handle the matter.

Mr. Murphy stated that he does not think anything is needed legislatively yet. He noted that he just hired a new lawyer for the Air Quality Division and also a replacement for Vic Kennedy. He asked the Commission to wait six months to a year as he is back to full staff and can begin to whittle away at these cases again. He pointed out that a number of these cases take a long time to handle, particularly those dealing with site contamination for underground tanks.

Mr. Stokes echoed Mr. Murphy's comments adding that the matter could be addressed procedurally.

NEXT MEETING DATES

Chairman Ehm stated the next meeting will be Monday, September 21, beginning at 1:00 p.m., at the Rathbun Fish Hatchery. The Commission will meet at noon, at the hatchery, for lunch. The Commission will tour the hatchery and some rural water facilities on Tuesday morning.

September 21, 1998
October 19, 1998
November 16, 1998

ADJOURNMENT

With no further business to come before the Environmental Protection Commission, Chairman Ehm adjourned the meeting at 2:15 p.m., Monday, August 17, 1998.

Larry J. Wilson, Director

William Ehm, Chair

Charlotte Mohr, Secretary

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