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EPC Meeting Oct. 1999

Agenda

Environmental Protection Commission

October 18, 1999
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 September 20, 1999 and Electronic Meeting Minutes of September 29, 1999	
3.	Director's Remarks	Paul Johnson
4.	Final FY 99 Financial Status Report	Linda Hanson (Information)
5.	Fiscal Year 2001 Budget Request	Linda Hanson (Information)
6.	Contract – Sustainable Development Consulting Services for Iowa Capitol Complex Master Plan	Roya Stanley (**Decision**)
7.	Monthly Reports	Mike Valde (Information)
8.	State Revolving Fund – Intended Use Plan 1999 (drinking water)	Mike Valde (**Decision**)
9.	Final Rule—Chapters 60, 62 & 63, Wastewater Program	Mike Valde (**Decision**)
10.	Notice of Intended Action—Chapter 61, COE Nationwide Permits	Mike Valde (**Decision**)
11.	Data System Design for Private Well Program	Mike Valde (**Decision**)
12.	Final Rule—Chapter 64, Storm Water Permits	Mike Valde (**Decision**)
13.	Notice of Intended Action—Revised Cap on Title V Operating Permit Fees	Mike Valde (**Decision**)
14.	Proposed Rule—Chapter 23, Adoption by Reference of NESHAPS	Mike Valde (Information)
15.	Proposed Contested Case Decision- - Super 20 Mobile Home Park	Mike Murphy (**Decision**)

16.	Approval of Enforcement Action—Swine Graphics Enterprises, L.P. and Isopork Partners	Mike Murphy (**Decision**)
17.	Referrals to the Attorney General a) Enviro Safe Air, Inc. (Sioux City) **TABLED** b) Jim Walker (Johnson County) c) Iowa Millenium Investors, LLC (Des Moines) d) Daryl and Karen Hollingsworth (Warren Co.)	Mike Murphy (**Decision**)
18.	General Discussion a) Referral Process Review	
19.	Address Items for Next Meeting	

Next Meeting Dates

November 15, 1999

December 20, 1999

January 18, 2000

ENVIRONMENTAL PROTECTION COMMISSION

Monday, October 18, 1999

NAME	COMPANY OR AGENCY	CITY
(PLEASE PRINT)		
JANE McALLISTER	AHLERS LAW FIRM	DSM
DAN VEST	GROWMARK, INC.	BLOOMINGTON, IL.
Brooke Simmons	Des Moines Water Works	DSM
Doug Campbell	Air Quatily Bureau, IDNR	DSM
Corey McCoid	Air Quatily Bureau, IDNR	DSM
Catharine Fitzsimmons	AIR QUALITY BUREAU	DSM
KELLI BRABEC	AIR QUALITY BUREAU	DSM
Pete Hamlin	aer	
Elizabeth Henderson	ABI	DSM
Susan Heathcote	Iowa Environmental Council	DSM
George Breuer	University Hygienic Lab	I.C.
Andrew Rogue	IA League of Cities	DSM
Shawn Simmons	IDED	DSM
Scott Young	Polsinelli White	KC
Dispel	LFB	DM
Jack Clark	Iowa Utility Assoc	DM

ENVIRONMENTAL PROTECTION COMMISSION

Monday, October 18, 1999

NAME	COMPANY OR AGENCY	CITY
(PLEASE PRINT)		
JANE CLARK	Sierra Club	DSM
Chris Gruenhagen	Iowa Farm Bureau	DSM
Linda Kruman	IAWA	DSM
Craig Thompson	Norstan Consulting	DSM

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MINUTES

OF THE

ENVIRONMENTAL PROTECTION COMMISSION

MEETING

OCTOBER 18, 1999

WALLACE STATE OFFICE BUILDING
DES MOINES, IOWA

TABLE OF CONTENTS

Call to Order 1

Members Present 1

Members Absent 1

Adoption of Agenda 1
APPROVED AS PRESENTED 1

Approval of Minutes 1
APPROVED AS PRESENTED 1

Director's Remarks 2

Final FY 99 Financial Status Report 2
INFORMATIONAL ONLY 8

Fiscal Year 2001 Budget Request 8
INFORMATIONAL ONLY 8

Contract - Sustainable Development Consulting Services for Iowa Capitol Complex Master Plan9
APPROVED AS PRESENTED 13

Public Participation 13
Elizabeth Henderson (Title V fee cap) 13
Jack Clark (Title V fees) 14

Monthly Reports 15
INFORMATIONAL ONLY 32

State Revolving Fund – Intended Use Plan – 1999 (drinking water) 32
APPROVED AS PRESENTED 33

Final Rule—Chapter 60, 62 &63, Wastewater Program 33
APPROVED AS PRESENTED 36

Notice of Intended Action--Chapter 61, Corps of Engineers – Nationwide Permits 36
APPROVED AS PRESENTED 39

Data System Design for Private Well Program 39
APPROVED AS PRESENTED 40

Final Rule—Chapter 64, Storm Water Permits 41
APPROVED AS PRESENTED 43

Notice of Intended Action—Revised cap on Title V Operating Permit Fees 43
TABLED UNTIL NOVEMBER COMMISSION MEETING 46

Proposed Rule—Chapter 23, Adoption by Reference of NESHAPS 46
INFORMATIONAL ONLY 47

Proposed Contested Case Decision – Super 20 Mobile Home Park 47
ALJ DECISION UPHELD 47

Approval of Enforcement Action – Swine Graphics Enterprises, L.P. and Isopork Partners 48
APPROVED AS PRESENTED 48

Referrals to the Attorney General 48
Enviro Safe Air, Inc. 49
REFERRED 50

Jim Walker 50
REFERRED 51

Iowa Millenium Investors, LLC 51
REFERRED 51

Daryl and Karen Hollingsworth 51
REFERRED 51

General Discussion 51
Referral Process Review 51

Next Meeting 52

Next Meeting Dates 53

Adjournment 53

MEETING MINUTES

CALL TO ORDER

The meeting of the Environmental Protection Commission was called to order by Chairperson Ehm at 10:00 a.m. on Monday, October 18, 1999, in the Wallace State Office Building, Des Moines, Iowa.

MEMBERS PRESENT

James Braun
Elizabeth Christiansen
William Ehm, Chair
Rozanne King, Secretary
Terrance Townsend, Vice-Chair
Rita Venner

MEMBERS ABSENT

Randal Giannetto
Kathryn Murphy
Gary Priebe, [redacted]

Chairman Ehm noted that Gary Priebe and Randal Giannetto phoned to say they had a conflict and would not be able to attend the meeting. Kathy Murphy had previously reported that she would not attend this month's meeting due to a personal conflict.

ADOPTION OF AGENDA

The following adjustments were made to the agenda:

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

APPROVED AS PRESENTED

APPROVAL OF MINUTES

Motion was made by James Braun to approve the meeting minutes of September 20, 1999 and the electronic meeting of September 29, 1999, as presented. Seconded by Elizabeth Christiansen. Motion carried unanimously.

APPROVED AS PRESENTED

DIRECTOR'S REMARKS

Paul Johnson, Director, spoke about the 303 D list of impaired waters and TMDLs and noted that the department has worked out an agreement with EPA on the 303D list for the current round. He reported that the department is working with EPA as they're dealing with the suit on implementing the TMDL process. He related that the Department will continue to work with EPA, as the goal of DNR is clean water. Director Johnson noted that in reviewing the list of impaired waters the Department has ways to solve the problems, adding that in many cases it is nonpoint source issues. He stated that a lot of progress has been made and he would like to focus the Iowa Waters Initiative next year partly around the impaired waters list. He related that the department will work with people in communities to get them to adopt the best management practices possible. Director Johnson stated that the department's goal should be to work with citizens of Iowa to continue to improve the waters of the State. He related that the DNR will continue to work with EPA and other organizations to be sure that as forward movement takes place it is based on good science.

Director Johnson stated that in reference to AFOs – CAFOs, he has asked the staff to give their best judgment on our laws and rules and how the department can continue to work with the industry and the people of Iowa to make sure there is an appropriate set of rules and laws. He noted that a list of recommendations from this group will be provided to the Commission as it is completed. Director Johnson mentioned that Wayne Gieselman was hired to head the Animal Agriculture Unit and he has done a good job. He noted added that he intends to appoint someone as a lead person on the TMDL issue.

Director Johnson reported that a list of proposed legislation will be presented to the Commission at the November meeting. He related that a list is currently being prepared, and if the Commissioners have ideas on this they should let him know soon.

FINAL FY 99 FINANCIAL STATUS REPORT

Linda Hanson, Division Administrator, Administrative Services Division, presented the following item.

Attached is the Final FY 99 Financial Status Report. The Department's General Fund reversion is $48, 917. The Fish and Wildlife Operating Fund Balance is $24,551 which will revert to the Fish and Wildlife Trust Fund.

Summary Status:

	Balance	Appropriation Transfer	Final Reversion
General Fund:			
Administration/Director's Office	$(75,968)	$85,000	$9,032
Parks	$14,572	$(5,000)	$9,572
Parks Retirements	$0	$0	$0
Forestry	$15,309	$(15,000)	$309

Energy/Geology	$86,269	$(65,000)	$21,269
Environment	$8,735	$0	$8,735
General Fund Balance	$48,917	$0	$48,917
Fish and Wildlife Trust Fund:			
Law Enforcement Retirements	$63,415	$0	$63,415
Fish and Wildlife Balance	$24,551	$0	$24,551

Iowa Department Of Natural Resources
Final FY 99 Financial Status Report

TOTAL DEPARTMENT FY 99 FINAL	FY 99 BUDGET	FY 99 ACTUAL	99 BUDGET LESS ACTUAL 99
RESOURCES			
General Fund	$15,725,424	$15,676,507	$48,917
Park Officer Retirements	$200,000	$200,000	$0
Law Enforcement Officer Retirements	$150,000	$86,585	$63,415
Federal	$11,851,775	$10,890,723	$961,052
Administration Fund	$424,000	$401,610	$22,390
Conservation Fund	$4,201,311	$4,670,323	($469,012)
Transfers	$11,441,019	$10,096,089	$1,344,930
Groundwater Fund	$3,629,606	$3,095,848	$533,758
Fish and Wildlife Trust Fund	$23,499,548	$23,474,997	$24,551
TOTAL RESOURCES	$71,122,683	$68,592,682	$2,530,001
EXPENDITURES			
Personnel	$42,556,150	$41,324,275	$1,231,875
Extra Help	$2,865,978	$3,118,184	($252,206)
Support	$14,564,233	$13,796,799	$767,434
Contracts	$7,867,718	$7,000,835	$866,883
Equipment	$3,268,604	$3,352,589	($83,985)
TOTAL EXPENDITURES	$71,122,683	$68,592,682	$2,530,001

DIRECTORS OFFICE FY 99 FINAL	FY 99 BUDGET	FY 99 ACTUAL	99 BUDGET LESS ACTUAL 99
RESOURCES			
General Fund	$747,089	$739,645	$7,444
Federal	$461,780	$461,207	$573
Fish and Wildlife	$310,707	$310,707	$0
Administration Fund	$424,000	$401,610	$22,390
Groundwater Fund	$94,464	$76,146	$18,318

Other	$186,413	$185,437	$976
TOTAL RESOURCES	$2,224,453	$2,174,752	$49,701
EXPENDITURES			
Personnel	$1,239,823	$1,212,093	$27,730
Extra Help	$79,880	$103,806	($23,926)
Support	$840,916	$819,448	$21,468
Contracts	$0	$0	$0
Equipment	$63,834	$39,405	$24,429
TOTAL EXPENDITURES	$2,224,453	$2,174,752	$49,701

ADMINISTRATIVE SERVICES FY 99 FINAL	FY 99 BUDGET	FY 99 ACTUAL	99 BUDGET LESS ACTUAL 99
RESOURCES			
General Fund	$1,440,412	$1,523,824	($83,412)
Federal	$728,456	$640,707	$87,749
Fish and Wildlife	$2,044,555	$2,044,555	$0
Groundwater Fund	$239,422	$208,707	$30,715
REAP	$769,583	$574,948	$194,635
Marine Fuel Tax	$144,095	$142,794	$1,301
Infrastructure	$220,202	$266,661	($46,459)
Other	$384,420	$396,523	($12,103)
TOTAL RESOURCES	$5,971,145	$5,798,719	$172,426
EXPENDITURES			
Personnel	$4,113,612	$4,107,094	$6,518
Extra Help	$120,603	$148,221	($27,618)
Support	$1,396,253	$1,230,263	$165,990
Contracts	$110,899	$31,400	$79,499
Equipment	$229,778	$281,741	($51,963)
TOTAL EXPENDITURES	$5,971,145	$5,798,719	$172,426

PARKS PRESERVES AND RECREATION FINAL FY 99	FY 99 BUDGET	FY 99 ACTUAL	99 BUDGET LESS ACTUAL 99
RESOURCES			
General Fund	$6,195,754	$6,181,182	$14,572
Park Officer Retirement	$200,000	$200,000	$0
Federal	$46,948	$60,004	($13,056)
Park Receipts	$3,322,311	$3,674,446	($352,135)

Infrastructure	$34,719	$46,251	($11,532)
Other	$174,551	$202,261	($27,710)
TOTAL RESOURCES	$9,974,283	$10,364,144	($389,861)
EXPENDITURES			
Personnel	$5,060,805	$5,042,910	$17,895
Extra Help	$1,427,883	$1,590,138	($162,255)
Support	$3,008,886	$3,117,206	($108,320)
Contracts	$85,701	$188,274	($102,573)
Equipment	$391,008	$425,616	($34,608)
TOTAL EXPENDITURES	$9,974,283	$10,364,144	($389,861)

FORESTRY FY 99 FINAL	FY 99 BUDGET	FY 99 ACTUAL	99 BUDGET LESS ACTUAL 99
RESOURCES			
General Fund	$1,732,789	$1,717,480	$15,309
Federal	$460,000	$434,495	$25,505
Forestry Receipts	$879,000	$995,877	($116,877)
Other	$30,000	$41,830	($11,830)
TOTAL RESOURCES	$3,101,789	$3,189,682	($87,893)
EXPENDITURES			
Personnel	$2,045,636	$2,045,798	($162)
Extra Help	$126,517	$162,160	($35,643)
Support	$808,428	$880,605	($72,177)
Contracts	$3,000	$2,020	$980
Equipment	$118,208	$99,099	$19,109
TOTAL EXPENDITURES	$3,101,789	$3,189,682	($87,893)

ENERGY AND GEOLOGY FY 99 FINAL	FY 99 BUDGET	FY 99 ACTUAL	99 BUDGET LESS ACTUAL 99
RESOURCES			
General Fund	$1,908,828	$1,822,559	$86,269
Federal	$2,277,641	$1,599,136	$678,505
Oil Overcharge	$360,213	$184,901	$175,312
Bonding Programs	$213,682	$79,453	$134,229
Groundwater Fund	$190,375	$193,715	($3,340)

Other	$148,481	$103,352	$45,129
TOTAL RESOURCES	$5,099,220	$3,983,116	$1,116,104
EXPENDITURES			
Personnel	$2,733,125	$2,551,967	$181,158
Extra Help	$130,000	$71,918	$58,082
Support	$578,959	$422,984	$155,975
Contracts	$1,515,736	$781,743	$733,993
Equipment	$141,400	$154,504	($13,104)
TOTAL EXPENDITURES	$5,099,220	$3,983,116	$1,116,104

ENVIRONMENTAL PROTECTION FY 99 FINAL	FY 99 BUDGET	FY 99 ACTUAL	99 BUDGET LESS ACTUAL 99
RESOURCES			
General Fund	$3,700,552	$3,691,817	$8,735
Federal	$7,752,827	$7,605,218	$147,609
Air Contaminant Fees	$5,786,544	$5,038,772	$747,772
Groundwater Fund	$1,691,062	$1,430,288	$260,774
Hazardous Waste Remedial Fund	$895,308	$775,806	$119,502
Water Protection Fund	$999,445	$903,568	$95,877
Operator Certification Fees	$104,540	$88,393	$16,147
LUST Insurance Fund	$75,000	$75,000	$0
Land Recycling Fund	$0	$0	$0
Stormwater Permit Fees	$319,308	$241,499	$77,809
Well Contractor Fees	$42,853	$46,163	($3,310)
Groundwater Professional Regis.	$36,053	$44,110	($8,057)
Water Supply Lab. Cert. Fees	$102,500	$137,275	($34,775)
Other	$56,626	$59,816	($3,190)
TOTAL RESOURCES	$21,562,618	$20,137,725	$1,424,893
EXPENDITURES			
Personnel	$12,358,825	$11,548,929	$809,896
Extra Help	$0	$0	$0
Support	$2,601,366	$2,043,585	$557,781
Contracts	$5,286,716	$5,270,350	$16,366
Equipment	$1,315,711	$1,274,861	$40,850
TOTAL EXPENDITURES	$21,562,618	$20,137,725	$1,424,893

FISH AND WILDLIFE FY 99 FINAL	FY 99 BUDGET	FY 99 ACTUAL	99 BUDGET LESS ACTUAL 99
RESOURCES			

Fish and Wildlife Trust Fund	$21,144,286	$21,119,735	$24,551
Enforcement Officer Retirements	$150,000	$86,585	$63,415
Corps Condition 5 Funds	$295,445	$375,917	($80,472)
TOTAL RESOURCES	$21,589,731	$21,582,237	$7,494
EXPENDITURES			
Personnel	$14,207,925	$14,124,415	$83,510
Extra Help	$854,120	$899,159	($45,039)
Support	$5,118,675	$5,075,059	$43,616
Contracts	$443,666	$443,376	$290
Equipment	$965,345	$1,040,228	($74,883)
TOTAL EXPENDITURES	$21,589,731	$21,582,237	$7,494

WASTE MANAGEMENT FY 99 FINAL	FY 99 BUDGET	FY 99 ACTUAL	99 BUDGET LESS ACTUAL 99
RESOURCES			
Groundwater Fund	$1,414,283	$1,186,992	$227,291
Federal	$124,123	$89,956	$34,167
Waste Volume Reduction Fund	$5,100	$32,446	($27,346)
Waste Tire Program	$54,438	$52,913	$1,525
Other	$1,500	$0	$1,500
TOTAL RESOURCES	$1,599,444	$1,362,307	$237,137
EXPENDITURES			
Personnel	$796,399	$691,069	$105,330
Extra Help	$126,975	$142,782	($15,807)
Support	$261,250	$253,590	$7,660
Contracts	$371,500	$237,731	$133,769
Equipment	$43,320	$37,135	$6,185
TOTAL EXPENDITURES	$1,599,444	$1,362,307	$237,137

Ms. Hanson stated that the department reverted $48,917 to the General Fund and 50% of that may stay with the agency and be used for training or technology. She noted that the legislature does allow for some appropriation transfers, which is frequently necessary. Ms. Hanson called attention to the unusually high camping receipts, which was a redeemer for the department as it helped in other areas as well. She related that the Forestry Division also had an increase in receipts. She noted that at the next meeting she will report on the current fiscal year.

Brief discussion took place regarding the transfer of funds.

INFORMATIONAL ONLY

FISCAL YEAR 2001 BUDGET REQUEST

Linda Hanson, Division Administrator, Administrative Services Division, presented the following item.

The Iowa Water Quality Initiative and the Livable Iowa Initiative contained in the FY 2001 Operating Budget will be discussed in greater detail at the October meeting. The FY 2001 Operating Budget which was approved by the Commission on September 29, 1999 was submitted to the Department of Management on October 1, 1999.

Ms. Hanson stated that during the electronic meeting in September she indicated she would bring some people in to talk about the two initiatives. She related that these initiatives were focusing on the Infrastructure Fund and it is important to keep in mind that the Infrastructure Fund can never be used to fund positions or FTEs. She introduced Mike Carrier, Division Administrator, Parks, Recreation and Preserves Division, and asked him to speak about the Livable Iowa Initiative. She related that she will ask Mike Valde to speak about the Iowa Waters Initiative at the November meeting.

Mr. Carrier provided background on the Infrastructure Fund, it's implementation, appropriations, and projects. He spoke about the Restore the Outdoors Program and DNR projects that have been funded such as rebuilding old CCC structures, lake restorations, and development of Berkley Bedell State Park to name a few. He stated that in the upcoming year the department will focus on the Iowa Waters and the Livable Iowa initiatives. He explained the Livable Iowa initiative noting that there are eight components to that initiative, as follows: 1) Plan for the development of a flagship state park; 2) Develop a coordinated volunteer program in the DNR; 3) Use $370,000 for establishment and restoration of prairie lands throughout Iowa; 4) Expand our GIS system; 5) Provide growth in Parks staff through the use of AmeriCorp employees; 6) Promote private landowner assistance in forest management; 7) Provide grants for start up manufacturing and industry, and other uses, of Iowa's natural resource products; 8) Increase REAP funding by 9.5 million dollars to get the $20 million level currently authorized. He expanded on details of the REAP program.

Rozanne King asked about a program which provides loans for communities to use on recreation.

Mr. Carrier stated that program is the Recreation Infrastructure Grant Program, which provides loans on a 50/50 match to communities for vertical infrastructure related to recreation

Discussion followed regarding geographic location for future flagship state parks. Also discussed was restoration of prairies and the use of local seed sources for restoration.

INFORMATIONAL ONLY

CONTRACT - SUSTAINABLE DEVELOPMENT CONSULTING SERVICES FOR IOWA CAPITOL COMPLEX MASTER PLAN

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

The Department is requesting approval to enter into a contract, subject to satisfactory negotiation of budget, match and deliverables, with architectural firm HDR Architecture, Inc. to provide sustainable development consulting services on a retainer basis, with no guaranteed minimum amount, for building, renovation and demolition projects covered under the Iowa Capitol Complex Master Plan. The contract with HDR Architecture, Inc. will not exceed $70,000 over a period of nine months (October 1, 1999 to June 30, 2000 – Fiscal Year 2000).

Background

The Department of Natural Resources has worked closely with the Department of General Services and project architects to establish "Sustainable Development Principles" as part of the Iowa Capitol Complex Master Plan. The Master Plan provides a framework for complex-wide planning efforts. Based on our research, the State of Iowa is the first state to include these principles in their Master Plan. A copy of the principles is attached.

The Departments of Natural Resources and General Services have worked closely with Master Plan project architects to identify opportunities to apply sustainability concepts in all new construction, renovation, and demolition projects on the Complex. Sustainability concepts addressed in the Master Plan include: sustainable site planning, energy efficiency, water safeguarding, materials and resources conservation, indoor air quality, solid waste reduction, and environmental quality.

Project Goals & Objectives:

The intent of the project is to ensure sustainable development principles included in the Master Plan are followed and technical assistance is provided for all Capitol Complex building, renovation and demolition projects. The consultant will be responsible for incorporating sustainability concepts into all projects and will serve as a member of various Master Plan project teams, as deemed necessary by the Department and project managers. Project teams will be composed of a variety of state agency representatives, contractors and subcontractors dependent on the specific project.

Specific project objectives include:

1. Facilitate project commencement charettes or goal-setting meetings.
2. Provide sustainable construction technical expertise and education to the entire project team which is valuable, timely, practical, and effective.
3. Provide a sustainability design assessment report.
4. Facilitate the actual implementation of the integrated-design approach, which requires all parties involved in the project to speak with each other and understand everyone else's goals and needs from the outset through the project's end.
5. Write clear goals and direction in the specifications.
6. Monitor progress toward the sustainability goals.
7. Evaluate project success through post occupancy evaluation of principles and systems.

A long-term benefit from the successful implementation of the sustainable principles will be a transformation of the local building industry into an industry that understands and practices sustainable development. Wide dissemination of this knowledge and experience will also result in the education of the general population to recognize the benefits of sustainability, thereby creating market demand for these practices.

Upon completion of this project, DGS has agreed to include sustainable consulting services funding into all building, renovation and demolition project budgets for legislative approval (letter of commitment attached). Such a commitment will ensure that sustainable development principles are carried out for all future Capitol Complex projects.

Consultant Performance Evaluation

The consultant will be required to submit monthly activity reports to DNR for review. Upon approval of monthly reports, consultant fees will be paid. The consultant will be paid only for hours worked during each month, with no guaranteed minimum amount of work specified per month.

Selection Process

Fifteen architectural and engineering firms from across the country submitted applications for this RFP. A selection committee comprised of representatives from the DNR Waste Management Assistance Division, DNR Energy Bureau, DGS Design and Construction, and DGS Building Services reviewed all 15 applications, rated the firms, and chose the top four firms for telephone interviews. The four firms interviewed by phone included: HDR Architecture, Inc. (Omaha, NE), Innovative Design (Raleigh, NC), LHB Engineers & Architects (Minneapolis, MN) and Wells Woodburn O'Neil (Des Moines, IA).

Supporting Agencies:
Iowa Department of Natural Resources
Iowa Department of General Services

At this time, the Commission is requested to approve the Department entering into a contract with HDR Architecture subject to satisfactory negotiation of budget, match and deliverables.

SUSTAINABLE DEVELOPMENT CONSULTANT APPLICATIONS

Anstead Design (Champaign, IL)
Berkebile Nelson Immenschuh McDowell Architects (Kansas City, MO)
Center for Maximum Potential Building Systems (Austin, TX)
Croxton Collaborative Architects, PC (New York, NY)
ENSAR group (Boulder, CO)
HDR Architecture, Inc. (Omaha, NE)
Innovative Design (Raleigh, NC)

Joslyn Castle Institute (Omaha, NE)
LHB Engineers & Architects (Minneapolis, MN)
Ove Arup & Partners California (San Francisco, CA)
OWP & P (Chicago, IL)
RDG Bussard Dikis (Des Moines, IA)
Steven Winter Associates, Inc. (Norwalk, CT)
The Stubbins Associates, Inc. (Cambridge, MA)
~~Wells Woodburn O'Neil (Des Moines, IA)~~

Michaella Wright, Director, Sustainable Design Services
HDR Architecture, Inc. Omaha, Nebraska

Ms. Wright provides consultation on sustainable building design. She is proficient in providing consultation regarding site sustainable design, indoor environmental quality, sustainable materials, waste reduction, and resource efficiency.

She led the effort to develop HDR Sustainable Design Services, organizing the company's approach to sustainable design on all projects. She was responsible for the development of HDR" Sustainable Design Guidelines and Sustainable Business Agenda, oversees the integration of sustainable information into DHR master specifications, and publishes HDR's sustainable newsletter EcoNews.

Ms. Wright coordinates the integration of sustainable design on all HDR projects and directs project teams in understanding the environmental and economic impacts of sustainable design alternatives.

Member, U.S. Green Building Council (USGBC), 1996-present
Co-Chair, USGBC Leadership in Energy and Environmental Design Committee
Member, ASTM Committee EO6.71, Sustainability
Member, Center for the Built Environment, 1997-present
Co-Chair, Nebraska Environmental Roundtable

Project Experience:

General Services Administration, Green Building Cost Study – this project included a green review of the Denver Federal Courthouse, resulting in an extensive report of various alternative green options that could be integrated into the project. The goal was to provide the GSA with information on the cost of incorporating sustainable design into their courthouse projects.

General Services Administration, Sustainable Design Training – HDR is currently developing a sustainable design training program for the GSA's project manager, property managers, and other personnel. HDR is providing sustainable and training expertise in the development of this program.

Pentagon Remote Delivery Facility – this project is a U.S. Green Building LEED rating System Pilot Project. The project goals were set in conjunction with LEED and included material and resource conservation, safeguarding water, indoor environmental quality, energy efficiency, and sustainable site planning. HDR provided comprehensive sustainable design consultation.

HDR Architecture, Inc.

HDR Architecture, Inc. has completed approximately 200 building projects in Iowa and has an office in Ankeny, Iowa.

Sustainable Development Consultant Project - Risks & Benefits

Risk	Risk Minimization
Achieving goals will add costs to building/renovation/demolition projects.	◆ Sustainable development approach may incur costs upfront (such as material costs) but will incur savings through energy savings, resource conservation and avoidance of landfill disposal costs.
Lack of funding after this fiscal year.	◆ DGS has committed to including funding for sustainable design consulting services in each building/renovation/demolition project budget (letter attached). ◆ Project evaluation during first fiscal year will confirm long-term cost savings of sustainable design versus traditional design approach.
Non-cooperation from DGS staff	◆ DGS-Design and Construction has committed to future funding of projects. ◆ DGS staff will be involved up-front with all project decisions. ◆ DGS staff will add new technical skills through training and education opportunities.
Non-cooperation from contractors	◆ Contractor expectations will be explicitly written into DGS General Requirements and Construction Documents. ◆ Consultant will participate in bid evaluation and construction processes. ◆ DGS and contractor will sign a written commitment specific to sustainability principles.

Benefits of Study (intended)

Demonstrate cost savings through reduction in landfill disposal tonnages (material-efficient design and construction and demolition recycling) in building, renovation and demolition projects.

Demonstrate cost savings through energy efficiency opportunities in building, renovation and demolition projects.

Demonstrate cost savings through resource efficiency (using less material, more durable materials, recycled-content materials, water safeguarding, native landscaping, etc.) in building, renovation and demolition projects.

Demonstrate health and safety benefits to employees and the public through improved indoor air quality.
Serve as a model to demonstrate new market for sustainable development in the State of Iowa.

Ms. Stanley presented details of the sustainable development consultant to serve the implementation of the Capitol Complex master plan. She noted that this set of consulting services will serve the first building to be built under the new master plan, a parking ramp. She related that all of the materials used will be associated with sustainable development practices. Ms. Stanley explained that the plan looks at appropriate materials use and handling on the site as well as all aspects of of sustainable development. She related that this will serve as a demonstration model for the entire state. Ms. Stanley noted that another objective is to establish this as the procedure the State uses for the rest of the efforts on the Capitol Complex. She added that the department is working cooperatively with the Department of General Services and Metro Waste Authority since the Capitol Complex is part of that comprehensive planning area. She noted that there were 15 responses to the RFP and HDR Architecture, Inc. is recommended for the contract.

Chairman Ehm commented that the range of prices for other than HDR was not indicated in the item and he asked if the others were comparable.

Ms. Stanley explained it is a consulting contract that is based on hourly services actually provided. She related that in terms of the dollar amount it is set at a maximum and there is no minimum, and staff was looking at experience they brought as well as services they could offer.

Jeff Geerts, WMA Division, stated that HDR was right in the middle of the group pricewise, but one thing that persuaded the group to go with HDR was that they had all of the resources in-house. He added that their lead architect on the project is a co-chair with the US Green Building Council.

Motion was made by Elizabeth Christiansen to approve the contract for Sustainable Development Consulting Services for the Iowa Capitol Complex Master Plan. Seconded by James Braun. Motion carried unanimously.

APPROVED AS PRESENTED

PUBLIC PARTICIPATION

Chairman Ehm announced public participation at 10:40 a.m.

Elizabeth Henderson (Title V fee cap)

Elizabeth Henderson, Iowa Association of Business & Industry, addressed the Commission presenting the following written statement:

The Iowa Association of Business and Industry and the Iowa Department of Natural Resources have a long history of cooperatively working on issues of importance to ABI members and the IDNR. The Title V Operating Permit Program is no exception. As you may recall, as recently as last year, the ABI Environmental Committee's number one priority was to support a General Fund appropriation to fund the non-Title V Iowa Air Quality Program so that Title V fees could be used solely to pay for the Title V state air program. The Department was appropriated this fiscal year $1 million from the General Fund for that specific purpose.

It is with some concern, however, that these comments are made regarding the proposed revision to the Title V fee cap. The Association's concern is two-fold.

First, after sampling a small number of ABI members that pay Title V fees, it appears a $28.00/ton fee could represent a substantial increase in Title V Program fees for this sector of the regulated community. Some members' fees would increase by $200,000 - $250,000/yer. The greater number of members' fees would increase by $30,000 - $35,000/year.

Second, with the size of the increase in Title V Program funding this revision would mean, it seems reasonable for the Department to provide as much information about the proposed use of the funds as possible. Calculations using 1998 emission numbers and a $28/ton fee indicate an additional $1.2 million for the Title V Program. To date, the only information stakeholders have been given about the proposed use of the funds is to pay for five staff that are being moved from grant-funded status to Title V fee-funded status, plus some additional salary adjustments. A breakdown of the proposed use of the expected increase in program funding would appear to be in order. On behalf of ABI member companies affected by this decision, I am suggesting two courses of action to be taken before the Commission makes a decision about the Department's request. First, more information should be shared with the Commission about the amount of funding actually necessary for the proposed staff changes, including a specific breakdown of how the additional funds will be used. Second, the Commission should direct the Department to meet with fee-paying representatives to discuss all possible alternatives to meeting the financial needs of the Air Bureau at the most reasonable cost to business and industry. To date, meetings with stakeholder groups have not taken place.

The Association of Business and Industry is interested in working with the Department to gain a clearer understanding of this issue and welcomes the opportunity to further discuss this very important topic. Thank you for your consideration of these comments.

Chairman Ehm pointed out that the Client Contact Group has been in existence for some time and the department meets with them on a monthly basis.

Ms. Henderson noted that she was unable to attend the meeting last week and the one previous to that was cancelled. She added that she is not aware of them discussing this issue.

Jack Clark (Title V fees)

Jack Clark, Iowa Utilities Association, spoke about the rule regarding the revised cap on Title V fees. He stated that IUA and ABI members have a long history of working with the department

and noted that they wanted the department to seek delegation of Title V and took part in a very effective working group in developing the State's application for delegation. He related that their members volunteered to pay fees prior to the time the State received delegation, adding that it helped the Department to staff up and implement the program when approved. Mr. Clark noted that federal and State laws specifically state that the fees can only be used to implement and administer the program, but there are exceptions, and for the first three years the EPA granted the State a waiver, and the legislature approved allowing the State to use the Title V fees for the State's contribution to the air quality program. He noted that last year the EPA refused to grant a waiver and the legislature came through with an appropriation for the program. Mr. Clark stated that the Construction Permit Program is not part of the Title V program and he expanded on the "as-built" permits. He noted that the Department is asking to put 14 people on staff to do that function. He covered the history of the program fees and encouraged the Commission to look closely at the budget. He related that he was at the recent Client Contact Group meeting last week and he suggested re-initiating a group to have an opportunity to review the budget in detail, and Mr. Hamlin has contacted him about that. Mr. Clark said his members are supportive of paying fees for the operating permit for the cost of issuing the permit, the cost of administering the permit, and the cost of enforcing the permit for their facilities. He related that when taking the cap off on emissions, it increases the cost for these facilities, and they question what additional value they will get for that additional fee. He stressed that they do not want to subsidize programs that should be funded by fees or the general fund.

Chairman Ehm stated that the proposed rule is simply to raise the cap from $24/ton to EPA's presumptive figure, at approximately $33.20/ton.

Mr. Valde noted that he conveyed to Jack Clark that his staff would be glad to meet in a smaller group to discuss Title V fees.

MONTHLY REPORTS

Mike Valde, 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
October 1, 1999

PROPOSAL	NOTICE TO COMM	NOTICE PUBLISH	RULES REVIEW	HEARING	SUMMARY TO COMM	RULES ADOPTED	RULES PUBLISH	RULES REVIEW	RULE EFFECTIVE
1. Ch. 22 – Revised Cap –									

Title V Permits	10/18/99	*11/17/99	*12/07/99		*1/17/00	*1/17/00	*2/09/00	*3/07/00	*4/03/00
2. Ch. 23 – Adoption by Reference – NESHAPS	*11-15-99	*12-15-99	*1/04/99		*1/17/00	*1/17/00	*2/09/00	*3/07/00	*4/03/00
3. Ch. 60, 62, 63 – Monitoring, Reporting and Analytical Requirements	----------	----------	----------	----------	10/18/99	*10/18/99	*11/17/99	*12/07/99	*12/22/99
4. Ch. 61 – WQ Standards – Nationwide Permits	10/18/99	*11/17/99	*12/07/99		*1/17/00	*1/17/00	*2/09/00	*3/07/00	*4/03/00
5. Ch. 64 – Stormwater Permits	4/19/99	5/19/99	6/08/99	6/18/99	10/18/99	*10/18/99	*11/17/99	*12/07/99	*12/22/99
6. Ch. 135 – USTS-MTBE Analyzing Requirements	6/21/99	7/14/99	8/09/99	----------	9/20/99	9/20/99	*10/20/99	*11/02/99	*11/24/99

MONTHLY VARIANCE REPORT

September, 1999

Item No.	Facility	Program	Engineer	Subject	Decision	Date
1	E.I. DuPont de Numours and Company, Inc.-Fort Madison	Air Quality		Equipment Test	Approved	09/02/99
2	Missouri Valley, City of	Watersupply Construction	Olmsted & Perry Consulting Engineers, Inc.	Siting Criteria	Approved	09/08/99

REPORT OF HAZARDOUS CONDITIONS

During the period September 1, 1999, through September 30, 1999, 48 reports of hazardous conditions were forwarded to the central office. A general summary and count by field office is presented below. This does not include releases from underground storage tanks, which are reported separately.

Month	Total Incidents	Petroleum Product	Agri - Chemical	Other Chemicals	Handling and Storage	Pipeline	Highway Incident	RR Incident	Fire	Other
Oct.	52(70)	28(37)	11(17)	13(16)	20(28)	2(6)	24(28)	1(5)	0(0)	5(3)
Nov.	57(44)	35(25)	9(9)	13(10)	30(15)	2(3)	23(23)	0(2)	0(0)	2(1)
Dec.	41(52)	23(27)	5(19)	13(6)	21(21)	2(4)	15(22)	1(4)	0(0)	2(1)
Jan.	30(42)	15(32)	0(3)	15(7)	20(19)	0(2)	6(16)	2(1)	0(1)	2(3)
Feb.	43(42)	25(32)	4(3)	14(7)	26(19)	1(2)	12(16)	1(1)	0(1)	3(3)
Mar.	50(53)	32(37)	12(9)	6(6)	27(29)	1(0)	20(16)	0(4)	0(0)	2(4)

Apr.	92(60)	49(23)	26(23)	17(14)	46(25)	1(3)	43(25)	0(5)	0(0)	2(2)
May	57(135)	29(58)	25(64)	3(13)	20(58)	2(3)	30(69)	1(2)	0(0)	4(2)
Jun.	98(118)	56(76)	29(24)	13(18)	41(70)	3(3)	50(38)	0(1)	1(0)	3(6)
Jul.	65(75)	43(48)	7(5)	15(22)	34(57)	3(0)	23(15)	3(0)	0(0)	2(3)
Aug.	68(45)	52(20)	6(2)	10(23)	44(29)	2(0)	18(10)	1(0)	0(0)	3(6)
Sept.	48(52)	33(27)	9(9)	6(16)	18(29)	2(3)	27(17)	1(0)	0(1)	0(2)

(numbers in parentheses for the same period in fiscal year '98)

Total Number of Incidents Per Field Office This Period:

1	2	3	4	5	6
3	2	6	11	20	6

ENFORCEMENT REPORT

Name, Location and Field Office Number	Program	Alleged Violation	Action	Date
Fernald Water System; John Hunter; Art Bellile; Ron Smith; Ron Kingsbury; Ray Robinson; and Mike Williams, Nevada (5)	Drinking Water	Monitoring/Reporting – Other Inorganics; Certified Operator; Public Notice	Order/Penalty $10,000	9/01/99
Armstrong, City of (3)	Drinking Water	Compliance Schedule; MCL – Bacteria; Public Notice	Order/Penalty $4,000	9/01/99
Brown Bottle Restaurant, Cedar Falls (2)	Drinking Water	MCL – Bacteria; Compliance Schedule; Public Notice	Order/Penalty $7,000	9/01/99
Rick Breitbach; Steve Breitbach New Hampton (1)	Animal Feeding Operation	Prohibited Discharge – Confinement; Water Quality Violations – General Criteria	Order/Penalty $3,000	9/08/99
Arthur, City of (3)	Drinking Water	MCL – Bacteria; Public Notice	Emergency Order	9/09/99
Kenny Habben, Humboldt Co. (2)	Air Quality	Open Burning	Order/Penalty $5,000	9/14/99
Jim Ledenbach d/b/a Paper Recovery, Cedar Rapids (2)	Solid Waste	Illegal Disposal	Order/Penalty $5,000	9/14/99
James Harker, Fairfield (6)	Wastewater	Stormwater – Operation Without Permit	Order/Penalty $1,800	9/14/99
Agriprocessors, Inc., Allamakee Co. (1)	Solid Waste Air Quality	Illegal Disposal; Open Burning	Order/Penalty $1,000	9/14/99

Sac County Golf and Country Club, Wall Lake (3)	Drinking Water	Monitoring/Reporting – Bacteria; MCL – Bacteria, Nitrate; Public Notice	Order/Penalty $3,000	9/14/99
Lorene Logue; Lester Holmes; Todd Holmes, Williamson (5)	Air Quality	Open Burning	Order/Penalty $4,500	9/14/99
Darwin Eimers; David O'Brien, Bremer Co. (1)	Animal Feeding Operation	Prohibited Discharge – Open Feedlot; Water Quality Violations – General Criteria	Consent Order/Penalty $4,000	9/20/99
Casey's General Store, Hills (6)	Drinking Water	Monitoring/Reporting – Bacteria, Nitrate; MCL – Bacteria; Public Notice	Order/Penalty $600	9/23/99
Minifarm Acres, Inc. Cedar Co. (6)	Drinking Water	Monitoring/Reporting – Nitrate, Bacteria; MCL – Bacteria; Public Notice	Order/Penalty $5,000	9/23/99
Richard Marshall, Cass Co. (4)	Solid Waste	Illegal Disposal	Order/Penalty $2,100	9/23/99
Michael Roberts, College Springs (4)	Air Quality	Open Burning	Order/Penalty $1,500	9/23/99
Crawfordsville, City of (6)	Drinking Water	Well Plugging	Order/Penalty $500	9/23/99
Greenwood Hills Estates, L.C.; GK Properties, Inc. Dallas Co. (5)	Wastewater	Stormwater – Operation Without Permit; Pollution Prevention Plan Violation	Order/Penalty $6,500	9/23/99
The Dexter Co., Fairfield (6)	Wastewater	Prohibited Discharge; Pollution Prevention Plan Violation	Order/Penalty $2,000	9/23/99
Barilla America, Inc., Ames (5)	Air Quality	Construction Without Permit	Order/Penalty $10,000	9/23/99
Calmar, City of (1)	Drinking Water	MCL – Bacterial	Emergency Order	9/27/99
Tara Hills Country Club, Van Horne (1)	Drinking Water	MCL – Bacteria	Order/Penalty $500	9/29/99
Robert Fisher, Hamilton Co. (2)	Animal Feeding Operation	Prohibited Discharge – Confinement; Water Quality Violations – General Criteria	Order/Penalty $3,000	9/29/99
Bowlaway Lanes, New Hampton (1)	Drinking Water	Monitoring/Reporting – Nitrate; Public Notice	Order/Penalty $100	2/23/99
Country Terrace Mobile Home Court, Boone (5)	Drinking Water	Monitoring/Reporting – Bacteria, Other Inorganics, Organics, Radioactivity; MCL – Radioactivity; Public Notice	Order/Penalty $5,000	2/25/99

SUMMARY OF ADMINISTRATIVE PENALTIES

The following administrative penalties are due:

NAME/LOCATION	PROGRAM	AMOUNT	DUE DATE
~~Bill Dettman d/b/a Dettman Oil Co. (Fonda)~~	~~UT~~	~~2,800~~	~~9-15-94~~
M & L Service; Loyal Dorr; Mark Courtney (Guthrie Center)	UT	1,000	8-30-95
Economy Solar Corp. (Monticello)	AQ	7,500	11-25-95
Paul L. Dunkel (Delaware Co.)	SW	1,500	6-27-96
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
Larry Cope, Susan E. Cope, Bill VanPelt (Carlisle)	WW	1,500	5-05-98
Albert Fleming (Clayton Co.)	FP	2,000	9-06-98
# Vande Haar Dairy Farm (Marion Co.)	AFO	3,000	9-15-98
Leland DeWitt (Louisa Co.)	AQ/SW	3,000	11-21-98
Jim Walker (Johnson Co.)	AQ/SW	3,000	2-14-99
* Dakota Mobile Home Park (Oxford)	WW	375	8-15-99
Otter Creek Station (Dubuque Co.)	WS	325	3-04-99
Russ Winkowitsch (Butler Co.)	FP	500	3-06-99
Plantation Village Mobile Home Park (Burlington)	WS	500	3-13-99
Plantation Village Mobile Home Park (Burlington)	WW	2,000	3-13-99
Bowlaway Lanes (New Hampton)	WS	100	4-20-99
Full Moon Saloon (Jesup)	WS	500	4-23-99
* Home Asbestos & Lead Abatement Services (Johnston)	AQ	1,200	5-15-99
* Orrie's Supper Club, Inc. (Hudson)	WS	390	6-01-99
Norman Klynsma d/b/a OK One Stop Service (Hospers)	UT	2,460	6-08-99
Charlie's Supper Club (Algona)	WS	100	7-01-99
Hidden Valley Mobile Home Court (Washington Co.)	WS	200	7-26-99
The Barn (Sherril)	WS	200	8-27-99
# Charles Wirtz (Whittemore)	AFO	2,000	9-15-99
Koch's Meadow Lake Campground (Cedar Co.)	WS	200	10-01-99
* Jeff Bendickson; Karen Bohl (Manhly)	AQ/SW	150	10-01-99
* Randy Foth d/b/a Foth Lumber Co. (Livermore)	AQ	1,500	10-01-99
Capitol Oil Co. (Oxford)	UT	6,560	10-09-99
Iowa Millenium Investors, LLC (Sumner)	UT	4,000	10-12-99
Williams Pipeline Company (Sioux City)	AQ	3,000	10-12-99
* Hidden Valley Mobile Home Park (Washington)	WW	350	10-12-99
#Gary Frana (Winneshiek Co.)	AFO	3,000	10-13-99
Dave & Theresa Cook d/b/a Curry Environ. Svc.(Burlington)	AQ	10,000	10-15-99
# Robert McDonald (Pottawattamie Co.)	AFO	2,000	10-27-99
McGregor, City of	WS	5,000	10-30-99
Somsak Phisith (Polk Co.)	SW	1,015	10-31-99
* Robert Simon (Dubuque Co.)	AQ/SW	2,000	11-01-99
Ethel Mann d/b/a White Springs (McGregor)	WS	1,000	11-01-99
*#Verton S. Miller (Johnson Co.)	AFO	300	11-01-99
Klunder's Kafe (New Hampton)	WS	100	11-02-99
Stellar Industries, Inc. (Garner)	AQ	7,000	11-02-99
Fernald Water System	WS	10,000	11-07-99
Armstrong, City of	WS	4,000	11-07-99
Brown Bottle Restaurant (Cedar Falls)	WS	7,000	11-13-99
* R.V. Hopkins, Inc. (Davenport)	AQ	10,200	11-16-99

Agriprocessors, Inc. (Postville)	AQ/SW	1,000	11-17-99
Lorene Logue; Lester Holmes; Todd Holmes (Lucas County)	AQ	4,500	11-17-99
Sac County Golf and Country Club (Wall Lake)	WS	3,000	11-19-99
James Harter (Fairfield)	WW	1,800	-----
Jim Ledenbach d/b/a Paper Recovery Company (Cedar Rapids)	SW	5,000	-----
Kenny Habben (Pioneer)	AQ	5,000	-----
Plum Enterprises; Clinton Graham (Polk Co.)	SW	1,000	-----
Deer Ridge Estates (Ottumwa)	WS	100	-----
Darwin Eimers; David O'Brien (Bremer Co.)	AFO	4,000	-----
~~The Dexter Company (Faifield)~~	~~WW~~	~~2,000~~	~~-----~~
GK Properties, Inc.; Greenwood Hills Estates, L.C. (Dallas Co.)	WW	6,500	-----
Richard Marshall (Cass Co.)	SW	2,100	-----
Michael Roberts (Page Co.)	AQ	1,500	-----
Crawfordsville, City of	WS	500	-----
Casey's General Store (Hills)	WS	600	-----
Minifarm Acres, Inc. (Cedar Co.)	WS	5,000	-----
Barilla America Inc. (Ames)	AQ	10,000	-----
# Robert Fisher (Hamilton Co.)	AFO	3,000	-----
Tara Hills Country Club (Van Horne)	WS	500	-----
	TOTAL	193,155	

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
Dean Williams d/b/a Williams Oil Co. (Stuart)	UT	4,800	
Don Grell d/b/a Dodger Enterprises (Ft. Dodge)	AQ	10,000	2-16-93
Robert Jeff White (Dallas Co.)	AQ/SW	10,000	7-14-97
Edward Bodensteiner (Des Moines)	UT	3,200	3-31-96
Wunschel Oil, et.al. (Battle Creek)	UT	4,400	12-23-96
Tire-Tech Environmental Systems, Inc. (Muscatine)	SW/WW	2,500	
Pewe Mercantile, Inc.; Dion Pewe (Grand Mound)	UT	10,000	9-20-98
James LaFollette d/b/a Jim's Tree Service; Kurt Douglas (Marion Co.)	AQ/SW	2,000	2-16-98
*Ken Frese (Keokuk Co.)	AQ/SW	175	1-09-97
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
Russell Barkema d/b/a Barkema Construction (Wright Co.)	AQ/SW	1,000	3-31-98
Action Jack's Paintball Park (Polk Co.)	SW/FP	10,000	11-07-98
#*Harold Unternahrer (Washington Co.)	AFO	700	5-01-99
Sale-R-Villa Const., Inc. (Perry)	AQ	7,000	5-01-98
Hofer's Danceland Ballroom (Walford)	WS	3,200	4-19-97
Hofer's Danceland Ballroom (Walford)	WS	100	4-23-99
Russell Zook d/b/a Haskin's Recycling (Washington Co.)	AQ/SW	5,000	12-19-98

Ray Stamper; Bryan Zenor (Polk Co.)	SW	2,000	12-12-98
Markley Knock d/b/a Knock's Bldg. Supply (Parkersburg)	AQ/SW	2,000	3-09-99
Spillway Supper Club (Harpers Ferry)	WS	100	3-14-99
Phillips Recycling; Jeff Phillips (Story Co.)	WW	1,800	3-06-99
Greg Morton; Brenda Hornyak (Decatur Co.)	SW/AQ/WW	3,000	11-04-98
Aeroplane Inn (Honey Creek)	WS	1,125	2-16-99
	TOTAL	**124,279**	

The following administrative penalties have been appealed:

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
Frank Hulshizer (Benton Co.)	SW	500
LeMars, City of	WW	5,000
Crane Co. d/b/a Crane Valves (Washington Co.)	SW	500
Oakwood Park Water, Inc. (Ankeny)	WS	1,000
HiWay Texaco, Ltd.; Roger Kanne; Rick Kanne (Bagley)	UT	5,000
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
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
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
Earth Media Technologies, Inc. (Polk Co.)	SW	3,000
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
Weber Construction, Inc. (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
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	10,000
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
Gary Walker (Montgomery Co.)	AQ/SW	3,000
Haasco, Ltd. (Dubuque)	AQ	3,000
Ron Rupe (Polk Co.)	SW	2,000
Lamoni, City of	WW	1,000
Margaret and Gene Palmersheim d/b/a G & M Service Mart (Greeley)	UT	1,500
#Boomsma Egg Site #1; A.J. DeCoster (Wright Co.)	WW	1,000
Richard Sprague (Tripoli)	AQ/SW	5,000
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
Sylvan Acres (Janesville)	WS	1,000
Paul Behounek; Todd Behounek (Tama Co.)	AQ/SW	7,100
Brittany Estates Addition (Manchester)	WS	4,000
Country Pumpkin (Deloit)	WS	500
Robert Frees; Elizabeth Mathes (Washington Co.)	SW	1,000
Iowa Waste Systems, Inc.; Fayette Co. Solid Waste Comm.	SW	10,000
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
North Central Cooperative (Clarion)	WW/HC	2,000
Troy Elevator, Inc. (Troy)	WW/HC	4,000
# Austin J. DeCoster (Nursery 8) (Wright Co.)	WW	1,000
Sac City, City of	WW	4,000
Rockwell City, City of	WW	10,000
Enviro Safe Air, Inc. (Creston)	AQ	10,000
Pathway Christian School (Kalona)	WS	500
Pictured Rocks Methodist Camp (Monticello)	WS	700
Wiese Corporation (Perry)	AQ	5,000
Ben Haven Mobile Home Park	WS	5,500
West Liberty, City of	WW	5,000
The Legacy Group, L.C. (Des Moines)	WW	10,000
The Elm's Corporation of Linn County (Cedar Rapids)	UT	4,700
Eagle Lane Corp. (Blue Grass)	WS	4,000
Barr Farm Venture; Mel Foster Co. Properties (Scott Co.)	WW	10,000
Casey's General Stores, Inc. (Johnston)	UT	8,000
Robert Diehl (Clarke Co.)	WW/WS	5,000
Duane Hanson d/b/a Cedar Valley Tire Recycling (Allamakee Co.)	SW	5,000
Underwood Motel (Underwood)	WS	4,000
Kraus's Serene Wooded Acres (Amana)	WS	500
Keokuk Steel Castings Co., Inc. (Keokuk)	AQ	10,000
Dyersville Golf and Country Club (Dyersville)	WS	1,500
# Bernadette Ryan (Delaware Co.)	AFO	3,000
Lonnie King (Marion Co.)	AQ/SW	1,600
Wareco System of Iowa, Inc. (Burlington)	UT	6,100
Dennis Sharkey, Sr.; Dennis Sharkey, Jr. (Dubuque Co.)	AQ/SW	10,000
West Union Cooperative Co. (West Union)	WW	10,000
Country Terrace Mobile Home Court (Boone)	WW	5,000
Country Terrace Mobile Home Court (Boone)	WS	5,000
Paris & Sons; Thomas Paris (Masonville)	WW/HC	10,000
Dayton, City of	WW	10,000
Williamsburg Manufacturing (Williamsburg)	AQ	3,000

# Peter Bockenstedt (Dubuque Co.)	AFO	3,000
# Dan Gotto (Dubuque Co.)	AFO	3,000
# Matthew Daly (Dubuque Co.)	AFO	3,000
Westside Park for Mobile Homes (Burlington)	WW	7,000
Woolstock, City of	WW	5,000
Fayette County Sanitary Landfill	SW	10,000
Shenandoah, City of	WW	5,000
Ivan Stoltzfus (Decatur Co.)	WW	10,000
Gerald and Judith Vens (Scott Co.)	FP	5,000
~~Mid-County Water, Inc.; Spring Green Estates (Toddville)~~	~~WS~~	~~500~~
Anthony's Resort (Sherrill)	WS	2,100
Snap-On Tools Company (Algona)	AQ	1,500
Horsley Specialties, Inc. (Des Moines)	AQ	5,000
Hargrave-McEleney, Inc. (Iowa City)	WS	1,000
Flying J Inc. (Clive)	WW/UT	10,000
CGB Printing Co. a/k/a Rock Communications Ltd. (Newton)	AQ	10,000
Big Rock Country Club (Fayette)	WS	500
Wilcox All-Pro Tool & Supply (Poweshiek Co.)	WW	1,800
# Aaron Tolander (Louisa Co.)	AFO	3,000
Glidden, City of	AQ	1,500
Fairfield, City of	AQ/SW	10,000
GKN Armstrong Wheels, Inc. (Estherville)	AQ	3,000
Affordable Asbestos Removal, Inc.; Jeffry Intlekofer (Ft. Madison)	AQ	10,000
Ashley Inn Motel & Trailer Court (Mason City)	WS	500
Muscatine County Sanitary Landfill	SW	10,000
Beatrice Group Inc. (Fredericksburg)	AQ	5,000
Case Corporation (Burlington)	AQ	3,000
Brogan's Pub & Grub (Palo)	WS	350
National By-Products, Inc. (Clinton)	AQ	1,500
Parker Industries, Inc. (Jefferson)	AQ	500
Winneshiek Co. Memorial Hospital (Decorah)	AQ	1,000
#Eugene P. Reed, Ltd. (Henry Co.)	AFO	1,500
Shine Bros. Inc. (Spencer)	AQ	10,000
Julie Rowe d/b/a Jewell's Food & Spirits (Troy Mills)	WS	1,000
Joe Denemark d/b/a Walnut Acres Campground (Monticello)	WS	1,000
Rollin McAdams d/b/a McAdams Demolition Co. (Davenport)	AQ	3,000
	TOTAL	**556,425**

The following administrative penalties were paid last month:

*#Verton S. Miller (Johnson Co.)	AFO	325
* Robert Simon (Dubuque Co.)	AQ/SW	500
* R.V. Hopkins, Inc. (Davenport)	AQ	500
Searsboro, City of	WW	2,500
* Jeff Bendickson; Karen Bohl (Manhly)	AQ/SW	50
Skyjack Equipment, Inc. (Atlantic)	AQ	2,000
* Randy Foth d/b/a Foth Lumber Co. (Livermore)	AQ	500
* Joseph Barragy; Tom Barragy; J & M Woodshavings, Inc. (Cerro Gordo Co.)PAID IN FULL	AQ/SW	500
Super 20 Mobile Home Park (Dubuque)	WS	1,000
* Hidden Valley Mobile Home Park (Washington)	WW	150
J Wood Park (Clayton Co.)	WS	50
Leland McCormick and Chris McCormick (Marion Co.)	AQ/SW	1,000
Kind & Knox Gelatine, Inc. (Stipulated Penalty)	WW	10,000

Orange City, City of	WW	2,000
Storm Lake, City of	WS	1,500
Tiffin, City of	WW	1,500
* R.V. Hopkins, Inc. (Davenport)	AQ	500
# Rick Breitbach; Steve Breitbach (New Hampton)	AFO	3,000
# Don Williams (Hamilton Co.)	AFO	2,000
	TOTAL	**29,575**

~~The $1,000 penalty assessed to Plymouth Cooperative Oil Co. has been rescinded.~~

ATTORNEY GENERAL REFERRALS

Name, Location and Region Number	Program	Alleged Violation	DNR Action	New or Updated Status	Date
Adrian, Dean Clinton Co. (6) **UPDATED**	Animal Feeding Operation	Prohibited Discharge-Open Feedlot; Water Quality Violations-General Criteria	Referred to Attorney General	Referred Petition Filed	3/15/99 9/13/99
Advanced Technologies Corp. Iowa City (6)	Air Quality	Asbestos	Referred to Attorney General	Referred Petition Filed Order Granting Leave to Add Parties Trial Date	6/20/97 6/05/98 2/17/99 9/27/99
Ballard, Randy Fayette Co. (1)	Flood Plain	Construction Without Permit	Order/Penalty	Referred Petition Filed Trial Date	5/29/96 6/05/98 9/23/99
Bodensteiner, Edward Des Moines (5)	Underground Tank	Site Assessment	Order/Penalty	Referred Petition Filed	8/17/98 12/22/98
Citizens Against Golden Oval Winnebago Co. (2) **UPDATED**	Animal Feeding Operation	DNR Defendant	Defense	Petition Filed Motion for Dismissal Resistance to Stay Hearing on Stay	8/20/99 9/07/99 9/07/99 9/07/99
DeCoster, A.J. Nursery Unit #3 Wright Co. (2)	Animal Feeding Operation	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)	Animal Feeding Operation	Prohibited Discharge	Referred to Attorney General	Referred Petition Filed Ruling Denying Defendant's Motion for Partial Summary Judgment Ruling Granting State's Motion for Partial Summary Judgment Trial Ruling for State Defendant's Notice of Appeal Defendant's Proof Brief Filed State's Brief	1/22/97 4/24/97 9/02/97 9/04/97 9/16-18/97 1/15/98 2/13/98 7/08/98 10/08/98

DeCoster, Austin J. Sow Unit #11; Nursery Unit #7 Wright Co. (2)	Animal Feeding Operation	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)	Animal Feeding Operation	Prohibited Discharge	Referred to Attorney General	Referred Petition Filed Trial Date Post Trial Brief Ruling on Petition ($25,000/Civil) Defendant's Notice of Appeal	8/18/97 3/20/98 3/16/99 3/30/99 5/28/99 6/24/99
DeCoster, Austin J. Nursery M-1 Lucas Co. (5)	Animal Feeding Operation	Prohibited Discharge	Referred to Attorney General	Referred	11/16/98
Farmers Hybrid Companies, Inc. Poweshiek Co. (1) **UPDATED**	Animal Feeding Operation	Prohibited Discharge	Referred to Attorney General	Referred Petition Filed Consent Decree ($10,000/Civil)	3/16/98 3/11/99 9/13/99
Flannegan Conservation Service; Hugh J. Flannegan Emmetsburg (3)	Solid Waste	Operation Without Permit	Referred to Attorney General	Referred	11/16/98
Grell, Don d/b/a Dodger Enterprises Ft. Dodge (2)	Air Quality	Open Burning	Order/Penalty	Referred Petition Filed Application for Temporary Injunction Temporary Injunction Granted State's Motion for Partial Summary Judgment Order Granting Partial Summary Judgment Trial Date Ruling ($3,500,000/Civil) Notice of Appeal	1/20/98 8/25/98 9/28/98 10/26/98 2/12/99 3/18/99 4/14/99 4/22/99 5/17/99
Grell, Don d/b/a Dodger Enterprises Ft. Dodge (2)	Solid Waste	Illegal Disposal	Judicial Review	Petition Filed State's Answer Defendant's Brief State's Brief Hearing	10/19/98 11/17/98 7/23/99 8/24/99 9/09/99
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
Henry County Board of Supervisors Henry Co. (6)	Wastewater	Other; Operation Violations	Referred to Attorney General	Referred	2/15/99

Heyer, Roland; Aeroplane Inn Honey Creek (4)	Drinking Water	Permit Renewal Fee	Order/Penalty	Referred	8/16/99
Holnam Incorporated Mason City (2)	Air Quality	Excess Emissions	Referred to Attorney General	Referred	3/15/99
Huyser, James; Trust Trucking Lovilia (5)	Underground 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
Knock, Markley d/b/a Knock's Building Supply Parkersburg (2) **UPDATED**	Air Quality Solid Waste	Open Burning Illegal Disposal	Order/Penalty	Referred Motion for Judgment Hearing	6/21/99 9/13/99 10/12/99
LaFarge Corporation Davenport (6)	Air Quality	Excess Emissions	Referred to Attorney General	Referred	3/15/99
Larson, Daryl Jones Co. (1)	Animal Feeding Operation	Freeboard Cleanup Costs	Referred to Attorney General	Referred	5/17/99
Lehigh Portland Cement Co. Mason City (2)	Air Quality	Construction Without Permit	Referred to Attorney General	Referred	8/17/98
Martinez, Vincent d/b/a Martinez Sewer Service Davenport (6)	Hazardous Condition	Remedial Action	Order/Penalty	Referred Petition Filed Partial Default Judgment (Injunction)	2/17/92 12/21/92 10/11/94
Morgan, Ron d/b/a Action Jack's Paintball Park Polk Co. (5)	Solid Waste	Illegal Disposal	Order/Penalty	Referred	2/15/99
Morton, Greg; Brenda Hornyak Grand River (5)	Solid Waste Air Quality Wastewater	Illegal Disposal; Open Burning; Operation Without Permit; Pollution Prevention Plan Violations	Order/Penalty	Referred	8/16/99
Organic Technologies; Tim Danley; Ken Renfrow; Mike Danley Warren Co. (5)	Solid Waste	Permit Violations	Referred to Attorney General	Referred Petition Filed Application for Temporary Injunction Temporary Injunction	12/15/97 10/02/98 2/04/99 4/19/99
Pewe Mercantile, Inc.; Dion Pewe Grand Mound (6)	Underground Tank	Insurance Violation; Site Check	Order/Penalty	Referred Petition Filed	11/16/98 4/08/99

Phillips, Jeff; Phillips Recycling Story Co. (5)	Wastewater	Stormwater; Operation Without Permit	Order/Penalty	Referred	8/16/99
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)	Underground Tank	Insurance Violation	Order/Penalty	Referred Petition Filed Order Granting Default Judgment	10/17/94 5/12/95 11/26/96
Sale-R-Villa Construction Co. Carl A. Burkhart Perry (5) **UPDATED**	Air Quality	Asbestos	Order/Penalty	Referred Motion for Judgment Hearing	3/15/99 9/21/99 11/02/99
Spillway Supper Club Harpers Ferry (1)	Drinking Water	Permit Renewal Fee	Order/Penalty	Referred	6/21/99
Stamper, Ray; Bryan Zenor Polk Co. (5) **UPDATED**	Solid Waste	Illegal Disposal	Order/Penalty	Referred Motion for Judgment	6/21/99 9/03/99
Village Realty Pottawattamie Co. (4)	Underground Tank	DNR Defendant	Defense	Petition Filed State's Motion to Dismiss Order Granting Partial Dismissal	8/12/98 10/08/98 12/22/98
Weber Construction, Inc. Cascade (1)	Air Quality	Asbestos	Petition for Review	Petition Filed Answer Filed Hearing	11/19/98 12/23/98 8/24/99
White, Robert Jeff Dallas Center (5)	Air Quality; Solid Waste	Open Burning; Illegal Disposal	Order/Penalty	Referred Petition Filed	4/20/98 2/05/99
Wunschel Oil Co.; Vernus Wunschel and Jaquelyn Wunschel Battle Creek (3)	Underground 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
Zook, Russell d/b/a Haskins Recycling Ainsworth (6)	Air Quality Solid Waste	Open Burning; Illegal Disposal	Order/Penalty	Referred	5/17/99

CONTESTED CASES

DATE RECEIVED	NAME OF CASE	FO	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS

6-08-89	**Shaver Road Investments**	**1**	Site Registry	**HW**	**Tack**	**Settled. Consent order sent to responsible party for signature.**
6-08-89	**Hawkeye Rubber Mfg. Co.**	**1**	Site Registry	**HW**	**Tack**	**Settled. Consent order sent to responsible party for signature.**
6-08-89	Lehigh Portland Cement Co.	2	Site Registry	HW	Murphy	Hearing continued. Discovery initiated.
11-03-89	Bridgestone/Firestone, Inc.	5	Site Registry	HC	Murphy	Hearing continued pending negotiations. Settlement proposed 8/96.
5-08-90	Texaco Inc./Chemplex Co. Site	6	Site Registry	HW	------	Settlement proposed.
5-14-90	Alter Trading Corp. (Council Bluffs)	4	Admin. Order	SW	Tack	Permit issued. District court suit dismissed. Field Office overseeing compliance. Progress reports received.
6-20-90	Des Moines, City of	5	NPDES Permit Cond	WW	Hansen	EPD met with City to resolve appeal issues. Follow-up with EPD regarding status-3/97.
7-02-90	Keokuk Savings Bank and Trust; Keokuk Coal Gas Site	6	Site Registry	HW	-----	Hearing continued.
7-30-90	Key City Coal Gas Site; and Howard Pixler	1	Site Registry	HW	-----	Decision appealed (Pixler).
8-01-90	J.I. Case Company	6	Site Registry	HW	Preziosi	Hearing continued indefinitely pending cleanup of neighboring site. Checked status 6/9/99. No change.
1-07-91	Joe E. Eggers, Jr.; Joe and Mary Eggers	2	Admin. Order/Penalty	SW	Tack	Settlement reached. Clean-up progress made. New deadline 10/1/99. Awaiting dismissal of appeal.
9-25-91	Archer Daniels Midland	6	Admin. Order	SW	Tack	DNR engineers reviewing documents. Closure permit application due 8/1/99.
1-17-92	Hickory Hollow Water Co.	5	Admin. Order/Penalty	WS	Hansen	Settlement offer to WS. Counter offer 7/13/93. Dept. response on 8/3/93. Facility response 8/11/93. 12/93 Dept. letter to attorney. Construction permit issued for fluoride removal. Facility to be installed by 10/30/94. Letter to attorney regarding appeal closure. Response requested by 6/2/96. 5/30/96 - Response received indicating compliance and requesting waiver of penalty. 9/30/96 Request for waiver of penalty denied. Facility attorney to submit new proposal.
1-30-92	**Center Oil Co., Inc.**	**1**	**Admin. Order**	**HC**	**Murphy**	**Closed 9/99.**
4-09-92	Wayne Transports, Inc.	2	Admin. Order/Penalty	WW	Murphy	Negotiating before filing.
5-05-92	**Plymouth Cooperative Oil Co.**	**3**	Admin. Order/Penalty	**WW**	**Murphy**	**Order rescinded. Closed.**
5-12-92	Paris & Sons, Inc.	1	Site Registry	HC	Wornson	Partial settlement reached.
11-16-92	Frank Hulshizer	1	Admin. Order/Penalty	SW	Tack	Settled. Tire pile to be cleaned up with abatement fund. Responsible party to assist in cleanup.
4-05-93	Mapleton, City of	4	WW Operator Certification	WW	Hansen	Under review by EPD. Appeal discussion with EPD staff.
4-12-93	LeMars, City of	3	Admin. Order/Penalty	WW	Hansen	Construction permit issued. Schedule submitted by City for remaining construction found unacceptable. Request for acceptable schedule - 1/31/96. Schedule received; under review by WW Permits.
7-09-93	Oakwood Park Water, Inc	5	Admin. Order/Penalty	WS	Hansen	Construction permit issued 2/94. Facility to be installed by 11/30/94. Letter to attorney regarding appeal resolution. Response requested by 6/2/96. 5/30/96 - Response received indicating compliance and requesting waiver of penalty. 9/30/96 Request for waiver of penalty denied. Facility attorney to submit new proposal.
7-20-93	Valley Restaurant/Sierp Oil; Mary & Carl Sierp; and Robert Radford (7LTYY50)	4	Admin. Order	UT	Wornson	Tier 2 submitted. Rejected. Revised Tier 2 submitted 8/3/99.
3-03-94	Burlington Northern Railroad		Tax Certification	WW	Hansen	3/96 - Letter to company regarding appeal. Response requested by 4/30/96. 5/96 - Follow-up letter sent. Response requested by 6/28/96. Follow-up letter sent. Response from company that appeal is being reviewed.
6-15-94	Lakeview Heights		Permit Conditions	WS	Hansen	Facility proposal under review by WS. DNR response to appeal - 4/96.
7-12-94	Tom Wiseman (8LTP62)	2	Admin. Order/Penalty	UT	Wornson	Compliance initiated 5/25/99.
8-12-94	Karl and Thelma Boylan d/b/a Boylan's Service (8LT088)	4	Admin. Order/Penalty	UT	Wornson	Placed on state lead. Dismissed without prejudice.
8-29-94	B and B Tire and Oil	4	Admin. Order/Penalty	UT	Wornson	Tier 2 submitted. High risk. CADR due 12/31/99. Penalty to be settled.
9-02-94	Crabtree Lake Resort	5	Admin. Order/Penalty	WW	Hansen	Facility in compliance.
9-09-94	American Coals Corp.,Site 5 (Bussey)	5	Admin. Order/Penalty	SW/AQ	Tack	Consent order sent to parties. Awaiting Dept. of Agriculture resolution.
9-15-94	Bankston	1	Admin. Order/Penalty	WS	Hansen	1/95 - Information from City. Compliance initiated. Respond to City regarding settlement.
9-16-94	Wunschel Oil Co.; Vernus Wunschel; Jacquelyn Wunschel; Mark Wunschel (Ida Grove)	3	Admin. Order/Penalty	UT	Wornson	Consent order. SCR received. Revisions to SCR required - overdue. Follow-up letter sent 2/26/96. UST Fund conducting further assessment and free product removal..
9-26-94	James D. Foust	5	Admin. Order/Penalty	SW	Tack	Hearing continued by ALJ because of bankruptcy.
10-07-94	Titan Wheel International	6	Admin. Order/Penalty	WW	Hansen	Revised BMR report submitted/reviewed by WW Permits. Letter to facility regarding report.
11-14-94	Tom Babinat d/b/a Tom's Car Care	2	Admin. Order/Penalty	UT	Wornson	Inability to pay - requested documentation -- no response. State lead -- tanks removed. To be sent to DIA for hearing.
12-14-94	Campbell Clean-Up Service	1	Permit Denial	AQ	Preziosi	Negotiating before filing. Settled.
1-13-95	Simonsen Industries, Inc.	5	Admin. Order/Penalty	WW	Hansen	2/28/95 - Submittal by facility's engineer regarding land application of sludge. Under review by WW permits staff.
2-23-95	Lehigh Portland Cement	2	Permit Conditions	WW	Hansen	Informal settlement meeting held on 6/96. Facility to provide status report regarding TSS permit limit by 9/20/96.
3-23-95	American Coals Corp	5	Admin. Order	SW	Tack	Awaiting consent order approval. Awaiting Dept. of Agriculture resolution.
4-13-95	The Weitz Corp.; Barton Solvents, Inc.	5	Admin. Order	HC	Tack	Remediation plan received 5/27/96.
5-05-95	C & O Recycling Enterprises; Douglas W. Owen	1	Permit Denial	AQ	Preziosi	Negotiating before filing.
5-25-95	E.I. DuPont DeNemours (95-A-133)		Permit Conditions	AQ	Preziosi	Awaiting engineering evaluation.
5-25-95	Fremont County SLF	4	Admin. Order/Penalty	SW	Tack	Negotiating before filing.
5-31-95	E.I. DuPont DeNemours (91-A-266 thru 91-A-269)		Permit Conditions	AQ	Preziosi	Awaiting engineering evaluation
6-20-95	Toledo, City of	5	Permit Conditions	WW	Hansen	WW permits to negotiate settlement. Status of negotiations

						requested 1/9/96.
6-23-95	Leonard C. Page	4	Admin. Order/Penalty	SW	Tack	Settlement offer pending.
7-03-95	Donald J. Foreman d/b/a D & R Feedlots	3	Admin. Order/Penalty	WW	Hansen	Negotiating before filing.
7-05-95	Boyer Valley Co.	4	Admin. Order/Penalty	WW	Hansen	Informal meeting held for 6/7/96. Response from facility due 6/28/96. Response received from facility 7/96.
7-10-95	Donald Krieger	3	Admin. Order/Penalty	UT	Wornson	Tanks removed. Dismissed without prejudice.
7-10-95	Gilbert Persinger/Smithland Store	3	Admin. Order/Penalty	UT	Wornson	SCR received - rejected. Review progress. Proposed for state lead.
8-01-95	Wilbur McNear d/b/a McNear Oil Co./Charter Oak	4	Admin. Order/Penalty	UT	Wornson	SCR received/rejected. Referral for state lead. Negotiating penalty.
9-06-95	Kraft Foods Inc.; Oscar Mayer Division	6	Variance Denial	WW	Hansen	Follow-up letter requesting information sent 1/12/96. Letter 2/19/96 granting additional time for information. 6/96 - additional information received by WS staff for review. 7/96 - Request for variance, as modified, granted. 8/96 - Construction permit for new well granted. 10/96 - Letter to engineer regarding dismissal of appeal.
9-20-95	FKI Industries, Inc.; Fairfield Aluminum, Inc.	6	Admin. Order	WW/HC	Murphy	Negotiating before filing. Attorneys contacted 2/99.
10-17-95	Weber Construction, Inc.	1	Admin. Order/Penalty	AQ	Preziosi	Hearing held 4/25/97. Decision received in DNR's favor. Penalty reduced. Decision appealed to EPC 6/6/97. Briefs due to EPC 9/4/97. ALJ decision upheld. Petition for review 11/19/98. Appealed to District Court. 9/99 - Awaiting District Court decision.
11-03-95	Jack Pinney Operations, Inc. aka Jack Pinney Grading	3	Admin. Order/Penalty	AQ	Preziosi	Settled. Awaiting penalty payment.
12-12-95	Vernon Kinsinger; K & K Sanitation	6	Admin. Order/Penalty	AQ/SW	Tack	Clean-up progressing. Working with F.O. #6. Receiving penalty payments.
12-29-95	**Spencer Memorial Hospital**	**3**	**Admin. Order/Penalty**	**AQ**	**Preziosi**	**Settled. Penalty payment received 8/5/99.**
1-11-96	**Climax Molybdenum Company**	**6**	**Admin. Order/Penalty**	**AQ/HC**	**Preziosi**	**Settled. Awaiting penalty payment.**
1-12-96	Clarence, City of	6	Admin. Order/Penalty	WW	Hansen	1/96 - Facility inspected by FO 6. 9/96 letter from facility attorney stating construction completed.
1-25-96	Hidden Valley Mobile Home Park	6	Admin. Order/Penalty	WW	Clark	Negotiating before filing.
3-11-96	Dallas County Care Facility	5	Admin. Order/Penalty	WW	Hansen	Facility inspected by FO. Now in compliance.
3-14-96	Laurel, City of	5	Admin. Order	WW	Hansen	Information submitted by city under review by WQ section..
3-14-96	Lamoni, City of	5	Admin. Order	WW	Hansen	Flow information requested from City's engineer. New waste load allocation and permit limits requested.
3-19-96	Obie's West	1	Admin. Order	WS	Hansen	Under review by WS section.
3-22-96	Mt. Joy Mobile Home Park	6	Admin. Order/Penalty	WW	Hansen	3/25/96 Inspection by FO 6. Facility in compliance.
3-26-96	Louisa-Muscatine Community School	6	Admin. Order/Penalty	WS	Hansen	Negotiating before filing.
5-07-96	Lakeview Mobile Home Park	5	Admin. Order/Penalty	WW	Hansen	6/20/96 - informal meeting held. Facility to provide settlement offer by 7/15/96. Settlement offer received from facility - under review.
5-14-96	Gary Lee Walker	4	Admin. Order/Penalty	AQ/SW	Tack	Negotiating before filing.
5-16-96	Grand Laboratories, Inc.	3	Permit Denial	WW	Hansen	Information received and reviewed by EPD. Settlement offer and revised permit sent to facility 7/97. Response received 8/97. Under review by EPD. Facility to provide further response and settlement offer to DNR by 3/15/98. 3/13/98 Dept. received proposal from facility engineer. 3/20/98 Dept. review of proposal completed. 8/98 – Letter to Grand Labs rejecting their proposal. 9/25/98 letter from Grand Labs regarding settlement. Grand Labs to submit new settlement 3/99. 5/99 Grand Labs submitted settlement proposal; under review by WW and WQ staff.
5-29-96	Haasco, Ltd.	1	Admin. Order/Penalty	AQ	Preziosi	**Sent to DIA.**
6-07-96	Clow Valve Company	5	Permit Conditions	AQ	Preziosi	Negotiating before filing.
6-10-96	DeCoster Farms of Iowa (19 sites)	2	Admin. Order	AFO	Clark	Proposed decision 11/25/96. Appealed to EPC 12/27/96.
6-10-96	DeCoster Farms of Iowa (5 sites)	2	Permit Denial	WR	Clark	Proposed decision 11/25/96. Appealed to EPC 12/27/96.
6-19-96	Appanoose Co. Sanitary Landfill	5	Permit Modification Denial	SW	Tack	Hearing set for 6/29/98 - settlement pending
8/01/96	DeCoster Farms of Iowa (Nursery Unit 7 - Wright Co.)	2	Permit Denial	AFO	Clark	Proposed decision 11/25/96. 12/27/96 - Appealed to EPC
8/01/96	DeCoster Farms of Iowa (Boomsma Egg Site #1)	2	Admin. Order/Penalty	AFO	Clark	Hearing continued - date to be set.
8/09/96	Gene and Margaret Palmersheim d/b/a G & M Service Mart	1	Admin. Order/Penalty	UT	Wornson	Tier 2 received. Negotiating penalty.
8/19/96	Capitol Oil Co., Inc. d/b/a Dakota Mobile Home Park	6	Admin. Order/Penalty	WW	Clark	Penalty installments received. Settled pending receipt of all installments.
9/24/96	North Star Steel Iowa		Permit Denial	AQ	Preziosi	Negotiating before filing.
10/11/96	DeCoster Farms of Iowa (96-WW-32).	2	Admin. Order	AFO	Clark	Hearing continued indefinitely
10/17/96	DeCoster Farms of Iowa (Nursery Unit 3 - Wright Co.)	2	Permit Revocation	AFO	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 d/b/a J & M Woodshavings**	**2**	Admin. Order/Penalty	**AQ/SW**	**Tack**	**Settled. Final payment received 9/20/99. Closed..**
12/02/96	Organic Technologies Corp.	5	Permit Denial	SW	Murphy	Proposed decision received 8/1/97; appealed. Affirmed by EPC 11/17/97. Petition for judicial review 12/18/97. Affirmed 6/12/98. Appeal to Supreme Court. Briefs filed 2/99.
12/05/96	Organic Technologies Corp. -----91-SDP-02-94P	5	Admin. Order/Penalty Intended Permit Revoc	SW	Murphy	Proposed decision received 8/1/97; appealed. Affirmed by EPC 11/17/97. Petition for judicial review 12/18/97. Affirmed 6/12/98. Appeal to Supreme Court. Briefs filed 2/99.
1/02/97	Ruan Leasing Co., aka Ruan Transportation Management Systems	6	Admin. Order	AQ	Preziosi	Negotiating before filing
2/19/97	Cliff's Place, Inc.	1	Admin. Order/Penalty	WS	Hansen	Compliance initiated.
2/21/97	Farmland Foods, Inc. (Denison)	4	Permit Conditions	AQ	Preziosi	Negotiating before filing.

3/20/97	Sylvan Acres	1	Admin. Order/Penalty	WS	Hansen	Compliance initiated.
6/06/97	Carroll's Foods of the Midwest		Const. Permit Denial	WW	Clark	Negotiating before filing.
6/30/97	**Linwood Mining and Minerals**	**6**	**Admin. Order**	**AQ**	**Preziosi**	**Settled.**
7/22/97	CIPCO		Construction Permit Conditions	AQ	Preziosi	Negotiating before filing
7/22/97	Robert P. Frees; Elizabeth R. Mathes	6	Admin. Order/Penalty	SW	Tack	Settlement reached. Cleanup underway.
7/30/97	Country Pumpkin	4	Admin. Order/Penalty	WS	Hansen	Returned to compliance for nitrate and bacteria sampling.
7/31/97	Advanced Technologies Corp.	1	Admin. Order/Penalty	AQ	Preziosi	Settled. Awaiting penalty payment.
8/01/97	Dodger Enterprises Co., Tire Chop Division; Donald Grell	2	Admin. Order	SW	Murphy	Proposed decision 6/26/98. Appeal to EPC. Affirmed 9/21/98. Appealed to District Court. Briefing scheduled to be complete 9/1/99. Oral arguments set for 9/9/99.
8/05/97	Biovance Technologies	5	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
8/08/97	Iowa Waste Systems, Inc.; Fayette Co. Solid Waste Mgmt. Comm.	1	Admin. Order/Penalty	SW	Tack	**Settlement reached with Fayette County. Hearing requested for Iowa Waste Systems.**
~~8/18/97~~	~~Stellar Industries Inc.~~	~~2~~	~~Admin. Order/Penalty~~	~~AQ~~	~~Preziosi~~	**Sent to DIA. Settlement close.**
8/25/97	Joyce Wagner; Bruce Manthe d/b/a Wagner Truck Wash	3	Admin. Order/Penalty	WW	Murphy	**Settled. Awaiting penalty payment.**
9/17/97	Keokuk Steel Castings	6	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
9/25/97	Iowa Mold Tooling Co., Inc.	2	Admin. Order/Penalty	AQ	Preziosi	**Settlement close.**
10/6/97	North Central Cooperative	2	Admin. Order/Penalty	HC/WW	Murphy	Set for hearing 11/5/99.
10/6/97	**Holnam, Inc.**	**2**	**Permit Conditions**	**AQ**	**Preziosi**	**Settled.**
10/22/97	**Lehigh Portland Cement Co.**	**2**	**Admin. Order**	**AQ**	**Preziosi**	**Settled.**
11/19/97	Troy Elevator, Inc.	6	Admin. Order/Penalty	WW/HC	Murphy	**Compliance achieved. Settlement offer 9/29/99.**
12/02/97	Dows, City of	2	Admin. Order	WW	Hansen	F.O. 2 inspection 3/98. To be set for hearing 4/99 - Letter received from City engineer regarding stream study.
12/12/97	Donald E. Grell; Dodger Enterprises, Tire Chop Division	2	Notice of Intent to Revoke Solid Waste Permit; Denial of Application for New Waste Tire Mgmt. Permit	SW	Murphy	Proposed decision 6/26/98. Appeal to EPC. Affirmed 9/21/98. Appealed to District Court. Briefing scheduled to be complete 9/1/99. Oral arguments set for 9/9/99.
1/13/98	DeCoster Farms of Iowa (Nursery #8) (Wright Co.)	2	Admin. Order/Penalty	AFO	Clark	Negotiating before filing
1/16/98	Pilgrim Heights Camp		NPDES Permit Conditions	WW	Hansen	Negotiating before filing.
1/23/98	Sac City	3	Admin. Order/Penalty	WW	Hansen	Status report received from city's consultant.
1/30/98	Rockwell City	3	Admin. Order/Penalty	WW	Hansen	Meeting on 4/22/98 with city's engineer regarding facility plan.
3/06/98	Enviro Safe Air, Inc. (98-AQ-05)	4	Admin. Order/Penalty	AQ	Preziosi	**Hearing set for 12/21/99.**
3/16/98	Pathway Christian School	6	Admin. Order/Penalty	WS	Hansen	Negotiating before filing.
4/03/98	Pictured Rocks Methodist Camp	`	Admin. Order/Penalty	WS	Hansen	Facility agreed to install chlorination. FO 2 inspection on 6/29/98.
4/03/98	Cooperative Oil Company; Mickey Berg	2	Admin. Order	UT/WW	Wornson	Compliance complete. Review and close.
4/23/98	North Liberty, City of	6	Admin. Order	WW	Hansen	Negotiating before filing.
4/27/98	Weise Corporation	5	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
5/04/98	Ben Haven Mobile Home Court	1	Admin. Order/Penalty	WS	Hansen	Chlorination system installed by WS.
7/01/98	Ag Processing, Inc.	4	Permit Conditions	AQ	Preziosi	Negotiations continue.
7/27/98	Mitchell Dam Bar		Permit Conditions	WS	Hansen	Negotiating before filing.
7/29/98	Eagle Lane Corporation	6	Admin. Order/Penalty	WS	Hansen	Water supply in compliance with monitoring requirements.
7/29/98	Archer Daniels Midland 98-A-507P thru 98-A-515P	6	Permit Provisions	AQ	Preziosi	Negotiating before filing
8/13/98	Obie's Hurstville Tap	1	Admin. Order	WS	Murphy	Letter sent 2/26/99. On hold pending monitoring.
8/18/98	University of Iowa	6	Permit Conditions	WW	Hansen	Settlement offer sent 10/98. Follow-up letter sent 3/22/99. U of I to submit response to Dept. settlement offer by 5/28/99. Information submitted by U of I. Wastewater staff revised permit in response to information received.
9/15/98	Verton S. Miller	6	Admin. Order/Penalty	AFO	Clark	Penalty installment received 2/11/99. Settled pending receipt of final penalty installment.
9/29/98	Randy Foth d/b/a Foth Lumber Co.	2	Admin. Order/Penalty	AQ	Kaizer	Settled. Partial penalty payment received.
10/03/98	Ag Processing, Inc (Emmetsburg)	4	Permit Exemption Denial	AQ	Preziosi	Settlement close
10/06/98	M & W Pallett Co.	6	Admin. Order	SW	Tack	**Clean-up continuing.**
10/08/98	West Liberty, City of	6	Admin. Order/Penalty	WW	Hansen	Informal procedures requested.
10/09/98	Elm's Corporation of Linn County (8LTX55)	1	Admin. Order/Penalty	UT	Wornson	Compliance initiated. Tanks removed. Tier 2 overdue
10/13/98	The Legacy Group, L.C.; Easter Lakes Estate Site	5	Admin. Order/Penalty	WW	Murphy	New violation letter sent 4/14/99.
11/05/98	Jim Arenson Chevrolet		Permit Revisions	WS	Hansen	Compliance initiated. WS installed disinfection equipment. WS needs to submit P & S for review by WS engineer and have equipment inspected by F.O. 1.
11/06/98	Barr Farm Venture and Mel Foster Co. Properties	6	Admin. Order/Penalty	WW	Murphy	**Letter sent 9/7/99 regarding settlement.**
11/13/98	Caseys General Stores, Inc (Johnston Store)	5	Admin. Order/Penalty	UT	Wornson	Compliance initiated. Consent order proposed.
11/19/98	Jacobs Energy Corporation		Permit Denial	AQ	Preziosi	Negotiating before filing.
11/30/98	Robert Diehl	5	Admin. Order/Penalty	WW/WS	Murphy	Construction permit application received.
12/01/98	Underwood Motel	4	Admin. Order/Penalty	WS	Hansen	Sanitary survey completed by F.O. 4.
12/01/98	Dyersville Golf & Country Club	1	Admin. Order/Penalty	WS	Murphy	Settlement offer 9/1/99.
12/07/98	Krauss Serene Wooded Acres	6	Admin. Order/Penalty	WS	Murphy	Settlement offer 9/1/99.
12/16/98	Richard Swailes		Permit Denial	FP	Clark	Negotiating before filing.
12/24/98	Keokuk Steel Castings Co., Inc.	6	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
12/30/98	Farmland Industries, Eagle Grove	2	Permit Exemption Denial	AQ	Preziosi	Negotiating before filing
1/04/99	Duane Hanson d/b/a Cedar Valley Tire Recycling	1	Admin. Order/Penalty	SW	Tack	**Cleanup continuing.**
1/13/99	Bernadette Ryan	1	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
1/20/99	Lonnie King	5	Admin. Order/Penalty	AQ/SW	Tack	Negotiating before filing.

1/29/99	Wareco Services, Inc.	6	Admin. Order/Penalty	UT	Wornson	Compliance nearly complete. Negotiating penalty.
2/03/99	**Super 20 Mobile Home Park**	**1**	**Admin. Order/Penalty**	**WS**	**Tack**	**Proposed decision 9/3/99. Admin. Order affirmed. Penalty paid 9/27/99.**
2/05/99	West Union Cooperative Co.	1	Admin. Order/Penalty	WW	Murphy	Settlement proposed 9/99.
2/10/99	Bawden Printing		Permit Conditions	AQ	Preziosi	Negotiating before filing.
2/23/99	Dennis Sharkey, Sr.	1	Admin. Order/Penalty	AQ/SW	Tack	**Settlement offer pending.**
3/01/99	Williamsburg Manufacturing	6	Admin. Order/Penalty	AQ	Preziosi	New case.
3/04/99	Dayton, City of	2	Admin. Order/Penalty	WW	Murphy	Engineering report submitted 5/99; 8/99 – under review.
3/04/99	Paris & Sons; Thomas Paris	1	Admin. Order/Penalty	WW/HC	Wornson	Settlement reached. To be finalized.
3/08/99	Peter Bockenstedt	1	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
3/08/99	Augustus & Betty Lartius d/b/a Country Terrace Mobile Home Court	5	Admin. Order/Penalty	WS	Hansen	Hearing set for 6/23/99. 5/99 WS filed motion for continuance. Dept. filed resistance to continuance motion. Hearing set for 7/19-21/99, cancelled. Default judgment entered against facility owners. Motion to set aside default granted by ALJ. Hearing set for 10/18/& 19/99.
3/08/99	Augustus & Betty Lartius d/b/a Country Terrace Mobile Home Court	5	Admin. Order/Penalty	WW	Hansen	Hearing set for 6/23/99. 5/99 WS filed motion for continuance. Dept. filed resistance to continuance motion. Hearing set for 7/19-21/99, cancelled. Default judgment entered against facility owners. Motion to set aside default granted by ALJ. Hearing set for 10/18 & 19/99.
3/16/99	Des Moines Independent School District – North High School	5	Site Registry	HC	Tack	Negotiating before filing.
3/18/99	Ag Processing, Inc. (Sergeant Bluff)		Titile V Operation Permit Conditions	AQ	Preziosi	Hearing continued. Second settlement meeting set for t8/18/99.
3/22/99	**Tiffin, City of**	**6**	**Admin. Order/Penalty**	**WW**	**Murphy**	**Settled. Penalty payment received 9/29/99.**
3/23/99	Matthew M. Daly	1	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
3/23/99	Daniel J. Gotto	1	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
3/31/99	Woolstock, City of	2	Admin. Order/Penalty	WW	Hansen	Compliance initiated by City. To be set for hearing regarding penalty.
4/04/99	Dean Larsen (Martin Marietta)		Permit Issuance	WR	Clark	Appeal dismissed 7/7/99. EPC affirmed dismissal 8/16/99.
4/08/99	Fayette County Sanitary Landfill	1	Admin. Order/Penalty	SW	Tack	**Settlement reached with Fayette Co. Hearing requested for Iowa Waste Systems.**
4/09/99	Ivan Stoltzfus	5	Admin. Order/Penalty	WW	Tack	Negotiating before filing.
4/15/99	Robert Simon	1	Admin. Order/Penalty	AQ/SW	Tack	Settled. Awaiting penalty payment..
4/15/99	Shine Bros. Corp.		SWA Denial	SW	Tack	Settlement offer pending.
4/15/99	Shenandoah, City of	4	Admin. Order/Penalty	WW	Murphy	Settlement offer 9/1/99.
4/16/99	Cargill (Sioux City)	3	Title V Operation Permit Conditions	AQ	Preziosi	Negotiating before filing
4/26/99	Gerald and Judith Vens	6	Admin. Order/Penalty	FP	Clark	Negotiating before filing.
4/28/99	Mid-County Water, Inc.	1	Admin. Order/Penalty	WS	Hansen	WS informed Dept. sampling will be done as required during appropriate sampling period (June 1999).
4/30/99	Anthony's Resort	1	Admin. Order/Penalty	WS	Hansen	WS hired engineer to do engineering report with recommendations for correcting WS deficiencies.
5/06/99	Hargrave McEleney, Inc.	6	Admin. Order/Penalty	WS	Hansen	Amended order to be issued.
5/12/99	Lehigh Portland Cement Co. 99-A-225	2	Construction Permit Conditions	AQ	Preziosi	Negotiating before filing.
5/12/99	Lehigh Portland Cement Co. 99-A-179	2	Construction Permit Conditions	AQ	Preziosi	Negotiating before filing
5/18/99	**Grandma's Snack Shack**	**2**	**Emergency Admin. Order**	**WS**	**Murphy**	**Chlorination installed. Settled.**
5/18/99	Horsley Specialties, Inc.	5	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
5/18/99	Snap-On-Tools Co.	2	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
5/27/99	CGB Printing aka Rock Communications	5	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
5/28/99	Flying J Inc.	5	Admin. Order/Penalty	WW/UT	Murphy	Negotiating before filing. Settlement proposed by appellant 6/15/99.
6/28/99	Big Rock Country Club	1	Admin. Order/Penalty	WS	Tack	Negotiating before filing.
6/28/99	Wilcox All-Pro Tools & Supply	5	Admin. Order/Penalty	WW	Tack	**Hearing continued to 11/29/99.**
6/28/99	Farmland Industries, Inc. (Eagle Grove)	2	Construction Permit Conditions	AQ	Preziosi	Negotiating before filing
7/13/99	Aaron Tolander	6	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
7/16/99	Fairfield, City of	6	Admin. Order/Penalty	AQ/SW	Tack	Negotiating before filing.
7/19/99	Celotex Corp. (Ft. Dodge)	2	Permit Conditions	AQ	Preziosi	Negotiating before filing.
7/23/99	Farmland Industries, Inc. (Carroll, Denison)	4	Permit Conditions	AQ	Preziosi	Negotiating before filing.
7/27/99	Affordable Asbestos Removal; Jeffry Intlekofer	6	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing
8/04/99	Ashley Inn Motel and Trailer Court	2	Admin. Order/Penalty	WS	Hansen	**F.O. 2 inspection on 7/21/99. Letter received 9/27/99 regarding compliance with AO.**
8/06/99	GKN Armstrong Wheels, Inc.	3	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
8/10/99	Muscatine County Sanitary Landfill	6	Admin. Order/Penalty	SW	Tack	Negotiating before filing.
8/11/99	Beatrice Group, Inc.	1	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
8/11/99	Storm Lake, City of	**5**	**Admin. Order/Penalty**	**WS**	**Hansen**	**Penalty payment received 9/28/99. Settled.**
8/13/99	Farmland Foods, Inc. (Dubuque)	1	Construction Permit Conditions	AQ	Preziosi	Negotiating before filing
8/19/99	Case Corporation	6	Admin. Order/Penalty	AQ	Preziosi	Settled. Awaiting penalty payment.
8/19/99	Brogan's Pub & Grub	1	Admin. Order/Penalty	WS	Tack	Negotiating before filing.
8/25/99	Parker Industries	4	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
8/25/99	National By-Products, Inc.	6	Admin. Order/Penalty	AQ	Preziosi	New case.
9/07/99	Shine Bros. Corp.	3	Admin. Order/Penalty	AQ	Preziosi	New case.
9/08/99	Joe Denemark d/b/a Walnut Acres Campground	1	Admin. Order/Penalty	WS	Wornson	New case.
9/08/99	Linwood Mining & Minerals	6	Permit Conditions	AQ	Preziosi	New case.
9/08/99	Fibre Body	2	Permit Denial	AQ	Preziosi	New case.
9/09/99	Winneshiek County Memorial Hospital	1	Admin. Order/Penalty	AQ	Preziosi	**New case. Settled. Awaiting penalty payment.**
9/13/99	Eugene P. Reed	6	Admin. Order/Penalty	AFO	Clark	New case.
9/13/99	CIPCO	1	NPDES Permit	WW	Hansen	New case.

			Conditions			
9/21/99	Julie Rowe d/b/a Jewel's Food & Spirits	1	Admin. Order/Penalty	WS	Murphy	New case.
8/13/99	Farmland Foods, Inc. (Denison))	1	Construction Permit Conditions	AQ	Preziosi	New case
9/30/99	Rollin McAdams d/b/a McAdams Demolition Co. (Davenport)	1	Admin. Order/Penalty	AQ	Preziosi	New case.

Mr. Valde noted that copies of the Wellhead Protection Plan and the Drinking Water State Revolving Fund were distributed to each Commissioner's work place. He reviewed the various routine reports.

Rozanne King asked about the large penalty assessed to Barilla.

Mr. Valde explained that Barilla built a plant in Ames and had 30+ air permits, but there were 12 sources that were constructed without permits. He related that the penalty was for constuction without permits and failure to stack test as required by the permits. Barilla had been granted two extensions of the time to conduct the stack tests, but the testingt still had not been done.

INFORMATIONAL ONLY

STATE REVOLVING FUND – INTENDED USE PLAN – 1999 (DRINKING WATER)

Mike Valde, Division Administrator, Environmental Protection Division, presented the following item.

Commission approval is requested for the Intended Use Plan (IUP) for the 1999 Drinking Water State Revolving Loan Fund (DWSRF). The IUP is the initial step in preparing a grant request for federal funds for the drinking water SRF. Included in the IUP is the list of projects proposed to receive loans from the DWSRF for 1999. It is expected that slightly over $14 million will be available for the DWSRF, with about $12.5 million of that amount directed toward project loans.

Twenty seven applications for loans from the 1999 DWSRF have been received and these applications were ranked using the project scoring system contained in Commission rules (567-44.7, IAC). It is anticipated the top 18 projects will receive assistance. A public hearing was held September 9, 1999 to take comments on the draft IUP, with notice of the hearing being sent to all interested persons or groups. No adverse comments were received but a responsiveness summary was prepared for the comments that were received.

Attached is a list of the projects that are being proposed for assistance. Copies of the full IUP and Responsiveness will be provided to the Commision at the meeting.

The DWSRF program was established by 1996 amendments to the federal Safe Drinking Water Act. Legislation establishing the Iowa DWSRF was passed by the 1997 General Assembly and Department rules became effective in January 1998.

(Funded)

PWSID	Water System	Project Type	Loan Amount	Score	Reviewer
2740050	Lamoni	Turbidity	$1,002,000.00	115	MKA

2171071	Spencer	Improvements to Treatment Process	$1,525,000.00	100	MKA
3971026	Panora	Ion Exchange for Nitrate Removal System	$291,000.00	80	RGN
1025031	Fairbank	Elevated Storage & AC Water Main	$550,000.00	60	PBP
2529035	De Soto	Relocating Controls & New Well & AC Mains	$176,000.00	60	PBP
3126342	SunValley	Elevated Storage & Interconnect all systems	$681,000.00	45	MKA
8409037	Boyden	Elevated Storage & Water Mains	$572,000.00	45	JKM
9128035	Hartford	Replace AC mains, Looping mains	$319,000.00	45	JLS
7329501	IGS Clarinda Plant	Wells and EST	$1,500,000.00	45	PBP
2835056	Hopkinton	Well House & Distribution Improvements	$372,000.00	40	TBV
7717032	Bondurant	Connect to Southeast Polk Rural Water	$823,000.00	40	JKM
5064055	Prairie City	Nitrate Removal unit & 3 monitoring wells	$1,175,000.00	40	TBV
2427049	Dow City	Replace old 1" & 2" G I with 6" PVC	$144,000.00	40	JKM
5059064	Newton	New Wells	$1,671,000.00	35	RGN
733084	Gilbertville	Distribution Improvements	$77,000.00	30	RGN
7709053	Ankeny	Provide water to Fourmile Woods Subdivision	$758,000.00	30	TBV
6065092	Rock Rapids	Looping Water Mains	$171,000.00	30	MKA
4213013	Alden	Iron removal System + Zeolite Softener	$660,000.00	10	PBP
		Total Amount Requested	**$12,467,000.00**		
		Total Amount Available	**$12,467,000.00**		

(Unfunded)

PWSID	Water System	Project Type	Loan Amount	Score	Reviewer
7872062	Walnut	Elevated Storage & Water Main	Not Ready To Proceed	55	RGN
7032001	Fruitland	New System-Nitrate Levels	Not Ready To Proceed	45	JKM
1803079	Aurelia	New Well	Not Ready To Proceed	45	MKA
8590041	Zearing	Elevated Storage & Water mains	Not Ready To Proceed	45	JLS
4458060	New London	Add a New Reservoir	Not Ready To Proceed	40	JKM
4641064	Humboldt	Water Main	Not Ready To Proceed	30	JLS
8350033	Kirkman	Distribution System Improvements	Not Ready To Proceed	30	JLS
3100675	Broadview Court	Blank Application	Not Ready To Proceed	0	RGN
5715301	Brittany Estates	Refinance, New Well Construction Complete	Not Eligible for Refinance	55	PBP

Mr. Valde reviewed the projects to receive funding.

Discussion followed regarding the fact that some unfunded projects scored higher than some that are funded, and the expense of a distribution system and removal of nitrates.

Motion was made by Rozanne King to approve the drinking water State Revolving Fund Intended Use Plan, FY 99. Seconded by Rita Venner. Motion carried unanimously.

APPROVED AS PRESENTED

FINAL RULE—CHAPTER 60, 62 &63, WASTEWATER PROGRAM

Mike Valde, Division Administrator, Environmental Protection Division, presented the following item.

Commission approval is requested for revisions to Chapters 60, 62 and 63 of the Commisison's rules. Chapter 60 of the rules provides general definitions of terms used elsewhere in the rules and rules of practice, including forms, applicable to the departments administration of the

wastewater program. Chapter 62 adopts, by reference, the federal effluent and pretreatment standards applicable to industrial dischargers. Chapter 63 specifies minimum monitoring requirements, analytical procedures and reporting requirements applicable to all wastewater dischargers.

The purpose of this rulemaking is to update references to federal effluent and pretreatment standards. The references to these standards contained in Chapter 62 need to be changed to be consistent with current federal regulations. The change to Chapter 60 is to update the definition of "Act" to include all amendments to the Water Pollution Control Act through July 1, 1998. The change to Chapter 61 is to update the reference to the latest EPA approved analytical methods that must be used by wastewater discharges to meet federal requirements.

The commission is being asked to adopt these rules without public notice and participation. Adoption of federal effluent and pretreatment standards by reference, without public notice, is specifically provided for by 567 IAC 62.2(455B) and Iowa Code section 17A.4(1). Because the Commission must adopt effluent and pretreatment standards at least as stringent as the federal standards to maintain primacy in the NPDES program and Iowa Code section 455B.173(3) prohibits the commission from adopting standards more stringent than the federal standards, public participation in this rulemaking is unnecessary. Although analytical methods are not effluent or pretreatment standards, these methods are required by federal regulations to be used to determine compliance with federal standards and in the submission of permit applications and other reports to the department. As analytical methods at least as stringent as the federal methods are required to be used and the federal methods are adopted by reference in subrule 63.1(1), the Commission is being asked to adopt this amendment without notice and public participation as well.

ENVIRONMENTAL PROTECTION COMMISSION
Adopted and Filed Without Notice

Pursuant to the authority of Iowa Code sections 455B.105 and 455B.173, the Environmental Protection Commission amends Chapter 60, "Scope of Title - Definitions - Forms - Rules of Practice," Chapter 62, "Effluent and Pretreatment Standards: Other Effluent Limits or Prohibitions" and Chapter 63, "Monitoring, Analytical and Reporting Requirements."

The purpose of these amendments is to update references to federal effluent limits and associated analytical methods. References to federal effluent and pretreatment standards found in rules 62.4(455B) and 62.5(455B) are amended to reflect updates to 40 Code of Federal Regulations (CFR). The change to rule 60.2(455B) updates the definition of "Act" to include amendments to the Water Pollution Control Act through July 1, 1999. The change to subrule 63.1(1) updates the reference to the latest federally approved methods for the analysis of wastewater samples.

In accordance with Iowa Code section 17A.4(2), the Commission finds that notice and public participation are unnecessary. Under rule 62.2(455B), the Commission has determined previously that good cause exists for exempting from the notice and public participation requirements of Iowa Code section 17A.4(1) the adoption by reference of federal effluent and pretreatment standards. The Commission must adopt effluent and pretreatment standards at least as stringent as the promulgated federal standards to maintain primacy in the National Pollutant Discharge Elimination System (NPDES) program. Iowa Code section 455B.173(3) requires that the effluent and pretreatment standards adopted by the Commission not be more stringent than the federal standards. Therefore, public participation is unnecessary. The Commission also found that public

participation is unnecessary when updating the reference to approved methods for analysis as these methods must be used to implement federal effluent and pretreatment standards.

The Commission adopted these amendments on October 18, 999. These amendments will become effective on October 29, 1999.

These amendments may have an impact upon small businesses.

~~These amendments are intended to implement Iowa Code chapter 455B, division III, part 1.~~

The following amendments are adopted:

ITEM 1. Amend rule 567--60.2 (455B), definition of "Act,"to read as follows:

"Act" means the Federal Water Pollution Control Act as amended through July 1, ~~1998~~ 1999 33 U.S.C. §1251 et seq.

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

567--62.4(455B) Federal effluent and pretreatment standards. The federal standards, 40 Code of Federal Regulations (CFR), revised as of July 1, ~~1998~~ 1999, are applicable to the following categories:

ITEM 3. Amend rule 567--62.5(455B) to read as follows:

567--62.5(455B) Federal toxic effluent standards. The following is adopted by reference: 40 CFR part 129, revised as of July 1, ~~1998~~ 1999.

ITEM 4. Amend paragraph 567--63.1(1) *a* to read as follows:

567--63.1(1)*a*. The following is adopted by reference: 40 Code of Federal Regulations (CFR) Part 136 revised as of July 1, ~~1998~~ 1999.

_____
Date

_____
Paul W. Johnson, Director

Mr. Valde explained details of the rule to bring the State into consistency with current federal regulations.

Chairman Ehm asked about public participation on the rule.

Jack Riessen, Bureau Chief, Surface and Groundwater Bureau, explained that industries have the opportunity to make their comments under the federal notice for public hearing, and most industries do so at that point.

Rozanne King asked about the cost impact to industry.

Mr. Riessen replied that the only industry that would be affected is the pharmaceutical manufacturing industry and there is only about six of those facilities in the State. He added that they are well aware of the guidelines and rules.

Motion was made by Rozanne King to approve Final Rule—Chapters 60, 62 & 63, Wastewater Program. Seconded by Terrance Townsend. Motion carried unanimously.

~~APPROVED AS PRESENTED~~

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

Mike Valde, Division Administrator, Environmental Protection Division, presented the following item.

Commission approval of a Notice of Intended Action (NOIA) to amend portion of Chapter 61 Water Quality Standards is requested. The NOIA would initiate rule making to grant Section 401 water quality certification for five new Corps' Nationwide Section 404 permits (NWPs), six modified NWPs, and a regional general permit. Section 401 water quality certification is a state water quality agency's certification that a proposed activity will not violate state water quality standards and is required before the Corps can issue a Section 404 permit.

The five new nationwide permits and six modified nationwide permits will replace the existing NWP 26, which will expire on December 30, 1999. Nationwide Permit 26 has been used extensively in Iowa and other states and environmental groups have criticized the NWP as being to broad. The last time the Corps reissued NWP 26, it agreed to replace the NWP with more activity-specific NWPs. The proposed five new NWPs which would replace NWP 26 are:

NWP	Title
39	Residential, Commercial, and Institutional Development
41	Reshaping Existing Drainage Ditches
42	Recreational Facilities
43	Stormwater Management Facilities
44	Mining Activities

The six modified NWPs include:

NWP	Title
3	Maintenance (of previously permitted structures or fills)
7	Outfall Structures and Maintenance
12	Utilities Line Activities
14	Linear Transportation Crossings
27	Stream and Wetland Restoration Activities
40	Agricultural Activities

For all NWPs, there are general conditions that have to be met before an activity can be authorized by the NWP. Some general conditions are specific to certain NWPs while others apply to all NWPs. The Corps is proposing to modify nine NWP general conditions and add three new general conditions. In addition, the Corps is proposing additional regional conditions specific to Iowa on the NWPs.

The Rock Island District is also proposing a new regional permit that would authorize residential, commercial, institutional, agricultural, transportation, and passive recreational projects involving the loss of 3 acres or less of most jurisdictional waters, 1 acre or less of playas, prairie potholes, or vernal pools, or less than 500 linear feet of streambed. In general, the regional permit would require pre-construction coordination with resource agencies if the potential loss is greater than ¼ acre or 250 linear feet of streambed. Compensatory mitigation would typically be required if the potential loss exceeded ¼ acre.

ENVIRONMENTAL PROTECTION COMMISSION [567]
Notice of Intended Action

Pursuant to the authority of Iowa Code sections 455B.105 and 455B.173, the Environmental Protection Commission gives Notice of Intended Action to amend Chapter 61, "Water Quality Standards," Iowa Administrative Code. The proposed amendment will provide water quality certification pursuant to Section 401 of the federal Clean Water Act (33 U.S.C. Section 1341) for five new Nationwide Permits (NWPs), six modified NWPs, and a regional general permit specific to Iowa.

Section 404 of the Clean Water Act requires a permit from the Corps of Engineers for the discharge of dredged or fill materials into the nation's waters. Section 401 of the Act requires that before the Corps can issue a Section 404 permit, the state water quality agency must certify that the proposed activity will not violate state water quality standards.

Section 404 authorizes the Corps to issue general permits on a state, regional or nationwide basis for categories of activities where such activities will have minimal adverse effects. The Corps has used their general permit authority to issue a number of general permits on a nationwide basis (i.e., NWPs). General permits, including nationwide permits, can be issued for a period not exceeding five years and a state water quality agency must provide Section 401 certification for a Section 404 general permit before the general permit is valid for that particular state. The Commission has previously provided Section 401 certification for 30 NWPs and four regional permits. These permits are referenced in 567 IAC 61.2(2)"h"

The Corps recently issued a notice of intent to issue 5 new NWPs and modify 6 existing NWPs to replace NWP 26 when it expires on December 30, 1999. The Corps is also proposing to modify 9 NWP general conditions and add three new general conditions. The general conditions will apply to the proposed new and modified NWPs as well as the NWPs issued on December 13, 1996, (Federal Register volume 64, number 139, July 21, 1999). A copy of the Federal Register with the proposed NWPs is on file with the Administrative Rules Coordinator and can be obtained from the Department of Natural Resources. This amendment would provide Section 401 certification for the modified and new NWPs.

The new and modified NWPs will replace NWP 26 – Discharge to Headwaters and Isolated Waters, with activity-specific NWPs. The five new NWPs being proposed are:

NWP	Title
39	Residential, Commercial, and Institutional Development
41	Reshaping Existing Drainage Ditches
42	Recreational Facilities
43	Stormwater Management Facilities
45	Mining Activities

The six modified NWPs proposed include:

NWP	Title
3	Maintenance (of previously permitted structures or fills)
7	Outfall Structures and Maintenance
12	Utilities Line Activities
14	Linear Transportation Crossings
27	Stream and Restoration Activities
40	Agricultural Activities

For all NWPs, there are general conditions that have to be met before an activity can be authorized by the NWP. Some general conditions are specific to certain NWPs while others apply to all NWPs. The Corps is proposing to modify 9 NWP general conditions and add 3 new general conditions. This amendment will also re-certify all existing NWPs as affected by the new and modified general conditions.

The Rock Island District is also proposing a new regional general permit that would authorize residential, commercial, institutional, agricultural, transportation, and passive recreational projects involving the loss of 3 acres or less of most jurisdictional waters, 1 acre or less of playas, prairie potholes, or vernal pools, or less than 500 linear feet of streambed. In general, the regional general permit would require pre-construction coordination with resource agencies if the potential loss to a jurisdictional water is greater than ¼ acre or 250 linear feet of streambed. Compensatory mitigation would typically be required if the potential loss exceeded ¼ acre.

Any interested person may file written comments on the proposed amendment on or before December 20, 1999. Written comments or questions regarding the proposed action or Corps' NWPs should be directed to Christine Schwake, Department of Natural Resources, 900 East Grand, Des Moines, IA 50319-0034 (phone 515-281-6615 / fax 515-281-8895 / e-mail cschwak@max.state.ia.us). Oral or written comments will also be accepted at a public hearing to be held Friday, December 10, 1999 at 1:00 PM in the 5th floor conference room of the Wallace State Office Building, E 9th and Grand, Des Moines, Iowa.

The Corps is currently requesting comments on the proposed NWPs and, therefore, the NWPs adopted by the Corps may differ from the proposals as contained in the July 21, 1999 Federal Register. The Commission will not take final action on this proposed amendment prior to the

Corps' publication of the adopted NWPs and will consider all comments provided during the public comment period before taking final action.

This amendment may have an impact on small businesses.

This amendment is intended to implement Iowa Code Chapter 455B, division III, part 1.

Amend paragraph 61.2(2) "h" as follows:

h. This policy shall be applied in conjunction with water quality certification review pursuant to Section 401 of the Act. In the event that activities are specifically exempted from flood plain development permits or any other permits issued by this department in 567—Chapters 70, 71, and 72, the activity will be considered consistent with this policy. Other activities not otherwise exempted will be subject to 567—Chapters 70, 71, and 72 and this policy. The repair and maintenance of a drainage district ditch as defined in 567—70.2(455B, 481A) will not be considered a violation of the antidegradation policy for the purpose of implementing Title IV of these rules. United States Army Corps of Engineers (Corps) nationwide permits 3, 4, 5, 6, 7, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 25, ~~26,~~ 27, 29, 32, 33, 34, 36, 37, 38, 39, ~~and~~ 40, 41, 42, 43, and 44 as promulgated ~~December 13, 1996~~ (*add new promulgation date*) are certified pursuant to Section 401 of the Clean Water Act. The Regional General Permit and Regional permit numbers 2, 7, 12, and 20 of the Rock Island District of the Corps are also certified. No specific Corps permit or 401 certification is required for activities covered by these permits unless required by the nationwide permit or the Corps, and the activities are allowed subject to the terms of the nationwide and regional permits.

Mr. Valde reviewed the rules in detail.

Motion was made by Rita Venner to approve Notice of Intended Action—Chapter 61, Ccorps of Engineers Nationwide Permits. Seconded by James Braun. Motion carried unanimously.

APPROVED AS PRESENTED

DATA SYSTEM DESIGN FOR PRIVATE WELL PROGRAM

Mike Valde, Division Administrator, Environmental Protection Division, presented the following item.

Commission approval is requested for an agreement with Norstan Consulting to develop a business plan, technical procedures, and state-wide communication plan for updating and integrating various private water well program data bases into a unified information management system. The work products will allow the Department to make sound management decisions on purchasing computer hardware and software, programming assistance and communications needs. The contract will be a cost reimbursement contract with a maximum amount of $69,000. Norstan Consulting has an existing contract with the State of Iowa to provide such services to

state agencies and, therefore, the normal consultant selection process was not used. Funds from the Grants-to-Counties program administration account and the certified well contractor fee account will be used to pay for contract services.

Currently, data on private wells are accumulated in separate, program-specific databases:

- The Grants-to-Counties program provides funding through counties for private well plugging, testing, and renovation. One database is used for all accumulated well data while another is used to track the status of grant agreements with counties.
- Under the well driller certification program, well drillers must be certified and must send well log data to the Department's Geological Survey Bureau. Information on certified well drillers and the well log data are kept in separate databases.
- The private well permitting program requires permits for private well construction. These permits are issued by 80 counties under contract with the Department and by the Department for the remaining 19 counties. This permit data is accumulated in another separate database.

All information from the counties or well drillers is provided in hard copy to the Department, which then enters the data into one of the separate electronic databases. Because of the age and incompatibility of the data bases and the time lag and labor in getting information into these different data bases, it is difficult, if not impossible, to effectively utilize this data for program management, research, or enforcement. In many cases, the counties or well drillers have the data in electronic format but the format is not compatible with the Department's data bases.

Norstan Consulting will assess what is needed to integrate the various data bases into a single system that is more cost effective and efficient to maintain, provides for electronic data transfer, allows better access to and use of the data, and provides the data to the public via the Internet. The contractor will meet with county officials, well drillers, Geological Survey Bureau employees and Water Quality Bureau employees to assess the existing systems and future program needs. In addition, the contractor will determine if other state agencies or other States have already implemented a similar solution that can be adapted to the Department's needs.

Norstan will not develop the actual replacement system under this contract. Rather, the contractor will provide a "roadmap" that defines and identifies the system that will be needed, proposes solutions to existing deficiencies, identifies priorities for implementing the various solutions or their alternatives, and recommends how the Department should proceed with implementation.

Mr. Valde reviewed the agreement with the Commission.

Brief discussion followed in regard to converting the existing data where needed, and that it will take 6-7 weeks to accomplish the plan.

Motion was made by Elizabeth Christiansen to approve the Data System Design for the Private Well Program. Seconded by Rozanne King. Motion carried unanimously.

APPROVED AS PRESENTED

FINAL RULE—CHAPTER 64, STORM WATER PERMITS

Mike Valde, Division Administrator, Environmental Protection Division, presented the following item.

Commission approval is requested for amendments to the Department's stormwater program. The amendments clarify storm water general permit requirements regarding the transfer of property on which construction activity is taking place while the property is still covered under the provisions of the storm water permit. The responsibilities of both the permittee and transferee are outlined. These amendments also specify the conditions under which a permittee may be exempted from keeping records on the construction site.

The commission previously approved the Notice of Intended Action and it was published in the Iowa Administrative Bulletin on May 19, 1999. No comments were received during the comment period or at the public hearing.

ENVIRONMENTAL PROTECTION COMMISSION [567]

Adopted and Filed

Pursuant to the authority of Iowa Code section 455B.103A, the Environmental Protection Commission hereby adopts amendments to Chapter 64, "Wastewater Construction and Operation Permits," Iowa Administrative Code.

Amendments to Chapter 64 clarify storm water general permit requirements regarding the transfer of property on which construction activity is taking place while the property is still covered under the provisions of the storm water permit. These amendments outline the responsibilities of both the permittee and transferee. These amendments also specify the conditions under which a permittee may be exempted from keeping records on the construction site.

A typographical error is also being corrected in General Permit No. 2.

Notice of Intended Action was published in the Iowa Administrative Bulletin on May 19, 1999, as ARC 9037A. No comments were received during the comment period or at the public hearing. There are no changes from the Notice of Intended Action.

These amendments are intended to implement Iowa Code chapter 455B, division I.

The following amendments are adopted.

ITEM 1. Amend rule 567--64.6(455B) by adding the following new subrule:

64.6(6) Transfer of ownership – construction activity part of a larger common plan of development. For construction activity which is part of a larger common plan of development, such as a housing or commercial development project, in the event a permittee transfers ownership of all or any part of property subject to NPDES General Permit No. 2 both the permittee and transferee shall be responsible for compliance with the provisions of the general permit for that portion of the project which has been transferred including when the transferred

property is less than five acres in area from and after the date the department receives written notice of the transfer, provided that:

a. The transferee is notified in writing of the existence and location of the general permit and pollution prevention plan, and of the transferee's duty to comply, and proof of such notice is included with the notice to the department of the transfer.

b. If the transferee agrees, in writing, to become the sole responsible permittee for the property which has been transferred, then the transferee shall be solely responsible for compliance with the provisions of the general permit for the transferred property from and after the date the department receives written notice of the transferee's assumption of responsibility.

ITEM 2. Amend Part II, provision F, of General Permit No. 2, which is adopted by reference in subrule 64.15(2), as follows:

F. TRANSFER OF COVERAGE UNDER THIS PERMIT. For storm water discharge associated with industrial activity for construction activities where ownership changes, the Department must be notified of the title transfer within 30 days. If a storm water discharge associated with industrial activity for construction activities is covered by this general permit, the new owner(s) shall be subject to all terms and conditions of this general permit. A copy of the notice of transfer of title that was sent to the Department shall be included in the pollution prevention plan. For construction activity which is part of a larger common plan of development such as a housing or commercial development project, if a permittee transfers ownership of all or any part of property subject to this permit both the permittee and transferee shall be responsible for compliance with the provisions of this permit for that portion of the project which has been transferred including when the transferred property is less than five acres in area. If the new owner(s) agree in writing to be solely responsible for compliance with the provisions of this permit for the property which has been transferred, then the existing permittee(s) shall be relieved of responsibility for compliance with this permit for the transferred property, from and after the date the Department receives written notice of transfer of responsibility. A copy of the notice of transfer of responsibility shall be included in the pollution prevention plan.

ITEM 3. Amend Part III, provision B, of General Permit No. 2, which is adopted by reference in subrule 64.15(2), as follows:

B. RELEASES IN EXCESS OF REPORTABLE QUANTITIES. Any owner or operator identified in the pollution prevention plan is subject to the spill notification requirements as specified in 455B.386 of the Iowa Code. Iowa law requires that as soon as possible but not ~~less~~ more than six hours after the onset of a "hazardous condition" the Department and local sheriff's office or the office of the sheriff of the affected county be notified.

ITEM 4. Amend Part V, RETENTION OF RECORDS, provision B, of General Permit No. 2, which is adopted by reference in subrule 64.15(2), as follows:

B. ~~The~~ If there is a construction trailer, shed or other covered structure located on the property the permittee shall retain a copy of the storm water pollution prevention plan required by this permit at the construction site from the date of project initiation to the date of final stabilization. If there is no construction trailer, shed or other covered structure located on the property, the permittee shall retain a copy of the plan at a readily available alternative site approved by the Department and provide it for inspection upon request. If the plan is maintained

at an off-site location such as a corporate office, it shall be provided for inspection no later than two business days after being requested.

_____
Date

_____
Paul W. Johnson, Director

Mr. Valde briefly presented the rules.

Rozanne King asked if this a clean up due to what appeared to be a loophole.

Mr. Murphy stated that there were some questions on enforcement cases several years ago and it was unclear as to who was responsible, typically, in a development project where a developer gets a permit and makes the initial site development, then sells off the lots and other take over. He related that it was unclear as to the developer's continuing responsibility. He noted that there were meetings with developers, contractors and other interest groups, and they ultimately agreed that it would be preferable to include these responsibility requirements in the rules. He related that they also agreed that an alternative place for plans and records should be allowed, rather than having to keep them on site.

Motion was made by Rozanne King to approve Final Rule—Chapter 64, Storm Water Permits. Seconded by James Braun. Motion carried unanimously.

APPROVED AS PRESENTED

Director Johnson stated that he would like to see more discussion on the whole issue of storm water permits. He related that several counties have suggested that the department work together with local soil and water conservation districts to get them involved with providing assistance and technical expertise on this. He noted that he would like the staff and Commission to further discuss this issue over the next few months, to see if the program can be strengthened.

NOTICE OF INTENDED ACTION—REVISED CAP ON TITLE V OPERATING PERMIT FEES

Mike Valde, Division Administrator, Environmental Protection Division, presented the following item.

The attached Notice of Intended Action to amend Chapter 22, "Controlling Pollution" 567 Iowa Administrative Code is being presented to the Environmental Protection Commission for decision.

By rule, Air Quality Bureau is required every March to provide the Commission a draft budget for the purposes of establishing the Title V Operating Permit fee. Emission estimates reported by industrial facilities are then used at the May Commission meeting to set the fee. The Commission is prohibited by rule from setting the fee higher than $24 per ton without a formal rulemaking.

The purpose of this proposed revision is to change the $24 maximum annual Title V Operating Permit fee from the current fixed dollar amount to a level that is specified in the Code of Federal Regulations to be the "presumptive minimum" annual operating permit fee necessary to effectively implement the Title V Operating Permit program. This "presumptive minimum" fee was first set in 1994 at $25 per ton, and is adjusted annually by the consumer price index. The federally specified presumptive minimum fee is presently calculated at $33.20 per ton.

The Commission will continue to be asked annually to approve the Title V fee as justified by the Air Quality Bureau's projected budget and the reported tonnage of air contaminant emissions. However, the maximum amount of the fee that can be assessed without specific rulemaking will also be annually adjusted.

This rule revision is necessary because the air quality program will utilize all of the carry-forward funds from past years during fiscal year 2000. Although the air program budget remains essentially unchanged for 2001, the transfer of 5 staff positions from state and federal grant funding to the more appropriate Title V fee funding and routine personnel cost increases have resulted in a projected need to increase the fees charged for fiscal year 2001. The anticipated fee that would need to be paid in 2001 would be approximately $28 per ton.

ENVIRONMENTAL PROTECTION COMMISSION [567]
Notice of Intended Action

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," Iowa Administrative Code.

The purpose of this rule making is to change the maximum annual Title V Operating Permit fee that the Department can charge from the current fixed dollar amount of $24 to a level that is specified in the Code of Federal Regulations to be the presumptive minimum annual operating permit fee necessary to effectively implement the Title V Operating Permit program. EPA annually adjusts this presumptive minimum fee by the consumer price index as provided for in the Code of Federal Regulations.

The Commission will continue to be asked annually to approve the Title V fee that is charged to permit applicants as justified by the Air Quality Bureau's projected budget and the reported tonnage of air contaminant emissions.

Due to the protracted timeframe necessary for any rule making, the proposal to adjust the maximum fee to an annually adjusted maximum would provide the Department and the Commission with additional flexibility for setting the annual fee to be charged permit applicants.

Item 1 revises the limitation of the Commission to set a Title V Operating Permit fee from the current fixed limit of $24 per ton of actual emissions to level consistent with EPA's annually adjusted presumptive minimum fee necessary for the effective implementation of the program.

Any person may make written suggestions or comments on the proposed rules on or before December 17, 1999. Written comments should be directed to Doug Campbell, Iowa Department of Natural Resources, Air Quality Bureau, 7900 Hickman Road, Suite 1, Urbandale, Iowa 50322, fax (515) 242-5094.

A public hearing will be held at the conclusion of the comment period on December 17, 1999 at 1:00 p.m. in Conference Rooms 1 - 4 in the Air Quality Bureau's office at 7900 Hickman Road, Urbandale, Iowa, at which time comments may be submitted orally or in writing.

Any persons who intend to attend a public hearing and have special requirements, such as those related to hearing or mobility should contact the Department of Natural Resources to advise the Department of any specific needs.

This amendment may impact small business.

This amendment is intended to implement Iowa Code section 455B.133.

The following amendment is proposed.

Amend subrule 22.106(1) as follows:

22.106(1) Fee established. Any person required to obtain a Title V permit shall pay an annual fee based on the total tons of actual emissions of each regulated air pollutant, beginning November 15, 1994. Beginning July 1, 1996, Title V operating permit fees will be paid on July 1 of each year. The fee shall be based on actual emissions required to be included in the Title V operating permit application and the annual emissions statement for the previous calendar year. The department and the commission will review the fee structure on an annual basis and adjust the fee as necessary to cover all reasonable costs required to develop and administer the programs required by the Act. The department shall submit the proposed budget for the following fiscal year to the commission no later than the March meeting. The commission shall set the fee based on the reasonable cost to run the program and the proposed budget no later than the May commission meeting of each year. The commission shall provide an opportunity for public comment prior to setting the fee. The commission shall not set the fee higher than ~~$24 per ton~~ the annually adjusted presumptive minimum fee as provided for in 40 CFR Part 70.9 without adopting the change pursuant to formal rule making.

_____
Date

_____
Paul W. Johnson, Director

Mr. Valde reviewed details of the rule noting that it does not ask to set the fee at $33.29/ton, but would increase the cap to the federal presumptive minimum. He related that staff would come before the Commission next March and ask that the fee be set, which would be capped by the presumptive minimum. He reviewed that the Commission asked last month how many tons of emissions there were per year and that number is 228,000, which is the number used to project what needs to be charged to fund the program.

Rita Venner asked if the fees are based on a percentage basis.

Mr. Valde stated that it is a flat fee per ton until they reach the 4,000-ton cap per pollutant.

Catherine Fitzsimmons, Air Quality Bureau, explained the cap and how it affects the budget and those who are paying the fees. She covered the range of possibilities given what other states are doing, and she distributed information of what some of the other states are doing.

Chairman Ehm commented that he would like to have that information and related that perhaps the Commission needs more discussion on the issue before going out to public notice.

Ms. Fitzsimmons noted that Jack Clark expressed concern about moving five staff from the 7220 account into the Title V account. She related that in the past the department felt they had not charged Title V for all construction permit fees that could have been charged to the Title V account, and that is where the five staff would now be included. The estimated cost is $35,000 – $40,000 for each of those five staff. Ms. Fitzsimmons related that there is actually a decrease of $19,000 in the overall budget from FY 2000 to FY 2001. She added that the move from $23.10/ton to $28/ton was due to not having the $900,000 carry-forward. She described the areas of the 14 additional staff positions.

Chairman Ehm indicated that he was interested in the capitals and the different fee structure that would be required given different tonnage caps and how that would have affected the current budget year.

Terrance Townsend stated that he would like to see more participation with the stakeholders.

Ms. Fitzsimmons apologized for the oversight on participation with stakeholders, noting that it was in the recent budget preparation of the 2001 budget that staff saw what they would have to project for the fee. She noted that after seeing it would need a rule change it was immediately brought to the Commission to get the process going.

Mr. Valde noted that if the cap is raised it would affect utilities, grain processors with coal burning plants, and cement plants.

Rita Venner asked if staff could put together several fee scenarios and review with the Client Contact Group before bringing it back so that the Commission could have both sides of the issue.

Discussion followed in regard to tabling the rule until November or December.

Motion was made by Rozanne King to table the Notice of Intended Action – Revised Cap on Title V Operating Permit Fees until the November meeting. Seconded by Rita Venner. Motion carried unanimously.

TABLED UNTIL NOVEMBER COMMISSION MEETING

PROPOSED RULE—CHAPTER 23, ADOPTION BY REFERENCE OF NESHAPS

Mike Valde, Division Administrator, Environmental Protection Division, presented the following item.

The attached Notice of Intended Action to amend Chapter 23, "Emission Standards for Contaminants", 567 Iowa Administrative Code is being presented to the Environmental Protection Commission for information.

The purpose of this rulemaking is to adopt by reference 13 national emission standards for hazardous air pollutants (NESHAPs) that were promulgated by EPA for the following source

categories: Portland cement manufacturing, phosphoric acid manufacturing, phosphate fertilizer production, wool fiberglass manufacturing, generic maximum achievable control technology, oil and gas production, natural gas transmission and storage, pesticide active ingredients production, ferroalloys production: ferromanganese and silicomanganese, polyether polyols production, steel pickling—HCL process facilities and hydrochloric acid regeneration plants, mineral wool production, and primary lead smelting.

Adoption of these federal standards by the Department will allow for state implementation of the regulations, make the State's administrative rules consistent with the federal requirements and will not impose any additional requirements on the regulated industries.

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

Mr. Valde briefly explained the rules noting that they adopt by reference the federal standards for specific categories.

Brief discussion followed.

INFORMATIONAL ONLY

PROPOSED CONTESTED CASE DECISION – SUPER 20 MOBILE HOME PARK

Mike Murphy, Bureau Chief, Compliance and Enforcement Bureau, presented the following item.

On January 4, 1999, the department served Administrative Order No. 98-WS-37 on Super 20 Mobile Home Park. That action required the owner to perform required sampling of the public water supply, to give public notice of past violations, and to pay a $1,000 penalty. That action was appealed by Mr. Smith, and the matter proceeded to administrative hearing on August 24, 1999. The Administrative Law Judge issued the attached Proposed Decision on September 3, 1999. The decision affirms the Order and penalty.

Either party may appeal the Proposed Decision to the Commission. In the absence of an appeal, the Commission may decide on its own motion to review the Proposed Decision. If there is no appeal or review of the Proposed Decision, it automatically becomes the final decision of the Commission.

Mr. Murphy briefed the Commission on the history of this case involving monitoring violations and appeal of the penalty.

Brief discussion followed.

The Commission took no action; this has the effect of upholding the ALJ decision in the absence of an appeal.

ALJ DECISION UPHELD

APPROVAL OF ENFORCEMENT ACTION – SWINE GRAPHICS ENTERPRISES, L.P. AND ISOPORK PARTNERS

Mike Murphy, Bureau Chief, Compliance and Enforcement Bureau, presented the following item.

The Commission is requested to approve an enforcement action relating to an animal feeding operation. Iowa Code section 455B.110(3) provides that we may not initiate an enforcement action relating to animal feeding operations, seeking a penalty in excess of $3,000.00 unless the Environmental Protection Commission has approved the intended action. A proposed Consent Administrative Order relating to a discharge of swine manure, has been provided to the Commission. This document explains the background of this matter. The Director and the parties have agreed to resolve this matter through a Consent Administrative Order including a penalty of $5,000.

Mr. Murphy distributed copies of the Consent Order and explained that it involved a feeding operation in Franklin County and discharge violations which occurred a year ago.

Rita Venner commented that the first violation was in 1993 and asked if they still have not had the tile line plugged.

Mr. Murphy stated that was a factor for assessing a higher penalty this time, due to the similar event in 1993.

Motion was made by Terrance Townsend to approve the enforcement action for Swine Graphics Enterprises, L.P. and Isopork Partners, as presented. Seconded by Rita Venner. 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. Enviro Safe Air, Inc. (Sioux City) – air quality [tabled item]

b. Jim Walker (Johnson County) – solid waste/penalty collection

c. Iowa Millenium Investors, LLC (Des Moines) – UST

d. Daryl and Karen Hollingsworth (Warren County) – UST

Enviro Safe Air, Inc.

Mr. Murphny reviewed that this item was tabled at the last meeting.

Motion was made by Terrance Townsend to remove the referral for Enviro Sage Air, Inc. from the table. Seconded by Rozanne King. Motion carried unanimously.

Mr. Murphy noted that the inspector on this case is present today to answer questions. He reviewed that there were two facilities involved, the federal building in Sioux City and the airport terminal building. He noted that one of the questions posed last month was whether the plastic sheeting was still up when the inspector was at the airport terminal, and the answer is "no." Mr. Murphy related that his understanding was that Enviro Safe was finished with the jobs when the inspector got there. He noted that there was dry asbestos present at both locations, and related that even if there is a dispute on it, the fact that it was there and out in the open is a violation. He indicated that Enviro Safe stated that the department did not let them finish with the clean up, but the inspector pointed out that this had to do with material left on the hanger and he wanted to take a sample first, he then told them to go ahead with the clean up. Mr. Muphy noted that the same things were observed the next day. He mentioned that he just received a letter from Enviro Safe's attorney, Steve Andreasen, stating that they could not be present today but wanted to renew their request for the Commission to consider all of the factors before rendering a decisioin. He also mentioned a letter from Malcolm Gibson, Enviro Safe, asking the Commission toconsider that only a small piece of asbestos was found at both locations, and in both cases there was no dry removal done and no asbestos released into the atmosphere. The letter indicates air monitoring was done in both locations and would verify no release. Mr. Murphy noted that the air monitoring is not a requirement of DNR but is done for OSHA. He specified that the DNR requirements is that the asbestos be maintained wet and be contained and both of those things were not done. Mr. Murphy went on to say that Mr. Gibson's letter asks to consider that neither project was complete when the inspection was done and in both instances the amount left behind was very small and was cleaned up immediately. Their letter mentioned that the air exchange dried out the material and would have to be rewetted to comply. Mr. Murphy stressed that as he understands the rules, the material must be kept wet at all times when it is not enclosed.

Marion Burnside, Inspector for the Department, reported that when he went to the federal facility Enviro Safe was in the process of final cleanup, and the hygienist was there and he and the supervisor had checked the place and said it was clean and they were doing the final thing. He noted that when he arrived at the airport there was no one there and Enviro Safe had left the job as it was supposed to be complete. He related that one of the airport maintenance men at the

airport said they had completed the job a few day ago. Mr. Burnside noted that people were allowed to move freely in and out of the area, which was the baggage claim area.

Rita Venner asked about the criteria for times of inspection.

Mr. Burnside stated that he receives dates as to when the job will begin and end, and the best time to get there is right at the end of the project when they're finishing it up, or just before they take everything down.

Rozanne King asked how the project is done.

Mr. Burnside explained the procedure of lining of the walls and floor with plastic, sealing the entry and making a chamber for showering, entering and exiting, and filtering of the air. He further explained wetting, sealing, transporting, power washing and air sampling.

Rozanne King asked if they totally clean up the site every day before leaving the area.

Mr. Burnside replied "no," but pointed out that with clumps the size of a quarter it has to be kept wet until it is contained.

Further discussion took place regarding the power washing and possibility of pushing material around; how staff arrived at the amount of fine; and the fact there were four previous violations on this company.

Motion was made by Terrance Townsend for referral to the Attorney General's Office. Seconded by Rozanne King.

Rita Venner commented that in hearing Enviro Safe's side of the issue, she feels that meeting the requirements is very difficult to achieve. She noted that she will vote for referal but that she feels the fine is excessive.

Terrance Townsend pointed out that in this case the requirements are very difficult to achieve because they are dealing with asbestos and public health.

Vote on the motion carried unanimously.

REFERRED

JIM WALKER

Mr. Murphy briefed the Commission on the history of this case involving open burning violations and failure to pay a penalty.

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

REFERRED

IOWA MILLENIUM INVESTORS, LLC

Mr. Murphy briefed the Commission on the history of this case involving tank closure violations.

Brief discussion followed.

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

REFERRED

DARYL AND KAREN HOLLINGSWORTH

Mr. Murphy briefed the Commission on the history of this case involving UST violations. He noted that the Hollingsworth's did not appeal the ALJ decision on this matter, but they appealed a prior decision, on a different site, which will come before Commission at a later date.

Rita Venner noted that the department initiated a state tax refund request and asked if that is a success.

Mr. Murphy stated that it's not real successful but the department does get some recoveries though it.

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

REFERRED

GENERAL DISCUSSION

Referral Process Review

Mike Murphy, Bureau Chief, Compliance and Enforcement Bureau, presented the following item.

A document entitled "Procedures for Handling Referrals to the Attorney General", which includes a "Penalty Policy", will be distributed to the Commissioners. This document was

approved by the Commission in 1986, and a similar document was developed by the staff and the predecessor Commission, in the early 1980's. In light of the fact that there has been substantial change in membership since that time, and there appear to be questions as to the procedure and the role of the Commission in the referral process, this document is being distributed prior to discussion of these issues at the October meeting.

Mr. Murphy noted that the Commission was previously sent a document outlining the Referrals procedure. He distributed copies of a summary of statutes referencing AG referrals. He described the various programs such as air quality, water quality, drinking water, floodplain and water rights, solid waste, hazardous conditions and UST's, and explained the authority to refer under those programs. Mr. Murphy gave a historical perspective of the boards/commissions and the referral process from 1970 up to the current time. He stated that some referrals have to be approved by the Commission, but some do not have to and in those cases the Attorney General can take action on his own. He noted that in 1986, staff agreed to bring all referrals to the Commission.

Chairman Ehm asked if the Director could send referrals to the AG in some areas without Commission approval.

Mr. Murphy stated that he could, in some cases, but that has not been done in the last ten years.

Mr. Murphy thoroughly discussed the written procedure for handling referrals. He noted that staff does not always have all of the facts, but they do lay out sufficient facts they believe warrants review by the AG. He related that there have been instances when staff has not had all the information the Commission wanted. He noted that staff is not geared up to go into a full blown hearing and make a decision on whether or not there was a violation, but they decide if there was enough facts to warrant further review by the AG. He added that staff presents their case, the other party presents theirs, and in some cases third parties are involved and also make a presentation. He related that the litigation reports are sent to the AG's Office before the Commission meeting, for review, and if they see problems they let staff know. In most cases, they review and agree it should be referred. Mr. Murphy stated that notice is sent to the involved party ten days prior to the Commission meeting and they have the opportunity to address the Commission. Mr. Murphy explained that penalties are recommended by the department and are determined by the following four factors: 1) economic benefit to the violator; 2) gravity or seriousness of the violation; 3) culpability; 4) unusual factors.

Elizabeth Christiansen asked if staff negotiates penalties with the AG before bringing them to the Commission.

Mr. Murphy replied that generally is not done, but there are some exceptions. He added that the AG's Office does not like staff to do that.

NEXT MEETING

Rozanne King reported that she spoke with Milk Unlimited and she does not see any problems with a tour of the dairy. Also, she contacted Wallace Foundation and reserved the date for meeting at their facility.

It was decided to meet at the Wallace Foundation at 10:00 a.m. and carpool to Milk Unlimited. Upon completing the tour of Milk Unlimited the Commission will return to Wallace Foundation to begin their meeting. Lunch will be arranged to be brought in.

Chairman Ehm mentioned that he received a letter from Tom and Doris Woodruff about a development near Coralville Lake.

Larry Wilson, Deputy Director, reported that Tom & Doris Woodruff spoke at the recent Natural Resource Commission about a land transaction around a Corps of Engineers area near Lake MacBride. The Woodruff's were concerned with the moving of some land to construct a convention center and felt that until a water quality study is done, the construction should not be allowed. They were asking both the NRC and EPC to take a position on suspending any consideration of the construction.

Chairman Ehm commented that the land involved is Corps of Engineers land and the State does not have any say in the matter, adding that he feels a response is not needed from the Commission.

Rozanne King spoke about the Iowa 2010 Committee reporting that there will be a number of public meetings held around the state. The dates will be provided to the Commission.

NEXT MEETING DATES

November 15, 1999
December 20, 1999
January 18, 2000

ADJOURNMENT

With no further business to come before the Environmental Protection Commission, Chairperson Ehm adjourned the meeting at 1:30 p.m., Monday, October 18, 1999.

Paul W. Johnson, Director

William Ehm, Chair

Rozanne King, Secretary

INDEX

A

Adjournment, 53
Adoption of Agenda, 1
Approval of Minutes, 1

B

Budget
  Fiscal Year 2001, 8

C

Call to Order, 1
Clark, Jack - Public Participation (Title V fees), 14
Commissioners Absent, 1
Commissioners Present, 1
Contested Case Decision
  Proposed
    Super 20 Mobile Home Park, 47
Contracts
  Sustainable Development Consulting Services for Iowa Capitol Complex Master Plan, 9
Corps of Engineers - Nationwide Permits--Chapter 61
  Notice of Intended Action, 36

D

Data System Design for Private Well Program, 39
Director's Report, 2

E

Enforcement Action Approval
  Swine Graphics Enterprises, L.P. and Isopork Partners, 48
Enviro Safe Air, Inc.
  Referrals to the Attorney General, 49

F

Final Rule
  Chapter 60, 62 & 63, Wastewater Program, 33
  Chapter 64, Storm Water Permits, 41
Financial Status Report, 2
  FY 99 Final, 2

G

General Discussion
  Referral Process Review, 51

H

Henderson, Elizabeth - Public Participation (Title V fee cap), 13
Hollingsworth
  Daryl and Karen
    Referrals to the Attorney General, 51

I

Intended Use Plan
  State Revolving Fund (drinking water) 1999, 32
Iowa Millenium Investors, LLC
  Referrals to the Attorney General, 51

M

Monthly Reports, 15

N

NESHAPS - Adoption by Reference--Chapter 23
  Proposed Rule, 46
Notice of Intended Action
  Chapter 22, Title V Operating Permit Fees (revised cap), 43
  Chapter 61, Corps of Engineers Nationwide Permits, 36

P

Private Well Program
  Data System Design, 39
Proposed Rule

Chapter 23, Adoption by Reference of NESHAPS, 46
Public Participation, 13
Clark, Jack (Title V fees), 14
Henderson, Elizabeth (Title V fee cap), 13

R

Referrals to the Attorney General
Enviro Safe Air, Inc., 49
Hollingsworth
Daryl and Karen, 51
Millenium Investors, LLC, 51
Rferrals to the Attorney General
Walker, Jim, 50

S

State Revolving Fund
Intended Use Plan (drinking water)
1999, 32
Storm Water Permits--Chapter 64
Final Rule, 41
Super 20 Mobile Home Park
Proposed Contested Case Decision, 47
Sustainable Development Consulting
Services for Iowa Capitol Complex
Master Plan
Contract, 9
Swine Graphics Enterprises, L.P. & Isopork
Partners
Enforcement Action Approval, 48

T

Title V Operating Permit Fees (revised
cap)--Chapter 22
Notice of Intended Action, 43

W

Walker, Jim
Referrals to the Attorney General, 50
Wastewater Program--Chapter 60, 62 and 63
Final Rule, 33