

Agenda

Environmental Protection Commission

Tuesday, May 17, 2011
Baymont Inn & Conference Center
200 6th Street, Coralville, IA
Conference Center
9:00 AM

Monday, May 16th – EPC Tour

- 12:00-12:45 PM – Iowa Geological & Water Survey Geo-Repository Facility Tour
Oakdale Research Facility, Building 370, 2390 Old Farmstead Road, Iowa City
- 1:00-3:00 PM – The State Hygienic Laboratory at The University of Iowa Tour *
2490 Crosspark Road, Coralville
- 3:30-5:00 PM – North Liberty Waste Water Treatment Facility Tour *
1390 South Front Street, North Liberty
- 6:00-7:00 PM – Dinner at Old Chicago
75 2nd Street, Coralville, IA

* Security check-in required – advance reservations along with security and safety information may be obtained through Jerah Sheets at Jerah.Sheets@dnr.iowa.gov or 515-313-8909 by May 12th

Tuesday, May 17th – EPC Meeting – Baymont Inn & Conference Center

- 9:00 AM – Meeting begins
9:30 AM – Public Participation¹

Agenda topics

- | | | |
|----|--|-------------------------------|
| 1 | Approval of Agenda | |
| 2 | Approval of Minutes | |
| 3 | Director's Remarks | |
| 4 | Oath of Office for New Commissioners | |
| 5 | Election of Officers | |
| 6 | Air Quality - Title V Fee Budget Review | Wendy Walker
(Decision) |
| 7 | Adopted and Filed – Amendment to Wastewater Rules Chapter 64 – Wastewater Construction and Operation Permits | Chuck Corell
(Decision) |
| 8 | Contract – Keep Iowa Beautiful – Beautification Grant Program | Jennifer Wright
(Decision) |
| 9 | Contract – Regional Collection Center Establishment Grant | Jennifer Wright
(Decision) |
| 10 | Contract – University of Iowa State Hygienic Laboratory for Environmental Monitoring & Laboratory Services contract | Barb Lynch
(Decision) |
| 11 | Contract – State Hygienic Laboratory at The University of Iowa – Ambient Streams Monitoring and Laboratory Services | Mary Skopec
(Decision) |
| 12 | Contract – State Hygienic Laboratory at The University of Iowa – Wetland Monitoring Laboratory Services | Mary Skopec
(Decision) |
| 13 | Contract – State Hygienic Laboratory for FY2012 Ambient Stream Biological Monitoring and Laboratory Services | Tom Wilton
(Decision) |

14 Monthly Reports

Wayne Gieselman
(Information)

15 General Discussion

Items for Next Month's Meeting

- 16
- June 21st – Windsor Heights
 - July 12th – Windsor Heights

For details on the EPC meeting schedule, visit www.iowadnr.com/epc/index.html.

¹ Comments during the public participation period regarding proposed rules or notices of intended action are not included in the official comments for that rule package unless they are submitted as required in the Notice of Intended Action.

**Iowa Department of Natural Resources
Environmental Protection Commission**

ITEM

6

DECISION

TOPIC

Air Quality - Title V Fee Budget Review

The Commission is asked to approve the annual Title V fee at \$56.00 per ton of air pollution emitted from Title V Operating Permit subject sources. This represents a 0% increase from last year's fee. The maximum allowable fee in the Iowa Administrative Code is \$56.00 (567 IAC 22.106).

The Bureau's budget is comprised of Title V fees, federal grants, and state general fund revenues. This proposal relates only to the Title V fee portion of the Bureau's budget.

Program Background

The Title V program is required by the federal Clean Air Act as amended in 1990. The Clean Air Act requires states to charge fees sufficient to cover all reasonable direct and indirect costs required to develop and administer the Title V program requirements (42 U.S.C. 7661a). The Air Quality Bureau (Bureau) developed the Title V fee structure, including eligible program activities, with stakeholder collaboration in the early 1990s.

A Title V operating permit is required for those facilities with potential emissions that exceed the major stationary source thresholds. A major stationary source is a facility that has the potential to emit 100 tons per year (tpy) or more of any air pollutant; or the potential to emit 10 tpy or more of any individual hazardous air pollutant; or the potential to emit 25 tpy or more of any combination of hazardous air pollutants. Currently Iowa has 275 major stationary source operating permits, which represents 255 Title V facilities. Examples of Title V facilities include electric utilities, grain processors, cement plants, and manufacturing operations.

The Title V fee is based on the first 4,000 tons of each regulated air pollutant emitted each year from each major stationary source in the state. Regulated pollutants include: particulate matter less than 10 micrometers in diameter (PM₁₀) and particulate matter less than 2.5 micrometers in diameter (PM_{2.5}), sulfur dioxide (SO₂), nitrogen oxides (NO_x), volatile organic compounds (VOC), lead (Pb), and hazardous air pollutants (HAP).

Budget Development

The Bureau estimates the upcoming budget each December and meets with a representative group of the core Title V fee payers each January to discuss the budget. An estimated or draft budget to cover the reasonable costs of administering the Title V program is presented at the March Commission meeting.

The Title V fee is calculated by dividing the estimated budget by the chargeable emissions as

reported by facilities each March 31. The Bureau provides that information to the Commission no later than the May meeting. The Commission is then asked to set the fee based on the program's budget at the May meeting. The Title V fees are due each July 1 and fund the program for the entire year. For example, the Title V fees to be paid on July 1, 2011, are based on 2010 emissions and will fund the program for state fiscal year (SFY) 2012, or July 1, 2011, to June 30, 2012.

Changes in Emissions Projections –During the budget planning process, the Bureau estimated a 5% reduction in chargeable emissions from the prior budget based on estimates of the economic recovery rate, estimates of emissions reductions resulting from the on-going implementation of federal regulations, and changes in the number of facilities in the Title V program. The chargeable emissions from 2010 were reported at 167,750 or 1% higher than the prior year.

Program Changes – Under personnel, due to funding constraints, 4 vacant full-time equivalent positions will not be filled. The personnel amount listed in the budget is an estimate as the Department has not received updated information from the Department of Management.

For Professional Services, an approximately 2% increase has been applied to the local program contracts and the University of Iowa's State Hygienic Laboratory (SHL) contracts to accommodate anticipated annual increases in personnel costs. The Linn and Polk County Local Programs implement portions of the Clean Air Act, with Bureau oversight, in their respective jurisdictions. Title V fees fund portions of each program depending on the programmatic needs. The SHL collects ambient air monitoring data, quality assure these data, and report these data. The contracts for both local programs and SHL are still under negotiation so the funding amounts reflected in the Title V budget are estimates for budget development purposes. The final contract amounts will be available at the June Commission meeting.

The Clean Air Act also mandates small business assistance (42 U.S.C. 7661f), including technical assistance and a small business ombudsman. The Bureau contracts with the University of Northern Iowa's (UNI) Waste Reduction Center to provide technical assistance. The Bureau currently contracts with the Iowa Department of Economic Development (DED) to provide the ombudsman position. Provisions of this contract are currently under negotiation with DED.

In SFY 2011, the Bureau was forced to make significant reductions to several program areas due to a shortfall in Title V funds. The reductions included eliminating UNI's permit assistance to small businesses. A transition period with increased funding was included in the contract so that UNI could conclude all permit assistance activities. This transition period has concluded. The scope of work and on-going funding level for UNI's small business assistance program remains consistent with those found in surrounding states. The funding amount in the budget reflects the estimated personnel costs and current scope of work for both the UNI and DED small business assistance agreements.

Imaging scanning, under Outside Services, is being restored to near the SFY 2010 funding level to allow continued electronic access to records. This funding level will only maintain the existing records that have been scanned with no provision for scanning of additional records.

Electronic records access is now only available for most document types created prior to January 2005.

Ambient air monitoring equipment is being restored to the SFY 2010 funding level to accommodate federal changes in the monitoring network requirements. Monitoring equipment is purchased by the Department for SHL installation and operation.

Carryover Funds - The Bureau has been working each year since the program's inception to develop a budget that more accurately reflects the amount of funding required to implement the Title V program. The attached budget reflects \$857,000 carried over from the current fiscal year to SFY 2012. The unspent funds are primarily in savings from accrued personnel funds from vacant positions.

Summary – The fee is proposed to remain at \$56.00 per ton. This represents a 0% increase from last year's fee. Total Title V Fund expenditures are proposed to increase by \$322,000 to \$10,263,000. The reported tonnage reflects a 1% increase from the prior year. Total revenue, which includes the emission fee, funds carried forward from the prior year, the projected unspent personnel funds due to vacancies in current fiscal year, and accrued interest, is \$10,263,000.

Wendy Walker, Environmental Specialist Senior
Program Development Section, Air Quality Bureau
Environment Services Division

Memo date: April 25, 2011

Draft Air Quality Bureau
Title V Budget for SFY 2012

Cost Center & Expenditure Category	SFY 2010 Actual	SFY 2011 Budget	Draft SFY 2012	Notes
Title V cost Centers (1430, 3520, 7230, & 7421)				
FTE	63.25	63.25	59.25	Elimination of 4 positions
Personnel	5,289,010	5,482,716	5,584,643	Projected increases due to collective bargaining agreements
Travel in state	4,637	11,500	11,500	
State Vehicle	14,775	15,700	15,700	
Depreciation	20,372	30,900	30,000	
Travel out of state	12,996	13,000	13,000	
Office Supplies	6,104	10,500	10,500	
Facility maintenance supplies	58	1,500	1,500	
Equipment maintenance	6,938	10,000	10,000	
Other supplies	2,324	4,000	4,000	
Printing and binding	1,974	1,550	1,550	
Uniforms	21	2,000	2,000	
Postage	125	4,000	4,000	
Communications	58,391	69,000	69,000	
Rental	88,480	155,400	155,400	
Monitoring Utilities	15,517	42,000	42,000	
Professional Services (Total)	3,134,434	2,964,505	3,023,000	Contracts under negotiation
Linn County local program agreement	[668,518]	[657,869]	[671,000]	Final amounts will be presented at the June EPC meeting
Polk County local program agreement	[574,147]	[618,522]	[634,000]	Final amounts will be presented at the June EPC meeting
Environmental Liaison	[45,559]	[52,000]	[53,000]	
UNI Small Business Assistance agreement	[513,651]	[319,000]	[290,000]	Reflects current scope of work and personnel costs
SHL Agreement	[1,272,737]	[1,287,114]	[1,345,000]	
Attorney General's Office	[30,000]	[30,000]	[30,000]	
Other	[29,823]	[0]	[0]	
Lab Analysis (former EPA lab)	[0]	[0]	[0]	
Field Services/Other	[0]	[0]	[0]	
Outside services (Total)	41,393	52,293	63,500	
Misc.	[650]	[2,500]	[2,500]	
Filter replacement and Misc.	[6,004]	[43,000]	[43,000]	
Temporary Services	[18,959]	[0]	[0]	
Interagency Delivery	[3,175]	[3,000]	[3,000]	
Image Scanning	[12,605]	[3,793]	[15,000]	Estimate of expense to maintain current image content
Advertisement in publications	1,875	3,000	3,000	
Reimbursement to other agencies	7,247	12,200	12,200	
Monitoring Equipment	251,567	100,000	250,000	Restore to SFY 2010 level
Equipment Noninv.	0	3,500	0	
IT Equipment & Software	67,581	144,500	148,000	Change in expenditure tracking. Combined equipment lines.
Other expenses	8,536	10,000	10,000	
Indirect charges	717,056	796,295	798,042	
Total	9,751,409	9,940,058	10,262,535	
Title V				
Total Revenue	10,798,027	10,426,059	10,262,535	
Balance forward	[236,448]	[1,046,618]	[842,207]	Includes last year carry forward and projected unspent personnel funds in current fiscal year
Title V fees	[10,442,732]	[9,297,252]	[9,394,000]	
annual tons (est.)	200,872	166,210	167,750	
\$/ton	52.00	56.00	56.00	
Fund interest	[63,818]	[125,000]	[50,000]	
Under and Over Payments	[55,029]	[-42,812]	[-23,672]	
Total Expenditures	9,751,409	9,940,058	10,262,535	
Legal Services (1430) Total	[130,900]	[138,455]	[144,685]	
Air Title V - I&E (1556) Total	[66,037]	[0]	[0]	
Air Title V - IT (3520) Total	[211,372]	[213,629]	[222,572]	
Air Title V Program (7230) Total	[8,652,088]	[8,878,695]	[9,160,893]	
Air Title V Field Program (7421) Total	[691,012]	[709,280]	[734,385]	
Revenues - Expenditures	1,046,618	486,000	0	

Information listed in blue text and bracketed are subtotals. The bold line above each is the totaled amount.

**Iowa Department of Natural Resources
Environmental Protection Commission**

ITEM

7

Decision

TOPIC

**Adopted and Filed - Amendment to Wastewater Rules Chapter 64 –
Wastewater Construction and Operation Permits**

The attached adopted and filed rule for changes to Chapter 64 “Wastewater Construction and Operation Permits” is being presented to the Environmental Protection Commission for final decision. The rule will allow reissuance of NPDES General Permit No. 5 for Mining and Processing Facilities for a period of five years. General Permit No. 5 authorizes wastewater discharges, excluding separate storm water discharges, from facilities primarily engaged in mining, quarrying, and further processing of dimension stone; crushed and broken limestone; construction sand and gravel; and clay, ceramic, and refractory minerals, not elsewhere classified, except bentonite and magnesite.

The Notice of Intended Action (NOIA) was published in the Iowa Administrative Bulletin on February 9, 2011 as **ARC 9364B**. A public hearing was held in Des Moines and notice of the hearing was sent to various individuals, associations, and organizations, and to statewide news network organizations. Comments were received from two individuals; the comments were not relevant to the rulemaking or the reissuance of the general permit, but concerned water use and water drainage on properties adjacent to mining operations. A responsiveness summary can be obtained from the Department of Natural Resources.

The following is a summary of the final amendments to Chapter 64:

- Revise the transfer of title and owner address change requirements to include transfer of coverage under General Permit No. 5.
- Establish an effective date for the reissue of General Permit #5.
- Revise the NPDES fee schedule to include General Permit No. 5 annual fees.

The rules and General Permit No. 5 will become effective on July 20, 2011.

Charles C. Corell, Chief
Water Quality Bureau
Environmental Services Division
April 25, 2011

ENVIRONMENTAL PROTECTION COMMISSION[567]

Adopted and Filed

Pursuant to the authority of Iowa Code sections 455B.173 and 455B.105(11), the Environmental Protection Commission hereby amends Chapter 64, “Wastewater Construction and Operation Permits,” Iowa Administrative Code.

The purpose of this rule making is to allow reissuance of NPDES General Permit No. 5 for mining and processing facilities for a period of five years. General Permit No. 5 was originally issued July 18, 2001, and expired July 17, 2006.

General Permit No. 5 authorizes discharges to surface waters throughout the state of Iowa of wash water, materials transport water, scrubber water used for air pollution control, water used for dust suppression, mine or quarry dewatering, and non-contact cooling water used for ancillary mining equipment. Facilities covered under the permit are primarily engaged in mining or quarrying dimension stone; crushed and broken limestone; construction sand and gravel; and clay, ceramic, and refractory minerals, not elsewhere classified, except bentonite and magnesite.

The primary pollutants of concern in discharges from mining and quarrying operations are suspended solids and pH; thus the general permit includes limitations for these parameters to ensure protection of water quality. Based on information provided by the mining and quarrying community, sulfate is an additional pollutant of concern. The permit requires every facility seeking coverage under the general permit to submit a sample result for sulfate in its Notice of Intent (NOI). The sulfate sample result will determine whether the discharge from the facility is eligible for coverage under NPDES General Permit No. 5. Any discharge with a sulfate concentration greater than 1,514 mg/L will not be eligible for coverage under the general permit and the facility will be required to apply for an individual NPDES permit.

Discharges to Outstanding Iowa Waters (OIW), Outstanding National Resource Waters (ONRW), and state-owned artificial and natural lakes are not authorized under General Permit No. 5. These discharges that are not authorized and are in addition to discharges already excluded from coverage by the previously issued permit.

The permit requires that new and expanded dischargers use best management practices to reduce the discharge of pollutants. The best management practices include using settled wash water for dust suppression, maximizing settling of suspended solids, recycling materials wash water whenever practical, and using hydraulic dredging whenever practical and affordable (sand and gravel facilities only).

The final amendments were modified from those published in the NOIA to correct the effective date of the permit. The following modification was made to the final amendment:

1. The effective date of the general permit in 64.15(5) was changed from July 18, 2011 to July 20, 2011.

The following modifications were made to General Permit No. 5:

1. Discharges from Miscellaneous Nonmetallic Minerals mining will not be authorized under the permit because discharges of process generated waste water pollutants from mining most nonmetallic minerals are prohibited by federal and state regulations. Nonmetallic minerals are not mined in Iowa.

2. Discharges from mining bentonite and magnesite will not be authorized under the permit because discharge of process generated waste water from mining these materials is prohibited by federal and state regulations. These materials are not mined in Iowa.

3. The deadline for filing a notice of intent was changed from July 17, 2011 to July 19, 2011 to reflect the effective date of the permit (July 20, 2011).

4. The definition of storm water discharge associated with industrial activity was changed to reflect federal and state regulations. Previous regulations considered storm water runoff from construction sites where more than five acres is disturbed to be associated with industrial activity while the current standard is one acre.

The final rule amendments to Chapter 64 that accompany General Permit No. 5 are summarized below.

1. Revise the transfer of title and owner address change requirements to include transfer of coverage under General Permit No. 5.
2. Establish an effective date for the reissue of General Permit No. 5.
3. Revise the NPDES fee schedule to include General Permit No. 5 annual fees.

These amendments are intended to implement Iowa Code sections 455B.173 and 455B.105(11), and will become effective July 20, 2011.

The following amendments are adopted.

ITEM 1. Amend rule 567--64.14(455B) catchwords, as follows:

567--64.14(455B) Transfer of title ~~or~~ and owner or operator address change.

ITEM 2. Adopt the following new subrules 64.14(1) and 64.14(2):

64.14(1) Permits issued under rules 567--64.2(455B), 567--64.3(455B), or 567--64.6(455B), except 64.6(1)"a"(5). If title to any disposal system or part thereof for which a permit has been issued is transferred, the new owners shall be subject to all terms and conditions of the permit. Whenever title to a disposal system or part thereof is changed, the department shall be notified in writing of such change within 30 days of the occurrence. No transfer of the authorization to discharge from the facility represented by the permit shall take place prior to notification of the department of the transfer of title. Whenever the address of the owner is changed, the department shall be notified in writing within 30 days of the address change. Electronic notification is not sufficient; all title transfers and address changes must be reported to the department by mail.

64.14(2) Permits issued under 64.6(1)"a"(5). When the operator of a facility changes, the department must be notified of the transfer within 30 days. When a discharge is covered by the general permit, the operator of record shall be subject to all terms and conditions of the permit. No transfer of the authorization to discharge from the facility represented by the permit shall take place prior to notification of the department of the transfer. Whenever the address of

the operator is changed, the department shall be notified in writing within 30 days of the address change. Electronic notification is not sufficient; all transfers and address changes must be reported to the department by mail.

ITEM 3. Amend subrule 64.15(5) as follows:

64.15(5) “Discharge from Mining and Processing Facilities,” NPDES General Permit No. 5, effective ~~July 18, 2001~~ July 20, 2011.

ITEM 4. Amend subparagraph 64.16(3)”a”(5) as follows:

(5) Discharge from Mining and Processing Facilities, NPDES General Permit No.5.
~~Fees as established in Iowa Code section 455B.197 are to be submitted by August 30 of every year unless a multiyear fee payment was received in an earlier year. New facilities seeking General Permit No. 5 coverage shall submit fees with the Notice of Intent for coverage. Maximum coverage is five years, four years, three years, and one year, respectively. In the event a facility is no longer eligible to be covered under General Permit No. 5, the remainder of the fees previously paid by the facility shall be applied toward its individual permit fees.~~

<u>Annual Permit Fee</u>	<u>\$125 (per year)</u>
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or

<u>Five-year Permit Fee</u>	<u>\$500</u>
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<u>Four-year Permit Fee</u>	<u>\$400</u>
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<u>Three-year Permit Fee</u>	<u>\$300</u>
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New facilities seeking General Permit No. 5 coverage shall submit fees with the Notice of Intent for coverage. Maximum coverage is for five years. Coverage may also be obtained for four years, three years, or one year, as shown in the fee schedule above. Existing facilities shall submit annual fees by August 30 of every year, unless a multiyear fee payment was received in an earlier year. In the event a facility is no longer eligible to be covered under General Permit No. 5, the remainder of the fees previously paid by the facility shall be applied toward its individual permit fees.

Date

Roger L. Lande, Director

(P:64n.doc/mg)



STATE OF IOWA

TERRY E. BRANSTAD, GOVERNOR
KIM REYNOLDS, LT. GOVERNOR

DEPARTMENT OF NATURAL RESOURCES
ROGER L. LANDE, DIRECTOR

IOWA DEPARTMENT OF NATURAL RESOURCES
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
(NPDES)

GENERAL PERMIT NO. 5

EFFECTIVE DATE
JULY 20, 2011 THROUGH JULY 19, 2016

FOR

MINING AND PROCESSING FACILITIES

GENERAL PERMIT #5 – MINING AND PROCESSING

PART I. COVERAGE UNDER THIS PERMIT

A. DISCHARGES COVERED UNDER THIS PERMIT.

This permit authorizes discharge of wash water, materials transport water, scrubber water used for air pollution control, water used for dust suppression, mine or quarry dewatering and non-contact cooling water used for cooling of crusher bearings, drills, saws, dryers, pumps and air compressors from facilities primarily engaged in mining or quarrying of Dimension Stone (SIC 1411); Crushed and Broken Limestone (SIC 1422); Construction Sand and Gravel (SIC 1442); and Clay, Ceramic, and Refractory Minerals, nec (SIC 1459), except bentonite and magnesite; to waters throughout the State of Iowa.

Storm water associated with industrial activity that is discharged into an active mine or quarry, and is mixed with one or more sources of wastewater identified in the preceding paragraph, may be discharged under this permit. Separate storm water discharges, that is, storm water that is not discharged into an active mine or quarry before being discharged to a water of the state must be permitted under General Permits #2 or #3.

B. LIMITATIONS ON COVERAGE.

The following discharges are not authorized by this permit:

- domestic sewage whether treated or untreated.
- non-storm water discharges unless specifically identified in Part I.A. of this permit.
- discharges from open dumps as defined under RCRA.
- the discharge of hazardous substances or oil resulting from an on-site spill.
- water used in air pollution control devices by asphalt and concrete manufacturing facilities.
- any wastewater not generated at the site of the mine or quarry.
- storm water discharges associated with industrial activity defined in Part VI of this permit except those identified in Part I.A. of this permit.
- any new or expanded discharge to Outstanding Iowa Waters (OIW), or any new or expanded

discharge to Outstanding National Resource Waters (ONRW).

- any discharge to a state-owned natural or artificial lake.
- any discharge with a sulfate concentration higher than 1,514 mg/L.
- any discharge that the Department has shown to be or may reasonably be expected to be contributing to a violation of a water quality standard.

C. REQUIRING AN INDIVIDUAL PERMIT.

1. The Department may require any person authorized by this permit to apply for and obtain an individual NPDES permit by notifying the permittee in writing that a permit application is required. This notice shall include a brief statement of the reasons for this decision, an application form, a statement setting a deadline for the operator to file the application, and a statement that on the effective date of the individual NPDES permit, coverage under this general permit shall automatically terminate. If an operator fails to submit an individual NPDES permit application required by the Department under this paragraph, coverage of this general permit automatically is terminated at the end of the day specified for submittal of the individual NPDES application.
2. Any person authorized to discharge under this permit may apply for an individual NPDES permit. In such cases, the discharger shall submit an individual application using DNR Form 1, Form 2, Form 5, and the Supplement - Sulfate and Chloride data in accordance with the requirements of subrule IAC 567--64.3(4).
3.
 - A. When an individual NPDES permit is issued for a discharge authorized under this general permit, the applicability of this general permit is automatically terminated on the effective date of the individual NPDES permit.
 - B. When an individual NPDES permit is denied for a discharge otherwise subject to this general permit, the applicability of this general permit is automatically terminated on the date of such denial, unless otherwise specified by the Department.

GENERAL PERMIT #5 – MINING AND PROCESSING

D. AUTHORIZATION.

Where a mine or quarry is owned by one person but operated by another person, it is the operator's duty to obtain coverage under this permit.

1. An operator must submit a Notice of Intent (NOI) in accordance with the requirements of Part II of this permit to be authorized to discharge under this general permit.
2. Unless notified by the Department to the contrary, operators who submit a Notice of Intent (NOI) in accordance with the requirements of Part II of this permit are authorized to discharge under the terms and conditions of this permit on the date the completed NOI was received by the Department or the date construction or operation is scheduled to begin as provided in the NOI whichever is later. Upon review of the NOI, the Department may deny coverage under this general permit and require submittal of an application for an individual NPDES permit in accordance with Part I.C.1 of this permit.

PART II. NOTICE OF INTENT (NOI) REQUIREMENTS

A. DEADLINES FOR FILING A NOTICE OF INTENT.

1. Existing dischargers who have administratively extended coverage under the general permit that expired July 17, 2006, and who intend to obtain coverage under this general permit shall submit to the Department, the NOI specified in Part II.C. of this permit on or before July 19, 2011.
2. For new dischargers the NOI specified in Part II.C. of this permit shall be submitted to the Department at least 30 days prior to the commencement of discharge.
3. Existing dischargers who have coverage under an individual NPDES permit may apply for coverage under the general permit upon expiration of the individual permit and by filing a NOI in accordance with IAC 64.3(4)b.

B. FAILURE TO NOTIFY. Dischargers who fail to submit either an NOI to be covered by this general permit or an application for an individual permit, and nonetheless discharge pollutants to a water of the United States within the State of Iowa, are in violation of the Clean Water Act and the Code of Iowa.

C. CONTENTS OF THE NOTICE OF INTENT. A complete NOI shall include the following:

A completed Notice of Intent (NOI) form, DNR Form 542-4006, signed in accordance with Standard Condition #12 of this permit. The information on the form shall include the following:

A. Name, street address, and location of the site for which this notification is submitted. The location must be provided as the 1/4 section, section, township, and range, the latitude and longitude, and the county in which the discharge is located.

B. The owner's name, address and telephone number.

C. The name, address and telephone number of any operator (contractor).

D. The type of discharge (new or existing); whether or not the discharge is to a municipal separate storm sewer system; for new discharges the date the discharge is to commence; the number of discharge points; what the discharge includes (quarry dewatering, materials wash water, non-contact cooling water, air scrubber water), and the name of the receiving waters.

E. A statement whether any existing quantitative data collected within three years prior to the effective date of this permit is available describing the concentration of pollutants in discharges.

F. The results of analysis of at least one representative sample of the discharge from each outfall for sulfate. If a discharge is not occurring at the time of completing the NOI, a sample result for sulfate shall be submitted within sixty (60) days following the next discharge.

GENERAL PERMIT #5 – MINING AND PROCESSING

G. The applicable fees specified in Iowa Administrative Code 567—64.16(455B).

- D. **WHERE TO SUBMIT.** A complete Notice of Intent must be submitted to the Department at the following address:

NPDES Section
Iowa Department of Natural Resources
Environmental Services Division
502 E. 9th Street
Des Moines, IA 50319-0034

- E. **CONTINUING COVERAGE.** Any authorization to discharge under this permit is valid only through the permit expiration date. Coverage under this permit remains in effect beyond the expiration date only if the permittee:

1. Has filed a complete Notice of Intent to be covered by a reissued or renewed general permit prior to the expiration of this permit; or,
2. Has filed a complete application for an individual NPDES permit in accordance with Iowa Administrative Code 567--64.3(4).

This continuing coverage remains in effect only until the department takes final action on the NOI or individual permit application. If this general permit is not reissued, the department will notify each discharger covered by this permit to apply for an individual NPDES permit according to the procedures identified in Iowa Administrative Code 567--64.3(4) and Part I.C.1 of this permit.

- F. **TRANSFER OF COVERAGE UNDER THIS PERMIT.** See Standard Condition #8.

- G. **NOTICE OF DISCONTINUATION.**

1. Within 30 days prior to or after elimination of the wastewater discharge, the operator or owner of the facility shall submit a Notice of Discontinuation (DNR Form 542-8038) to the Department.
2. The Notice of Discontinuation shall contain the following information:

A. the name of the owner/operator to which the permit was issued;

B. the general permit number and permit authorization number;

C. the date the discharge was eliminated.

D. a signed certification in accordance with the requirements in the general permit.

PART III. NUMERIC EFFLUENT LIMITATIONS

Any discharge authorized by this permit shall not exceed a maximum concentration for any day of 45 mg/l or a 30 day average of 30 mg/l Total Suspended Solids (TSS) nor shall the pH of the discharge be less than 6.5 or greater than 9.0. Dischargers subject to these numeric effluent limitations must be in compliance with these limits upon commencement of coverage and for the entire term of this permit.

PART IV. MONITORING AND REPORTING REQUIREMENTS

A. **Monitoring Requirements.** The following monitoring is required for facilities subject to the effluent limitations specified in Part III of this permit. Where there are multiple discharge points each discharge shall be monitored according to the following:

For discharges resulting from quarry dewatering a representative sample shall be collected at least annually and shall be analyzed for total suspended solids and pH.

For discharges resulting from washing of material or a combination of wash water and quarry dewatering the discharge shall be sampled at least monthly for each month during which a discharge that contains wash water occurs and shall be analyzed for total suspended solids and pH.

A discharge is considered to contain wash water whenever there is a wash plant operating at the facility and for one calendar month after the wash plant ceases operation.

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B. Reporting. Permittees required to monitor are also required to submit signed copies of discharge monitoring results on DNR Form 542-8035 by January 15th each year for the previous calendar year. Annual monitoring reports for discharges resulting from washing of material or a combination of wash water and quarry dewatering shall include a monthly sampling result from each month a discharge occurred.

C. Additional Notification. Facilities with at least one discharge through a large or medium municipal separate storm sewer system (systems serving a population of 100,000 or more) must submit signed copies of discharge monitoring reports or results to the operator of the municipal separate storm sewer system upon request.

D. Retention of Records. See Standard Condition #16.

PART V. BEST MANAGEMENT PRACTICES FOR NEW AND EXPANDED DISCHARGERS

All new and expanded dischargers must provide settling and pH adjustment sufficient to comply with the numeric effluent limitations in Part III of this permit and, in addition, shall use best management practices which will reduce the discharge of pollutants including the following:

- use settled wash water and/or quarry water for dust suppression when dust suppression is necessary.
- locate, design and operate quarry sumps, settling ponds and pumping equipment to maximize the settling of suspended solids prior to discharge.

New and expanded dischargers shall also implement other best management practices determined to be practical, cost effective and economically efficient including but not limited to the following:

- implement recycling of water used for materials washing and classifying whenever it is practical.
- use hydraulic dredging whenever practical and affordable (applicable only to sand and gravel facilities).

PART VI. DEFINITIONS

"**Bypass**" means the intentional diversion of waste streams from any portion of a treatment facility.

"**CWA**" or "**Clean Water Act**" means the Federal Water Pollution Control Act.

"**Department**" means the Iowa Department of Natural Resources.

"**Existing discharge**" means a wastewater discharge from a mine or quarry that commenced prior to the issuance date of this permit.

"**Expanded discharge**" means a wastewater discharge from a mine or quarry from which: (i) any material was extracted prior to the issuance of this permit; and, (ii) new activities will be conducted that will result in a new or increased discharge of pollutants; or, the point of discharge is moved to a new location on the same stream. For example, a wash plant is set-up on the site for the first time. An increase in the areal extent of a mine or quarry at an existing site as a result of normal mining does not constitute an expanded discharge for purposes of this permit.

"**Facility or activity**" means any NPDES "point source" or any other facility or activity (including land or appurtenances thereto) that is subject to regulation under the NPDES program.

"**Hazardous substance**" means any substance or mixture of substances that presents a danger to the public health or safety and includes, but is not limited to, a substance that is toxic, corrosive, or flammable, or that is an irritant or that, in confinement, generates pressure through decomposition, heat, or other means. The following are examples of substances which, in sufficient quantity may be hazardous: acids; alkalis; explosives; fertilizers; heavy metals such as chromium, arsenic, mercury, lead and cadmium; industrial chemicals; paint thinners; paints; pesticides; petroleum products; poisons, radioactive materials; sludges; and organic solvents. "Hazardous substances" may include any hazardous waste identified or listed by the administrator of the United States Environmental Protection Agency under the Solid Waste Disposal Act as amended by the Resource Conservation and Recovery Act of 1976, or any toxic pollutant listed under section 307 of the federal Water Pollution Control Act as amended to January 1, 1977, or any hazardous substance designated under section 311 of the federal Water

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Pollution Control Act as amended to January 1, 1977, or any hazardous material designated by the secretary of transportation under the Hazardous Materials Transportation Act (49 CFR 172.101). 455B.381(1), 1991 Code of Iowa

"Large and Medium municipal separate storm sewer system" means all municipal separate storm sewers that are either:

(i) located in an incorporated place with a population of 100,000 or more as determined by the latest Decennial Census by the Bureau of Census; or

(ii) located in the counties with unincorporated urbanized populations of 100,000 or more, except municipal separate storm sewers that are located in the incorporated places, townships or towns within such counties; or

(iii) owned or operated by a municipality other than those described in paragraph (i) or (ii) and that are designated by the Department as part of the large or medium municipal separate storm sewer system.

"Municipality" means a city, town, borough, county, parish, district, association, or other public body created by or under State law.

"New discharge" means a mine or quarry the construction of which is commenced after the issuance date of this permit and from which there is or will be a new, altered or increased discharge of pollutants. A new discharge also includes a mine or quarry the construction of which commenced prior to issuance of this permit where there will be a discharge into a stream or a stream segment not previously affected by a wastewater discharge from the mine or quarry. Construction will be deemed to have commenced beginning with the start of removing overburden.

"Owner or operator" means the owner or operator of any "facility or activity" subject to regulation under the NPDES program.

"Storm water" means storm water runoff, snow melt runoff, and surface runoff and drainage.

"Storm water discharge associated with industrial activity" means the discharge from any conveyance which is used for collecting and conveying storm water and which is directly related to manufacturing,

processing or raw materials storage areas at an industrial plant. The term does not include discharges from facilities or activities excluded from the NPDES program under 40 CFR Part 122. The term includes, but is not limited to, storm water discharges from industrial plant yards; immediate access roads and rail lines used or traveled by carriers of raw materials, manufactured products, waste material, or by-products used or created by the facility; material handling sites; refuse sites; sites used for the application or disposal of process waste waters (as defined at 40 CFR part 401); sites used for the storage and maintenance of material handling equipment; sites used for residual treatment, storage, or disposal; shipping and receiving areas; manufacturing buildings; storage areas (including tank farms) for raw materials, and intermediate and finished products; and areas where industrial activity has taken place in the past and significant materials remain and are exposed to storm water. Material handling activities include the storage, loading and unloading, transportation, or conveyance of any raw material, intermediate product, finished product, by-product, or waste product. The term excludes areas located on plant lands separate from the plant's industrial activities, such as office buildings and accompanying parking lots as long as the drainage from the excluded areas is not mixed with storm water drained from the above described areas. Industrial facilities (including industrial facilities that are Federally, State, or municipally owned or operated that meet the description of the facilities listed in the following paragraphs (i)-(xi) of this definition) include those facilities designated under 40 CFR 122.26(a)(1)(v). The following categories of facilities are considered to be engaging in "industrial activity" for purposes of this definition;

(i) Facilities subject to storm water effluent limitations guidelines, new source performance standards, or toxic pollutant effluent standards under 40 CFR Subchapter N (except facilities with toxic pollutant effluent standards which are exempted under category (xi) of this definition);

(ii) Facilities classified as Standard Industrial Classifications 24 (except 2434), 26 (except 265 and 267), 28 (except 283 and 285), 29, 311, 32 (except 323), 33, 3441, 373;

(iii) Facilities classified as Standard Industrial Classifications 10 through 14 (mineral industry)

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including active or inactive mining operations (except for areas of coal mining operations no longer meeting the definition of a reclamation area under 40 CFR 434.11(1) because the performance bond issued to the facility by the appropriate SMCRA authority has been released, or except for areas of non-coal mining operations which have been released from applicable State or Federal reclamation requirements after December 17, 1990) and oil and gas exploration, production, processing, or treatment operations, or transmission facilities that discharge storm water contaminated by contact with or that has come into contact with, any overburden, raw material, intermediate products, finished products, byproducts or waste products located on the site of such operations; (inactive mining operations are mining sites that are not being actively mined, but which have an identifiable owner/operator; inactive mining sites do not include sites where mining claims are being maintained prior to disturbances associated with the extraction, beneficiation, or processing of mined materials, nor sites where minimal activities are undertaken for the sole purpose of maintaining a mining claim);

(iv) Hazardous waste treatment, storage, or disposal facilities, including those that are operating under interim status or a permit under Subtitle C of RCRA;

(v) Landfills, land application sites, and open dumps that receive or have received any industrial wastes (waste that is received from any of the facilities described under this subsection) including those that are subject to regulation under Subtitle D of RCRA;

(vi) Facilities involved in the recycling of materials, including metal scrap yards, battery reclaimers, salvage yards, and automobile junkyards, including but limited to those classified as Standard Industrial Classification 5015 and 5093;

(vii) Steam electric power generating facilities, including coal handling sites;

(viii) Transportation facilities classified as Standard Industrial Classifications 40, 41, 42 (except 4221-4225), 43, 44, 45 and 5171 which have vehicle maintenance shops, equipment cleaning operations, or airport deicing operations. Only those portions of the

facility that are either involved in vehicle maintenance (including vehicle rehabilitation, mechanical repairs, painting, fueling, and lubrication), equipment cleaning operations, airport deicing operations, or which are otherwise identified under paragraphs (i)-(vii) or (ix)-(xi) of this definition are associated with industrial activity;

(ix) Treatment works treating domestic sewage or any other sewage sludge or wastewater treatment device or system, used in the storage treatment, recycling, and reclamation of municipal or domestic sewage, including land dedicated to the disposal of sewage sludge that are located within the confines of the facility, with a design flow of 1.0 mgd or more, or required to have an approved pretreatment program under 40 CFR 403. Not included are farm lands, domestic gardens or lands used for sludge management where sludge is beneficially reused and which are not physically located in the confines of the facility, or areas that are in compliance with 40 CFR 503;

(x) Construction activity including clearing, grading and excavation activities except operations that result in the disturbance of less than one acre of total land. Construction activity also includes the disturbance of less than one acre of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb one acre or more;

(xi) Facilities under Standard Industrial Classifications 20, 21, 22, 23, 2434, 25, 265, 267, 27, 283, 285, 30, 31 (except 311), 323, 34 (except 3441), 35, 36, 37 (except 373), 38, 39 and 4221-4225.

1. ADMINISTRATIVE RULES

Rules of this Department that govern the operation of your facility in connection with this permit are published in Part 567 of the Iowa Administrative Code (IAC) in Chapters 60-65, 67 and 121. Reference to the term "rule" in this permit means the designated provision of Part 567 of the IAC.

2. DEFINITIONS

- (a) 7 day average means the sum of the total daily discharges by mass, volume or concentration during a 7 consecutive day period, divided by the total number of days during the period that measurements were made. Four 7 consecutive day periods shall be used each month to calculate the 7-day average. The first 7-day period shall begin with the first day of the month.
- (b) 30 day average means the sum of the total daily discharges by mass, volume or concentration during a calendar month, divided by the total number of days during the month that measurements were made.
- (c) daily maximum means the total discharge by mass, volume or concentration during a twenty-four hour period.

3. DUTY TO COMPLY

You must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Clean Water Act and is grounds for enforcement action; termination of coverage under this permit, or denial of coverage under a reissued general permit. Authorization to discharge under this permit does not relieve you of the responsibility to comply with all local, state and federal laws, ordinances, regulations or other legal requirements applying to the operation of your facility.

{See 40 CFR 122.41(a) and 567 IAC 64.7(4)“e”}

4. DUTY TO REAPPLY

If you wish to continue to discharge after the expiration date of this permit, you must file a complete Notice of Intent prior to the expiration date of this permit.

{See 567 IAC 64.8(1)}

5. NEED TO HALT OR REDUCE ACTIVITY

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

{See 40 CFR 122.41(c) and 567 IAC 64.7(5)“j”}

6. DUTY TO MITIGATE

You shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

{See 40 CFR 122.41(d) and 567 IAC 64.7(5)“i”}

7. PROPERTY RIGHTS

This permit does not convey any property rights of any sort or any exclusive privilege. *{See 567 IAC 64.4(3)“b”}*

8. TRANSFER OF COVERAGE UNDER THE PERMIT

Where the operator of the facility changes, the Department must be notified of the transfer within 30 days. If a discharge is covered by this general permit, the operator of record shall be subject to all terms and conditions of this general permit. The Director shall be notified in writing within 30 days of the transfer. No transfer of the authorization to discharge from the facility represented by the permit shall take place prior to notifying the department of the transfer. Whenever the address of the operator is changed, the department shall be notified in writing within 30 days of the address change. Electronic notification is not sufficient; all transfers or address changes must be reported to the department by mail.
{See 567 IAC 64.14}

9. PROPER OPERATION AND MAINTENANCE

All facilities and control systems shall be operated as efficiently as possible and maintained in good working order. A sufficient number of staff, adequately trained and knowledgeable in the operation of your facility shall be retained at all times and adequate laboratory controls and appropriate quality assurance procedures shall be provided to maintain compliance with the conditions of this permit.

{See 40 CFR 122.41(e) and 567 IAC 64.7(5)“f”}

10. DUTY TO PROVIDE INFORMATION

You must furnish to the Director, within a reasonable time, any information the Director may request to determine compliance with this permit or determine whether cause exists for terminating coverage under this permit, in accordance with 567 IAC 64.3(11)(c). You must also furnish to the Director, upon request, copies of any records required to be kept by this permit.

11. PERMIT MODIFICATION, SUSPENSION OR REVOCATION

(a) Coverage under this permit may be revoked for cause including but not limited to those specified in 567 IAC 64.3(11).

(c) If a toxic pollutant is present in your discharge and more stringent standards for toxic pollutants are established under Section 307(a) of the Clean Water Act, this permit will be modified in accordance with the new standards.

{See 40 CFR 122.62(a)(6) and 567 IAC 64.7(5)“g”}

The filing of a notification of anticipated noncompliance does not stay any permit condition.

12. SIGNATORY REQUIREMENTS

Applications, reports or other information submitted to the Department in connection with this permit must be signed and certified as required by 567 IAC 64.3(8).

13. TWENTY-FOUR HOUR REPORTING

You shall report any noncompliance that may endanger human health or the environment, including, but not limited to, violations of maximum daily limits for any toxic pollutant (listed as toxic under 307(a)(1) of the Clean Water Act) or hazardous substance (as designated in 40 CFR Part 116

pursuant to 311 of the Clean Water Act). Information shall be provided orally within 24 hours from the time you become aware of the circumstances. A written submission that includes a description of noncompliance and its cause; the period of noncompliance including exact dates and times, whether the noncompliance has been corrected or the anticipated time it is expected to continue; and the steps taken or planned to reduce, eliminate, and prevent a reoccurrence of the noncompliance must be provided within 5 days of the occurrence. *{See 567 IAC 63.12}*

14. OTHER NONCOMPLIANCE

You shall report all instances of noncompliance not reported under Condition #13 at the time monitoring reports are submitted. You shall give advance notice to the appropriate regional field office of the department of any planned activity which may result in noncompliance with permit requirements.

{See 567 IAC 63.14}

15. EFFECT OF A PERMIT

Compliance with a permit during its term constitutes compliance, for purposes of enforcement, with Sections 301, 302, 306, 307, 318, 403 and 405(a)-(b) of the Clean Water Act, and equivalent limitations and standards set out in 567 IAC Chapters 61 and 62. *{See 567 IAC 64.4(3)“a”}*

16. RECORDS OF OPERATION

(a) Retention of records. You shall retain a copy of the records of all monitoring information, copies of all reports required by this permit, and records of all data for the duration of the permit or for a period of at least three years from the date of the measurement, report, inspection, etc. This retention period shall be automatically extended during the course of an unresolved litigation. Records include but are not limited to all paper and electronic records of monitoring activities and results including all original strip chart recordings for continuous monitoring instrumentation and calibration and maintenance records. You shall make such records available to the department upon request. *{See 567 IAC 63.2(3)}*

(b) Any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$10,000 or by imprisonment for not more than two years, or both. *{See 40 CFR 122.41(j)(5)}*

17. USE OF CERTIFIED LABORATORIES

Analyses of wastewater that are required to be submitted to the department as a result of this permit must be performed by a laboratory certified by the State of Iowa. Routine, on-site monitoring for pH, temperature, dissolved oxygen, total residual chlorine and other pollutants that must be analyzed immediately upon sample collection, settleable solids, physical measurements, and operational monitoring tests specified in 567 IAC 63.3(4) are excluded from this requirement.

18. INSPECTION OF PREMISES, RECORDS, EQUIPMENT, METHODS AND DISCHARGES

You are required to permit authorized personnel to:

- (a) Enter upon the premises where a regulated facility or activity is located or conducted or where records are kept under conditions of this permit.
- (b) Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit.
- (c) Inspect, at reasonable times, any facilities, equipment, practices or operations regulated or required under this permit.
- (d) Sample or monitor, at reasonable times, to assure compliance or as otherwise authorized by the Clean Water Act.

19. FAILURE TO SUBMIT FEES

Authorization to discharge under this permit may be revoked, if the required permit fees are not submitted within thirty (30) days of the date of notification that such fees are due.

{See 567 IAC 64.16(1)}

20. OTHER INFORMATION

Where you become aware that you failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application, you must promptly submit such facts or information. Where you become aware that you failed to submit any relevant facts in the submission of in any report to the director, including records of operation, you shall promptly submit such facts or information.

{See 567 IAC 60.4(2)“a” and 567 IAC 63.7}

21. NOTICE OF CHANGED CONDITIONS

You are required to notify the director of any changes in existing conditions or information on which this permit is based. This includes, but is not limited to, the following:

- (a) If your facility is a publicly owned treatment works (POTW) or otherwise may accept waste for treatment from an indirect discharger or industrial contributor (see 567 IAC 64.3(5) for further notice requirements).
- (b) If your facility is a POTW and there is any substantial change in the volume or character of pollutants being introduced to the POTW by a source introducing pollutants into the POTW at the time of issuance of the permit. *{See 40 CFR 122.42(b)}*
- (c) As soon as you know or have reason to believe that any activity has occurred or will occur which would result in the discharge of any toxic pollutant which is not limited in this permit. *{See 40 CFR 122.42(a)}*
- (d) If you have begun or will begin to use or manufacture as an intermediate or final product or byproduct any toxic pollutant which was not reported in the permit application.
- (e) No construction activity that will result in disturbance of one acre or more shall be initiated without first obtaining coverage under NPDES General Permit No. 2 for “Storm water discharge associated with construction activity”.

22. BYPASSES

- (a) Definition – “Bypass” means the diversion of waste streams from any portion of a treatment facility or collection system. A bypass does not include internal operational waste stream diversions that are part of the design of the treatment facility, maintenance diversions where redundancy is provided, diversions of wastewater from one point in a collection system to another point in a collection system, or wastewater backups into buildings that are caused in the building lateral or private sewer line.
 - (b) Prohibitions
 - i. Bypasses from any portion of a treatment facility or from a sanitary sewer collection system designed to carry only sewage are prohibited.
 - ii. Bypass is prohibited and the department may not assess a civil penalty against a permittee for bypass if the permittee has complied with all of the following:
 - (1) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage; and
 - (2) There were no feasible alternatives to the bypass such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
 - (3) The permittee submitted notices as required by paragraph “d” of this section.
 - (c) The Director may approve an anticipated bypass after considering its adverse effects if the Director determines that it will meet the three conditions listed above and a request for bypass has been submitted to the Department in accordance with 567 IAC 63.6(2).
 - (d) Reporting bypasses. Bypasses shall be reported in accordance with 567 IAC 63.6.
- (b) Effect of an upset. An upset constitutes an affirmative defense in an action brought for noncompliance with such technology based permit effluent limitations if the requirements of paragraph “c” of this condition are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.
 - (c) Conditions necessary for demonstration of an upset. A permittee who wishes to establish the affirmative defense of upset shall demonstrate through properly signed operating logs or other relevant evidence that:
 - (i) An upset occurred and that the permittee can identify the cause(s) of the upset;
 - (ii) The permitted facility was at the time being properly operated;
 - (iii) The permittee submitted notice of the upset to the Department in accordance with 567 IAC 63.6(3); and
 - (iv) The permittee complied with any remedial measures required in accordance with 567 IAC 63.6(6).
 - (d) Burden of Proof. In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.

24. SEVERABILITY

The provisions of this permit are severable and if any provision or application of any provision to any circumstance is found to be invalid by this department or a court of law, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected by such finding.

25. RESPONSIBLE PERSON

An operator authorized to discharge under this general permit is responsible for compliance with all terms and conditions of this permit including but not limited to all discharges caused by or resulting from activities by leaseholders, contractors and subcontractors.

23. UPSET PROVISION

- (a) Definition - “Upset” means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

**Iowa Department of Natural Resources
Environmental Protection Commission**

ITEM

8

DECISION

TOPIC

Contract – Keep Iowa Beautiful – Beautification Grant Program

Recommendation:

The Department requests Commission approval of a contract not to exceed \$200,000 with Keep Iowa Beautiful for Fiscal Year 2012. The contract is for administration of the Beautification Grant Program, as required by Iowa Code.

Funding Source:

This project is funded by a statutory appropriation from the Solid Waste Alternatives Program (SWAP). The source of funding for SWAP is a portion of the state solid waste tonnage fee.

Background:

Iowa Code 455E.11.2.a(1)(a) specifies that for each year beginning July 1, 2010, and ending June 30, 2014 the Department is directed to award a beautification grant of not more than \$200,000 on an annual basis to one organization that meets specific criteria laid out in Code.

The Department accepted applications until April 1, 2011. One application was received, submitted by Keep Iowa Beautiful (KIB). It was determined that KIB met all legislative specified eligibility criteria and is being recommended for the grant award. KIB is also the program administrator for the current fiscal year.

Purpose:

The purpose of this contract is to accomplish the following:

- Administration of the Beautification Grant Program;
- Implement public education and awareness initiatives designed to reduce litter and illegal dumping, support community beautification service learning projects, community clean-up and beautification projects, illegal dumping surveillance projects (not to exceed \$100,000); and
- Administer a small grant program for community beautification projects including the renovation, deconstruction, or removal of derelict buildings in communities with a population of <5,000 or less (not to exceed \$100,000).

Outcomes resulting from successful implementation of Beautification Grant Program projects include improved aesthetics and living conditions in Iowa communities, improved property values, instilling natural resource stewardship, reduced litter and illegal dumping, rehabilitation of dilapidated buildings and removal of derelict buildings.

Award Selection Process:

KIB was selected as the grant recipient based on review of their proposal and their ability to meet the following eligibility criteria:

- Assists communities and organizations in cleanup and beautification projects;
- Conducts research to assist in the understanding of reasons for littering and illegal dumping;
- Administers antilittering and beautification education programs; and
- Increases public awareness of the cost of littering.

Statement of Work:

The agreement's Statement of Work is attached.

Jennifer Wright
Supervisor, Financial & Business Assistance Section
Land Quality Bureau
Environmental Services Division

April 22, 2011

Beautification Grant Program

STATEMENT OF WORK

Objective:

The Department's stated objective is to financially support the administration and delivery of the Beautification Grant Program to promote public education and awareness for the purpose of reducing illegal dumping and littering. It is also the objective of this Program to provide small grants to selected communities, with a population of 5,000 or less, for the purposes of supporting community beautification projects including the renovation, deconstruction, or removal of derelict buildings.

Deliverables:

KIB deliverables shall be split into two basic activities, Public Education and Awareness and Community Partnership Grants. Grant funds shall be equally divided between these two stated activities (\$100,000 each). IDNR will allow KIB some flexibility in specific project activities as listed below with prior approval. Project concepts for both activity types are provided below.

Public Education and Awareness

1. K-2 Clean and Green Initiative: Pilot project with the Davenport School System to educate younger school children on issues related to littering.
 - o Pilot project developed and implemented in the Davenport School System
 - o Initiate implementation at least five (5) additional partners that may include AEAs, PTAs, and Character Counts organizations.
 - o Provide the IDNR with materials developed in support of the K-2 Clean and Green Initiative.
2. Partner with the University of Northern Iowa in funding and delivery of the Environmental Issues Instruction program for Iowa teachers with a special focus on service learning and community enhancement.
 - o Implement a grant program for Service Learning Project local program implementation available to teachers that have completed Environmental Issues Instruction.
 - o Market and promote the service learning concept to public and private school systems throughout Iowa. Report on the number of schools reached and provide copies of marketing and promotion materials to the IDNR.
3. Illegal dumping surveillance program grants to local authorities on a 50% cost share basis.
 - o Develop and implement at least 3 electronic illegal dumping surveillance projects.
 - o Provide IDNR a summary report of grant projects awarded and outcomes of surveillance projects implemented.
 - o Provide promotional activities of this grant opportunity designed to secure future projects.

Community Partnership Grants – communities of 5,000 populations or less

1. Provide small grants (up to \$5,000 per award) to assist with community beautification projects (i.e. landscaping, fix-up and paint-up efforts).
 - a. Provide IDNR with a summary of grant program results including but not limited to:
 - i. Promotion
 - ii. Grant applications received

- iii. Grants awarded
 - iv. Community beautification project results
- 2. Provide grants to communities for deconstruction, renovation or removal of derelict buildings, asbestos abatement and removal.
 - a. Provide IDNR with a summary of grant program results including but not limited to:
 - i. Promotion
 - ii. Grant applications received
 - iii. Grants awarded
 - iv. Deconstruction/renovation/removal/asbestos abatement project results
- 3. For the following programs provide IDNR with a summary report of activities including promotion, implementation, and outcomes of implemented projects. Included in the report should be identifying the number of projects desired at the beginning of Period of Performance and the number of projects actually implemented. KIB programs include:
 - a. Litter Prevention / Education
 - b. Litter Clean-up events with a focus on education, public awareness and future prevention.
 - c. Recycling Promotion / Education.
 - d. Recycling Implementation (equipment, promotion, and marketing).
 - e. Public nuisance abatement (i.e. refuse, weeds, unsafe or unsightly structures).
 - f. Community enhancement (i.e. signage improvements, entryway development, streetscape development).

Duties of KIB:

KIB shall:

1. Develop, arrange, coordinate, and implement deliverables for the successful delivery of the Beautification Grant Program as set out herein.
2. Provide to the Department a report summarizing all activities and expenditures of the grant program no later than July 31, 2012.
3. Provide to the Department necessary documentation and form(s), appropriately completed for reimbursement.
4. Community Partnership grants to be awarded under the Beautification Grant Program shall be selected by a committee of not less than six (6) persons including representation by at least one person from the IDNR, Land Quality Bureau.
5. Enter into a contractual agreement with communities receiving community partnership grants. Contractual agreements shall outline conditions of receiving funding, reporting, and other requirements necessary to provide administrative oversight of community grantees and accountability of expenditure of program funds. Community agreements shall also include a hold harmless clause as it relates to the IDNR and its officers and employees.
6. Communities receiving Community Partnership grants shall be in compliance with applicable statutes and regulations of the state of Iowa at the time of award.

Iowa Department of Natural Resources
Environmental Protection Commission

ITEM

9

DECISION

TOPIC

Contract – Regional Collection Center Establishment Grant

Recommendation:

The Department received an application requesting \$134,695 in financial assistance through the Regional Collection Center Establishment Grant Program. After reviewing the application and subsequent requested information, the department requests Commission approval of a contract with Northern Plains Regional Landfill for the total amount of \$134,695.

Funding Source:

This Regional Collection Center Establishment Grant contract will be funded pursuant to the Groundwater Protection Fund (455E.11).

Background:

Iowa code requires the Department to establish facilities for the proper management and disposal of Household Hazardous Materials for both urban and rural populations. Regional Collection Centers are permanent facilities that provide household hazardous waste management education and on-going access to proper disposal of household hazardous materials generated by conditionally exempt small quantity generator (CESQG) businesses, urban and rural households, and farming operations. Household hazardous materials (HHMs) possess any or all of the following characteristics: toxic, corrosive, flammable or reactive.

A total of 4,830,045 pounds of waste was accepted, processed, recycled and disposed of through the RCC Program in FY 2010. These materials represent some of the most toxic materials in the solid waste stream and are being prevented from mixing with incompatible materials and entering Iowa's landfills.

The total number of counties offering hazardous materials education and disposal to households and conditionally exempt small quantity business generators through the Regional Collection Center program will increase to ninety one (91) counties statewide with the implementation of this additional project.

Purpose:

Three additional counties will be provided household hazardous materials education and new opportunities for on-going safe and proper disposal of hazardous materials generated by households, farming operations and eligible small businesses.

At this time, the Department is requesting Commission approval to enter into a contract with the Northern Plains Regional Landfill to establish a Regional Collection Center serving Clay, Emmet and Palo Alto Counties.

Jennifer Wright
Supervisor, Financial & Business Assistance Section
Land Quality Bureau
Environmental Services Division

April 22, 2011

REGIONAL COLLECTION CENTER ESTABLISHMENT PROGRAM

Following is a brief description of the RCC establishment grant application recommended for funding.

Applicant: Northern Plains Regional Landfill
418 2nd Ave West
Spencer, Iowa 51301

Award Amount: \$134,695
Cost Share Amount: \$ 23,750

Contact: Craig Poulsen (712) 580-7200

Description: This application will establish a main regional collection center providing proper disposal opportunities and HHM education for Emmet and Palo Alto Counties, the City of Spencer and the unincorporated areas of Clay County. The facility will serve approximately 18,000 households and 150 conditionally exempt small quantity generator businesses. In addition to on-going access to the main RCC located in the City of Spencer, mobile collection events will be held in Clay, Palo Alto, and Emmet each year to facilitate convenience for all residents. Funding is requested for facility construction and site prep, hazardous materials storage unit, mobile collection truck and trailer, equipment, supplies, and educational materials.

**Environmental Protection Commission
Iowa Department of Natural Resources**

ITEM

10

DECISION

TOPIC

**Contract – University of Iowa State Hygienic Laboratory for
Environmental Monitoring & Laboratory Services contract**

Recommendations:

Commission approval is requested for a 1 year-service contract with the University of Iowa Hygienic Laboratory of Iowa City, Iowa. The contract will begin on July 1, 2011 and terminate on June 30, 2012. The total amount of this contract shall not exceed \$159,506. DNR shall have the option to renew this contract long as this contract and any extensions do not exceed a six-year period.

Funding Source:

This contract will be funded through 455B.103(3)/U.S. EPA Performance Partnership Grant.

Background:

This contract aids the Director of the Iowa Department of Natural Resources in determining the quality of the environment of the State of Iowa by providing field and laboratory services in support of environmental control programs and summarizing and reporting environmental quality data. Pursuant to this contract, the Contractor will collect samples, perform laboratory analyses and report results consistent with US EPA standards related to environmental compliance programs, including drinking water, emergency spills and hazardous conditions, human and livestock waste treatment/disposal, solid waste identification and disposal, and industrial/commercial processes resulting in air, water or land discharges.

Purpose:

The parties propose to enter into this Contract for the purpose of retaining the Contractor to provide: professional laboratory monitoring, analytical and reporting services including sample collection, analysis and reporting consistent with US EPA standards, and Contractor will provide, upon request, training in sample collection/handling procedures and related protocols to IDNR ESD Field Services Bureau environmental field staff.

Contractor Selection Process:

The University of Iowa Hygienic Laboratory, pursuant to 455.B.103(3).

Barbara Lynch
Bureau Chief
Field Services & Compliance Bureau, Environmental Services Division
April 20, 2010

**Iowa Department of Natural Resources and
The State Hygienic Laboratory at The University of Iowa**

**Environmental Monitoring & Laboratory Services
Contract Statement of Work**

Section 5 STATEMENT OF WORK

5.1 Statement of Work. Contractor shall perform the following tasks. Contractor shall complete its obligations under this Contract by the Task Milestone Dates set out in the following table.

Obligation	Task Milestone Date
<p>Task 1: Perform sampling, analysis, and reporting during the Department’s wastewater treatment facility compliance sampling inspection (sample code 03WQCSI) Description:</p> <p>Part 1. Develop a proposed quarterly sampling schedule within fifteen (15) calendar days of receipt of the following information, provided quarterly, at least one month prior to the beginning of the new quarter, by Barbara Lynch, Chief of the Compliance and Enforcement Bureau: the facilities, the location of the sampling sites, the types of samples to be collected and the analyses required. Provide proposed schedule to the Department when completed</p> <ul style="list-style-type: none"> a) Collect and analyze a maximum of two hundred (200) 24-hour influent and effluent composite samples from thirty (30) wastewater treatment facilities during compliance sampling inspections. b) Flow-weighted composite samples shall be collected during the compliance sampling. SHL shall offer a split of all samples to the treatment facility. SHL shall analyze the samples for regulated pollutants, selected parameters having water quality standards, and other characteristic pollutants as specified each quarter. We estimate that approximately 50% of the requested sample analyses shall include uninhibited BOD5. Twenty-four (24-hour) flow measurements shall be obtained for the day of sampling. Guidance shall be given by the field office on the locations for taking flow, dissolved oxygen and other measurements. Sample collection, storage, preservation, transportation and chain-of-custody shall conform to the procedures specified in the U.S. EPA NPDES Compliance Sampling Manual. c) Check the accuracy, as facility configuration allows, of installed flow measuring devices within each facility. The results of this evaluation shall be noted on the sampling results sheet. d) Code samples collected for the activity as 03WQCSI. All samples submitted to SHL by Department or SHL staff shall be coded and include a detailed written or photocopied list of the analyses to be performed (unless other arrangements have been made before shipment of the sample to SHL). SHL log-in procedures shall accommodate this code. <p>Part 2. Report results of the analyses of samples and flow verification (if collected) to the field office requesting the inspection. Results shall be reported in a format discussed and agreed to by the parties. The results shall indicate if</p>	<p>No later than:</p> <p>Within 15 calendar days of receipt of samples, unless analytical work warrants extra time. Notification for extra time within 15 calendar days of receipt of sample.</p> <p>Within 15 calendar days after sample collection unless analytical work</p>

<p>24-hour flow or time composites were collected. Provide access to report of analytical results via the online data access web site at http://www.uhl.uiowa.edu, to the field office requesting the inspection.</p> <p>If extra time is warranted by the analytical work, Contractor shall notify the person who submitted the sample that analytical results will be delayed and report the reason for the delay.</p> <p>Part 3. Prepare and submit monthly status report in a format discussed and agreeable to both parties.</p> <p>Part 4. Provide sample information to the Department upon request. Provide copies of Methods Manuals/Standard Operating Procedure Manuals (available from the laboratory) to the Department upon request.</p>	<p>warrants extra time.</p> <p>Within 15 calendar days of receipt of sample.</p> <p>Within 15 calendar days of month's end.</p> <p>On-going.</p>										
<p>Task 2: Analyze and report samples collected by Department staff for field activities support (sample code 04WQFS) Description:</p> <p>Part 1. Provide sample containers and ice chests for sample transport.</p> <p>Part 2. Analyze six hundred and twenty five (625) samples for any of the parameters specified in WQ1 or for other additional parameters as specified by Department staff. The 625 samples shall be submitted by Department staff. These samples shall be collected during compliance evaluation inspections of wastewater treatment plants and sanitary landfills, and investigations of feedlot complaints and other sources of surface water contamination not covered elsewhere in this statement of work.</p> <p>Part 3. Code samples collected for the activity as 04WQFS. All samples submitted to SHL by Department or SHL staff shall be coded and include a detailed written or photocopied list of the analyses to be performed (unless other arrangements have been made before shipment of the sample to SHL). SHL log-in procedures shall accommodate this code.</p> <p style="text-align: center;">WQ1 – FIELD SUPPORT PARAMETERS</p> <table border="0" style="width: 100%;"> <tr> <td>BOD₅</td> <td>Inhibited BOD₅</td> </tr> <tr> <td>Total Suspended Solids</td> <td>Ammonia Nitrogen</td> </tr> <tr> <td>pH</td> <td>Oil and Grease</td> </tr> <tr> <td>Heavy Metals</td> <td>Solids Series</td> </tr> <tr> <td></td> <td>Fecal Coliform (April – October)</td> </tr> </table> <p>Organics: Petroleum Products Semi-Volatiles, including Pesticides Common Herbicides Organophosphate Insecticides Chlorinated Hydrocarbon Insecticides/PCBs Acid Herbicides Polycyclic Aromatic Hydrocarbons (PAHs)</p> <p>Part 4. Report analytical results via the online data access web site at http://www.uhl.uiowa.edu, to the Department staff that collected the sample(s).</p>	BOD ₅	Inhibited BOD ₅	Total Suspended Solids	Ammonia Nitrogen	pH	Oil and Grease	Heavy Metals	Solids Series		Fecal Coliform (April – October)	<p>No later than:</p> <p>As requested by Field Offices</p> <p>Within 15 calendar days of receipt of samples, unless analytical work warrants extra time. Notification for extra time within 15 calendar days of receipt of sample.</p> <p>On-going.</p> <p>Within 15 calendar days of receipt of samples, unless analytical work warrants extra time.</p>
BOD ₅	Inhibited BOD ₅										
Total Suspended Solids	Ammonia Nitrogen										
pH	Oil and Grease										
Heavy Metals	Solids Series										
	Fecal Coliform (April – October)										

<p>If analytical work warrants extra time, Contractor shall notify the person who submitted the sample that analytical results will be delayed and report the reason for the delay.</p> <p>Part 5. Provide sample information to the Department upon request. Provide copies of Methods Manuals/Standard Operating Procedure Manuals (available from the laboratory) to the Department upon request.</p>	<p>Within 15 calendar days of receipt of sample.</p> <p>On-going.</p>								
<p>Task 3: Analyze and report water, fish and/or waste samples collected by Department staff during fish kill investigations (sample code 05WQFK) Description:</p> <p>Part 1. Provide sample containers and ice chests for sample transport.</p> <p>Part 2. Analyze water, fish and/or waste samples collected by Department staff during the investigation of fish kills not related to emergency response spills. The samples shall be analyzed for any of the parameters listed in WQ2 and for any additional parameters requested by the investigating personnel. SHL staff shall be available for consultation with Department staff to determine what analyses should be performed. The analytical results shall be submitted to the office that investigated the fish kill.</p> <p>Part 3. Code samples collected for the activity as 05WQFK. All samples submitted to SHL by Department or SHL staff shall be coded and include a detailed written or photocopied list of the analyses to be performed (unless other arrangements have been made before shipment of the sample to SHL). SHL log-in procedures shall accommodate this code.</p> <p>Part 4. Payments for samples analyzed for fish kill investigations shall be negotiated on a case-by-case basis by SHL and the Department, and these fees shall be in addition to amounts specified elsewhere in this contract.</p> <p style="text-align: center;">WQ2 – FISH KILL SAMPLES</p> <table data-bbox="516 1325 979 1444" style="margin-left: auto; margin-right: auto;"> <tr> <td>BOD₅</td> <td>Ammonia</td> </tr> <tr> <td>Total Suspended Solids</td> <td>pH</td> </tr> <tr> <td>Chloride</td> <td>Fungicides</td> </tr> <tr> <td>Heavy Metals</td> <td></td> </tr> </table> <p>Part 5. Provide access to report of analytical results via the online data access web site at http://www.uhl.uiowa.edu, to the Department staff that collected the sample(s).</p> <p>If analytical work warrants extra time, Contractor shall notify the person who submitted the sample that analytical results will be delayed and report the reason for the delay.</p> <p>Part 6. Provide sample information to the Department upon request. Provide copies of Methods Manuals/Standard Operating Procedure Manuals (available from the laboratory) to the Department upon request.</p>	BOD ₅	Ammonia	Total Suspended Solids	pH	Chloride	Fungicides	Heavy Metals		<p>No later than:</p> <p>On-going.</p> <p>Within 15 calendar days of receipt of samples, unless analytical work warrants extra time. Notification for extra time within 15 calendar days of receipt of sample.</p> <p>On-going.</p> <p>On-going.</p> <p>On-going.</p> <p>Within 15 calendar days of receipt of samples, unless analytical work warrants extra time.</p> <p>Within 15 calendar days of receipt of sample.</p> <p>On-going.</p>
BOD ₅	Ammonia								
Total Suspended Solids	pH								
Chloride	Fungicides								
Heavy Metals									
<p>Task 4: Analyze and report water, fish, or solid samples collected by Department staff during emergency response investigations (sample code 07WQER)</p>	<p>No later than:</p>								

<p>Description:</p> <p>Part 1. Provide sample containers and ice chests for sample transport.</p> <p>Part 2. SHL shall analyze approximately seventy-five (75) water, fish, or solid samples collected by Department staff during emergency response investigations. The types of analyses to be performed shall be identified by the sample collector but shall generally fall into three categories: Industrial chemicals, such as solvents and PCBs, agricultural chemicals, including pesticides and fertilizers, and metals. SHL staff shall be available for consultation with Department staff on the analyses that need to be performed.</p> <p>Part 3. Code samples collected for the activity as 07WQER. All samples submitted to SHL by Department or SHL staff shall be coded and include a detailed written or photocopied list of the analyses to be performed (unless other arrangements have been made before shipment of the sample to SHL). SHL log-in procedures shall accommodate this code.</p> <p>Part 4. Report analytical results via the online data access web site at http://www.uhl.uiowa.edu, to the Department staff that collected the sample(s).</p> <p style="text-align: center;">If analytical work warrants extra time, Contractor shall notify the person who submitted the sample that analytical results will be delayed and report the reason for the delay.</p> <p>Part 5. Provide sample information to the Department upon request. Provide copies of Methods Manuals/Standard Operating Procedure Manuals (available from the laboratory) to the Department upon request.</p>	<p>On-going.</p> <p>Within 15 calendar days of receipt of samples, unless analytical work warrants extra time. Notification for extra time within 15 calendar days of receipt of sample.</p> <p>On-going.</p> <p>Within 15 calendar days of receipt of samples, unless analytical work warrants extra time.</p> <p>Within 15 calendar days of receipt of sample.</p> <p>On-going.</p>
<p>Task 5: Analyze and report samples collected by Department staff from storm water runoff (sample code WQSWR)</p> <p>Description:</p> <p>Part 1. Provide sample containers and ice chests for sample transport.</p> <p>Part 2. Analyze samples for any of the parameters specified in WQ4 or other parameters as specified by the collector. The samples shall be submitted by Department staff. These samples shall be collected during evaluations of storm water runoff from industrial activities or municipal storm sewer systems.</p> <p>Part 3. Code samples collected for the activity as WQSWR. All samples submitted to SHL by Department or SHL staff shall be coded and include a detailed written or photocopied list of the analyses to be performed (unless other arrangements have been made before shipment of the sample to SHL). SHL log-in procedures shall accommodate this code.</p> <p>Part 4. SHL and DNR shall meet to agree upon any adjustments in the number of samples to be submitted, the fee per sample and the amount stated in Section Seven.</p> <p style="text-align: center;">WQ4 – STORM WATER RUNOFF MONITORING PARAMETERS</p>	<p>No later than:</p> <p>As requested by Field Offices</p> <p>Within 15 calendar days of receipt of samples, unless analytical work warrants extra time. Notification for extra time within 15 calendar days of receipt of sample.</p> <p>On-going.</p> <p>On-going.</p>

5-day Biological Oxygen Demand	Total Magnesium
5-day Carbonaceous Oxygen Demand	Total Mercury
Ammonia – Nitrogen	Total Nickel
Total Arsenic	Nitrate+Nitrite (Total as N)
Total Barium	Oil and Grease
Bicarbonate	Total Phosphorous
Total Cadmium	Pentachlorophenol
Calcium	Potassium
Chemical Oxygen Demand	Propylene Glycol
Chloride	Total Selenium
Total Chromium	Total Silver
Total Copper	Sodium
Total Cyanide	Sulfate
Ethylene Glycol	Total Dissolved Solids
Fecal Coliform	Total Organic Carbon
Total Iron	Total Suspended Solids (TSS)
Total Kjeldahl Nitrogen	Total Zinc
Total Lead	pH
Dissolved Magnesium	

Part 5. Provide access to report of analytical results via the online data access web site at <http://www.uhl.uiowa.edu>, to the Department staff who collected the sample(s).

If analytical work warrants extra time, Contractor shall notify the person who submitted the sample that analytical results will be delayed and report the reason for the delay.

Part 6. Provide sample information to the Department upon request. Provide copies of Methods Manuals/Standard Operating Procedure Manuals (available from the laboratory) to the Department upon request.

Task 6: Provide a fee schedule to the Department for the sample analysis of storm water (sample code WQ4) and drinking water samples in compliance with the requirements of the SDWA

Task 7: Analyze and report samples collected by Department staff for water supply monitoring (sample codes 16WSCOMP, 17WSTECH)
Description:

Part 1. Analyze approximately 135 samples of raw, intermediate, or finished water collected from public water supplies by field office or central office staff of the Environmental Services Division of DNR. Field office staff shall identify those analytes that are of specific interest. In addition, SHL shall report all analytes determined by the same U.S. EPA analytical drinking water method.

- a) SHL shall analyze no more than five (5) samples of raw or finished water collected from public water supplies where synthetic organic compounds (SOCs) or pesticides are suspected, have previously been detected or if the system source has been determined vulnerable by

Within 15 calendar days of receipt of samples, unless analytical work warrants extra time.

Within 15 calendar days of receipt of sample.

On-going.

No later than: July 1, 2011

No later than:

Within 15 calendar days of receipt of samples, unless analytical work warrants extra time. Notification for extra time within 15 calendar days of receipt of sample.

<p>the Department. Samples shall be collected by field office or central office staff of the Environmental Services Division of DNR. Field office or central office staff shall submit a minimum of two liters of sample (additionally, three 40-ml vials should be submitted if volatiles are requested).</p> <p>b) SHL shall analyze no more than five (5) samples of raw or finished water collected from public water supplies by field office or central office staff of the Environmental Services Division of DNR. Parameters for analysis shall include either regulated compounds or unregulated compounds for which a health advisory, established by U.S. EPA, exists. In addition, analysis for ethylene dibromide and 1,2-dibromo-3-chloropropane shall be requested by notification from Barbara Lynch. The fees for these two compounds shall be billed to the Department separately.</p> <p>c) SHL shall analyze no more than nine (9) samples of drinking water collected from public water systems by field office or central office staff of the Environmental Services Division of DNR during the investigation of complaints by the public, not involving identified spills or aesthetic problems.</p> <p>d) SHL shall analyze no more than nine (9) drinking water samples for the parameters identified by the sample collector and shall include metals, solvents, or petroleum products. Because of the possible health consequences of this contamination, the analysis shall be given highest priority among samples analyzed under this scope of work. The collector shall be field office or central office staff of the Environmental Services Division of DNR.</p> <p>e) SHL shall analyze no more than thirty-five (35) drinking water samples from public water supplies by field office or central office staff of the Environmental Services Division of DNR during the investigation of complaints by the public regarding aesthetic problems.</p> <p>f) SHL shall analyze no more than thirty-five (35) drinking water samples for the parameters identified by the sample collector, to include iron, manganese, iron bacteria, or any other unregulated contaminant that might be the cause of aesthetic problems. The collector shall be field office or central office staff of the Environmental Services Division of DNR.</p> <p>Part 2. Analyze approximately one hundred (100) drinking water samples collected through sanitary surveys, MCL investigations and technical assistance for bacterial analyses. Samples submitted to SHL shall be coded Water Supply Support Bacteria.</p> <p>Part 3. Samples submitted to SHL shall be coded as 16WSCOMP if they are to be used for compliance purposes. Samples shall be coded as 17WSTECH if they are being collected for the purpose of technical assistance to a public water supply on the part of the Department. All samples properly identified and submitted to SHL by Department or SHL staff shall be coded to a specific monitoring activity for the SDWA and shall include a detailed written or photocopied list of analyses. SHL log-in procedures shall accommodate this code. For those submittals not properly identified, SHL shall notify the person who submitted the sample that the sample will be</p>	<p>Within 15 calendar days of receipt of samples, unless analytical work warrants extra time. Notification for extra time within 15 calendar days of receipt of sample.</p> <p>On-going.</p>
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<p>rejected.</p> <p>Part 4. SHL shall perform all analyses in accordance with the applicable procedures and detection limits as specified in the Federal Register and/or the specific U.S. EPA method number. Quality control shall conform at a minimum to the standards listed in EPA Manual for the Certification of Laboratories Analyzing Drinking Water, Fifth Edition (EPA 815-R-05-004, January, 2005) or alternative Department/EPA-approved controls. SHL shall specify quantitation limits for each analyte with each analytical result.</p> <p>Part 5. Enter the analytical results of all Department water supply monitoring into the State Drinking Water Information System (SDWIS) for any contaminant that has a contaminant identification number. The Department shall notify SHL of additional contaminant identification numbers.</p> <p>Part 6. SHL and DNR shall meet to agree upon any adjustments in the number of samples to be submitted, the fee per sample and the amount stated in Section 7.4.</p> <p>Part 7. Provide access to report of analytical results via the online data access web site at http://www.uhl.uiowa.edu, to the Department staff who collected the sample(s).</p> <p>a) If analytical work warrants extra time, Contractor shall notify the person who submitted the sample that analytical results will be delayed and report the reason for the delay.</p> <p>b) Radiological results.</p> <p>Part 8. Prepare and submit monthly status report in a format discussed and agreeable to both parties.</p> <p>Part 9. Provide sample information to the Department upon request. Provide</p>	<p>On-going.</p> <p>By the seventh day of the month following the month in which the samples were analyzed except samples received within the last week of the month that are unavailable by the seventh day of the month shall be transmitted within three working days of sample release. Or, if analytical work warrants extra time, notification for extra time will be made within 15 calendar days of receipt of sample.</p> <p>Annually</p> <p>Within 15 calendar days of receipt of samples.</p> <p>Within 15 calendar days of receipt of samples.</p> <p>Within 50 calendar days of sample receipt, or by the 10th day of the month following the end of the calendar quarter in which the samples were analyzed.</p> <p>Within 15 calendar days of month's end.</p> <p>On-going.</p>
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<p>copies of Methods Manuals/Standard Operating Procedure Manuals (available from the laboratory) to the Department upon request.</p>	
<p>Task 8: Provide training for new Department staff or as a refresher for current Department staff at the Department's request. Description: Training shall address the use of proper sampling techniques and containers, holding times, use of data sheets and chain of custody forms, and any other topic which Field Office personnel and/or SAH staff indicate needs to be addressed.</p>	<p>No later than: Annually or bi-annually, at the Department's discretion.</p>

**Iowa Department of Natural Resources
Environmental Protection Commission**

ITEM

11

DECISION

TOPIC

**Contract – State Hygienic Laboratory at The University of Iowa –
Ambient Streams Monitoring and Laboratory Services**

Recommendation:

The Department requests Commission approval of a contract in the amount of \$609,665.40 with the State Hygienic Laboratory (SHL) for one year (July 1, 2011 through June 30, 2012).

Funding Source:

Project will be funded through State of Iowa Environment First Infrastructure dollars.

Background:

The Clean Water Act requires states to monitor and report on the condition of the waters of the state. This contract is a continuation of DNR's long-standing contract with SHL to collect and analyze samples from Iowa's streams and rivers. Data from this program are used to determine impairment, develop new water quality standards, and provide information to decision makers regarding the effectiveness of water pollution prevention programs. Since 1999, the DNR has contracted with SHL to collect water samples at streams across the state of Iowa and test water samples for general chemistry, nutrients, and sediment content. Data are loaded into publicly available datasets and are used by a wide variety of stakeholders for water quality programs (local watershed groups, Soil and Water Conservation Districts, university researchers, and K-12 educators).

Purpose:

The purpose of this contract is to provide monitoring and analytical services for ambient streams and rivers monitoring to assess the quality of Iowa's waterbodies.

Consulting Firm Selection Process:

The SHL was chosen as contractor based on the Code of Iowa (455B.103), which directs the DNR to contract with public agencies of the state. SHL was also chosen for this project due to their sample collection and analysis expertise.

Scope of Work:

For an outline of the **scope of work**, see the attached document.

Mary Skopec, Ph.D., Stream Monitoring Coordinator
Watershed Monitoring and Assessment Section, Iowa Geological and Water Survey
Environmental Services Division

April 22, 2011

Statement of Work. Contractor shall perform the following tasks:

Obligation		Task Milestone Date
Task 1:	Contractor shall collect stream grab samples from 51 non-city sites, on the same day of the month, if possible, monthly from July 1, 2011 through June 30, 2012. See Table 1A for sites. Samples collected as part of this activity shall be coded as 01WQFMM. All samples submitted to SHL by Department or SHL staff shall be coded to a specific monitoring activity and shall include a detailed list of the analyses to be performed unless other arrangements have been made before shipment of the sample to SHL. SHL log-in procedures shall accommodate this code. A monthly report of the logged-in samples shall be provided according to the format agreed upon during DNR/SHL invoice kaizen. Any deviation from normal sampling procedures, such as a change in sampling location, omission of samples for analysis, etc., shall be identified to DNR in writing prior to transmittal of analytical results.	Each month, samples shall be taken by the 15 th of the month unless other arrangements are made in writing.
Task 2:	Analyze samples collected under Task 1 for the parameters listed in Table 1B. For analytical results below the quantitation limit, the test quantitation limit shall be reported as “less than”. Any results including E. coli for tests run on samples after recommended holding times have been exceeded shall be so indicated or qualified as appropriate.	Samples shall be analyzed no later than established holding times with the exception of bacteria, which shall have a holding time of 24 hrs for purposes of this task. For purposes of invoices, the effective Task Milestone Date shall be the last day of the month.
Task 3:	Contractor shall collect and analyze stream grab samples from 24 city locations, on the same day of the month, if possible, each month from July 1, 2011 through June 30, 2012 as specified in Table 2A for sites.	Each month, samples shall be taken no later than the 15 th of the month unless other arrangements are made in writing.
Task 4:	Analyze stream grab samples in Task 3 for the parameters in Table 2B. Samples collected as part of this activity shall be coded as 08WQCITY. All samples submitted to SHL by Department or SHL staff shall be coded to a specific monitoring activity and shall include a detailed list of the analyses to be performed unless other arrangements have	Samples shall be analyzed no later than established holding times with the exception of bacteria, which shall have a holding time of 24 hrs for purposes of this task. For purposes of invoices, the effective

	<p>been made before shipment of the sample to SHL. SHL log-in procedures shall accommodate this code. A monthly report of the logged-in samples shall be provided in a mutually agreeable format. Any deviation from normal sampling procedures, such as a change in sampling location, omission of samples for analysis, etc., shall be identified to DNR in writing prior to transmittal of analytical results.</p>	<p>Task Milestone Date shall be the last day of the month.</p>
Task 5	<p>Analyze stream grab samples from the DNR assigned Large River Sites in Table 3A for the parameters in Table 3B. Samples collected as part of this activity shall be coded as LGRIV. All samples submitted to SHL by Department or SHL staff shall be coded to a specific monitoring activity and shall include a detailed list of the analyses to be performed unless other arrangements have been made before shipment of the sample to SHL. SHL log-in procedures shall accommodate this code. A monthly report of the logged-in samples shall be provided according to the format agreed upon during DNR/SHL invoice kaizen. Any deviation from normal sampling procedures, such as a change in sampling location, omission of samples for analysis, etc., shall be identified to DNR in writing prior to transmittal of analytical results.</p>	<p>Samples shall be analyzed no later than established holding times with the exception of bacteria, which shall have a holding time of 24 hrs for purposes of this task. For purposes of invoices, the effective Task Milestone Date shall be the last day of the month.</p>
Task 6:	<p>Analyze and report water samples collected by Department staff as part of follow-up monitoring to verify results of regular fixed monitoring or to investigate other sources of water contamination not covered elsewhere in this statement of work (WQSPEC). Analyze samples for parameters specified by Department staff.</p> <p>Samples collected for this activity shall be coded as WQSPEC. All samples submitted to SHL by Department or SHL staff shall be coded to a specific monitoring activity and shall include a detailed list of the analyses to be performed unless other arrangements have been made before shipment of the sample to SHL. SHL log-in procedures shall</p>	<p>Samples shall be analyzed no later than holding times established by QA/QC documentation. For purposes of invoices, the effective Task Milestone Date shall be the last day of the month.</p>

	<p>accommodate this code. A monthly report of the logged-in samples shall be provided in a mutually agreeable format. Any deviation from normal sampling procedures, such as a change in sampling location, omission of samples for analysis, etc., shall be identified to DNR in writing prior to transmittal of analytical results</p>	
Task 7:	<p>Submit information on data quality requirements and assessments (such as detection limit, quantitation limit, estimated accuracy, accuracy protocol, estimated precision and precision protocol) to DNR for any sample upon request. Information on the analytical reference method, sample preservation and holding time also shall be provided if requested. Provide copies of revised Methods Manuals and Standard Operating Procedure Manuals to the Department upon request. Copies of manuals and procedures shall be available from the laboratory.</p>	<p>The Task shall be completed no later than 30 working days after a request is made by DNR.</p>
Task 8:	<p>Transfer water monitoring data to the Watershed Monitoring and Assessment Section electronically in a .csv format and including the minimum data elements required by the EPA Water Quality Data Exchange on a monthly basis via the IGS FTP site. Chemical and physical data shall be transferred in a .dat or .csv format and including the minimum data elements required by the EPA Water Quality Data Exchange. The data shall include the STORET station identification number, which will be provided by the Department for all station locations. Transmit analytical data to the Department within time limits and by FTP or email to the project manager.</p>	<p>SHL shall submit completed fixed monitoring results to the Department not later than fifteen (15) calendar days after the end of each month or as soon as possible following completion of all analytical determinations requested. Extra time for analysis is allowed in cases when the analytical work warrants. A notification to the submitter, that analytical results from a sample will be delayed and the reason for the delay, shall be made within fifteen (15) calendar days, or as soon as possible after, receipt of the sample if extra time is required for analysis.</p>

Task 9	Provide miscellaneous equipment and supplies as needed for tasks listed above.	This Task shall be completed no later than June 30, 2012.
Task 10	Repair existing equipment for tasks listed above	This Task shall be completed no later than June 30, 2012.
Task 11:	Ship miscellaneous samples as needed to meet required holding times.	This Task shall be completed no later than June 30, 2012.

Table 1A. Non-City Stream Sampling Locations

Stream Name	Ambient Monitoring Station Locations	River Basin ¹	STORET #
E. Fork Des Moines River	County Rd. B63 bridge north of St. Joseph	DSM	10550001
West Fork Des Moines River	County Rd. two miles south of Humboldt	DSM	10460001
Boone River	Bells Mills Rd. bridge, 6.5 mi NE of Stratford	DSM	10400001
North Raccoon River	Level B road. Bridge one mile downstream of Sac City, Section 13/24.	DSM	10810001
Beaver Creek	NW 70th Avenue bridge, two miles east of Grimes	DSM	10770001
South Raccoon River	Bridge 0.75 mi SE of Redfield	DSM	10250001
North River	County Rd. R57 bridge, SE of Norwalk at USGS gage.	DSM	10910002
Middle River	USGS gage 1.5 mi west of Highway 65-69, near Indianola	DSM	10910001
South River	State Highway 92 bridge near Ackworth	DSM	10910003
Whitebreast Creek	Three mi SW of Knoxville	DSM	10630001
Cedar Creek	State Highway 156 (County Rd. G71) bridge, 1.5 mi NW of Bussey	DSM	10630002
Yellow River	County Rd X36 bridge three miles south of Highway 76	NE	10030002
Volga River	County Rd. X3C bridge north of Elkport	NE	10220002
Wapsipinicon River	County Rd. bridge 0.5 mi west of County Rd. D16, north of Independence (Otterville Access)	NE	10100001
No. Fork Maquoketa River	County Rd. north of Maquoketa, SE of Hurstville	NE	10490001
Upper Iowa River	Highway 76 bridge three mi south of Dorchester	NE	10030001
Maquoketa River	Highway 61 bridge NW of Maquoketa	NE	10490002
Wapsipinicon River	Highway 956 bridge three mi south of DeWitt	NE	10820001
Turkey River	County Rd. C43 (Jupiter Rd.) south of Garber at USGS gage	NE	10220001
Bloody Run Creek	Highway 18 bridge, 0.5 mi west of Marquette	NE	10220003
Big Spring	Big Spring Fish Hatchery	NE	30220001
Indian Creek	Gravel Rd. bridge 1.8 mi east of Green Castle, 4.8 mi north of Colfax	SK	10500001
South Skunk River	Highway 63 bridge north of Oskaloosa	SK	10620001
Cedar Creek	Gravel road bridge three mi SW of Oakland Mills	SK	10440001
North Skunk River	180th Ave. bridge SW of Sigourney, west of Highway 149	SK	10540001
West Nishnabotna River	Three mi east of Malvern	S	10650001
Chariton River	Highway 5 bridge 2.5 mi north of Centerville	S	10040001
East Nishnabotna River	Highway 59 bridge north of Shenandoah	S	10360001
East Nodaway River	State Highway 2 bridge 2.5 mi east of Clarinda	S	10730002
West Nodaway River	County Rd. J53 bridge near Shambaugh	S	10730001
Thompson Fork-Grand River	U.S. Highway 69 bridge at Davis City	S	10270001
Little Sioux River	Gravel Rd. bridge 1.2 miles west of Milford, 0.5 mi upstream of mouth of Mill Creek	W	10300001

Stream Name	Ambient Monitoring Station Locations	River Basin ¹	STORET #
Rock River	County Rd. B40 bridge north of Hawarden	W	10840001
Little Sioux River	County Rd. C16 bridge 5.2 mi east of Larabee	W	10180001
Floyd River	County Rd. C70 bridge three mi north of Sioux City	W	10750001
Little Sioux River	Two mi NE of Smithland	W	10970001
West Fork Little Sioux River	Highway 141 bridge 1.0 mi east of Hornick at USGS gage	W	10970002
Maple River	At Highway 141-175 bridge 0.25 mi north of Mapleton	W	10670002
Soldier River	County Rd. F20 bridge west of Pisgah	W	10430002
Boyer River	County Rd. F58 bridge 2.5 miles NE of Missouri valley	W	10430001
Cedar River	County Rd. bridge four mi SE of Charles City, near Carrville	IC	10340001
Shell Rock River	County Rd. C45 bridge in Shell Rock, below the dam downstream of USGS gage station	IC	10120001
Cedar River	County Rd. north of Janesville 0.25 mi east of Highway 218, upstream of USGS gage	IC	10090001
West Fork Cedar River	County Rd. T71 bridge in Finchford at USGS gage	IC	10070003
Beaver Creek	County Rd. T75 bridge 3.5 mi NW of Cedar Falls	IC	10070001
Black Hawk Creek	Ridgeway Avenue bridge SW of Waterloo	IC	10070004
Iowa River	County Rd. D53 bridge 1.8 mi NE of Gifford	IC	10420001
Wolf Creek	At Main St. bridge in La Porte City	IC	10070002
English River	County Rd. W61 bridge south of Riverside	IC	10920001
Cedar River	County Rd. G28 bridge NE of Conesville	IC	10700001
Iowa River	County Rd W66 (660 th Street) bridge at USGS gauge SW of Lone Tree	IC	10580001
Old Man's Creek	County Rd. W62 bridge 5.0 mi SW of Iowa City	IC	10520001

Table 1B. Stream Monitoring Analytes

Biochemical Oxygen Demand (CBOD5)	Phosphorous Series: Dissolved Orthophosphate, Total Phosphorus
Chloride	Stream Flow (Field)
Chlorophyll-A (water)	Sulfate
Dissolved Oxygen (Field)	Total Dissolved Solids
<i>E. coli</i>	Total Suspended Solids
Hardness (as CaCO3)	Turbidity
Nitrogen series: total ammonia-N, nitrate + nitrite-N, total kjehldahl-N	Volatile Suspended Solids
pH (field)	Water Temperature (Field)

Table 2A. City Stream Monitoring Locations

City ¹	Stream Name	Monitoring Station Location	STORET #
Spencer US1	Little Sioux River	Highway 18 bridge NW of Spencer	10210002
Spencer US2	Ocheyedan River	County Rd. M38 bridge SW of Spencer	10210001
Spencer DS1	Little Sioux River	County Rd. M50 bridge east of Spencer	10210003
Ames US1	South Skunk River	Sleepy Hollow Canoe Access, gravel road bridge east of Highway 69 north Ames	10850003
Ames DS1	South Skunk River	County Rd. E55 bridge near Cambridge	10850002
Des Moines US1	Des Moines River	Bridge at NW 66 th Ave. between Johnston and Saylorville	10770002
Des Moines DS1	Des Moines River	State Highway 316 bridge south of	10770003

City ¹	Stream Name	Monitoring Station Location	STORET #
		Runnells	
Des Moines US2	Raccoon River	County Rd. R16 bridge at Van Meter (at USGS gage)	10250002
Marshalltown DS1	Iowa River	County Rd. E35 bridge east of Marshalltown	10640002
Marshalltown US1	Iowa River	State Highway 330 bridge NW of Marshalltown	10640003
Fort Dodge US1	Des Moines River	County Rd. D14 bridge NW of Fort Dodge	10940002
Fort Dodge US2	Lizard Creek	US Highway 169 bridge near Fort Dodge	10940001
Fort Dodge DS1	Des Moines River	County Rd. P59 bridge at Kalo	10940003
Mason City US1	Winnebago River	U.S. Highway 65 bridge north of Mason City	10170002
Mason City DS1	Winnebago River	County Rd. S56 bridge near Portland	10170003
Waterloo US1	Cedar River	Below the dam on East Main St. in Cedar Falls	10070005
Waterloo DS1	Cedar River	County Rd. D38 bridge at Gilbertville	10070006
Cedar Rapids DS1	Cedar River	Highway 30 bridge east of Cedar Rapids	10570001
Cedar Rapids US1	Cedar River	County Rd. E36 bridge east of Palo (Blairs Ferry Rd.)	10570002
Iowa City US1	Iowa River	County Rd. W66 bridge (Dubuque St.) north of Iowa City	10520002
Iowa City DS1	Iowa River	County Rd. F62 bridge east of Hills	10520003
Ottumwa DS1	Des Moines River	Gravel Rd. (Cliffland Rd.) bridge near Cliffland SE of Ottumwa	10900002
Ottumwa US1	Des Moines River	County Rd. T67 bridge at Chillicothe NW of Ottumwa	10900003
Sac City US1	North Raccoon River	230 th Street bridge NW of Sac City	10810002

Table 2B. City Stream Monitoring Analytes

Biochemical Oxygen Demand (CBOD5)	Phosphorous Series: Dissolved Orthophosphate, Total Phosphorus
Chloride	Stream Flow (Field)
Chlorophyll-A (water)	Sulfate
Dissolved Oxygen (Field)	Total Dissolved Solids
<i>E. coli</i>	Total Suspended Solids
Hardness	Turbidity
Nitrogen series: total ammonia-N, nitrate + nitrite-N, total kjehldahl-N	Volatile Suspended Solids
pH (field)	Water Temperature (Field)

Table 3A. Big River Monitoring Locations

STORET ID	Stream Name	Location	Drainage area (m2)
10490003	maquoketa river	maquoketa	
10890001	des moines river	keosauqua	14,038
10360003	nishnabotna river	hamburg	2,806
10580003	iowa river	wapello	12,499
10560002	skunk river	augusta	4,303
10750002	big sioux river	akron	8,424
10670003	little sioux river	turin	3,526

Table 3B. Big River Monitoring Analytes

Chloride	Stream Flow (Field)
Chlorophyll-A (water)	Sulfate
Dissolved Oxygen (Field)	Total Dissolved Solids
<i>E. coli</i>	Total Suspended Solids
Hardness	Turbidity
Nitrogen series: total ammonia-N, nitrate + nitrite-N, total kjeldahl-N	Volatile Suspended Solids
pH (field)	Water Temperature (Field)

**Iowa Department of Natural Resources
Environmental Protection Commission**

ITEM

12

DECISION

TOPIC

**Contract – State Hygienic Laboratory at The University of Iowa –
Wetland Monitoring Laboratory Services**

Recommendation:

The Department requests Commission approval of a contract in the amount of \$94,527 with the State Hygienic Laboratory (SHL) for one year (May 17, 2011 through June 30, 2012).

Funding Source:

Project will be funded through Environmental Protection Agency State Wetland Grants.

Background:

The DNR conducts wetland monitoring to evaluate the health of wetland ecosystems in Iowa and to determine their impact in providing beneficial functions such as nutrient reduction, flood reduction, and habitat for wildlife and waterfowl species. The wetland monitoring is conducted using DNR or other contract staff and water samples are submitted to SHL for chemical (nitrogen, phosphorus, herbicide, etc.) and biological analyses (identification of wetland species).

Purpose:

The purpose of this contract is to provide analytical services for wetland monitoring to assess the quality of Iowa's waterbodies.

Consulting Firm Selection Process:

The SHL was chosen as contractor based on the Code of Iowa (455B.103), which directs the DNR to contract with public agencies of the state. SHL was also chosen for this project due to their sample analysis expertise.

Scope of Work:

For an outline of the **scope of work**, see the attached document.

Mary Skopec, Ph.D., Stream Monitoring Coordinator
Watershed Monitoring and Assessment Section, Iowa Geological and Water Survey
Environmental Services Division

April 22, 2011

Statement of Work. Contractor shall perform the following tasks:

Obligation	Task Milestone Date
<p>Task 1: Analysis of Submitted Water Samples from DNR’s EPA Wetland Condition Index grant project: SHL shall provide chemical analysis of up to 90 wetland water samples provided by DNR staff or designated ISU graduate student (authorization for ISU student to submit samples shall be provided in writing to SHL prior to sampling). Samples for this activity shall be coded as DNR WETLANDISU.</p> <p>SHL shall provide sample containers and chain of custody paperwork for water samples to be collected by DNR staff during the contract period.</p> <p>DNR will pick up sample containers at the SHL Coralville facility and will deliver samples to SHL for analysis. These samples shall be analyzed for the analytes shown in Table 1 or as otherwise indicated on the chain of custody form provided with the sample.</p>	<p>Samples shall be analyzed no later than holding times established by SHL’s Quality Management Plan (March 25, 2010) (including standard operating procedures for laboratory analyses) unless authorized in writing by the Department.</p>
<p>Task 2: Analysis of Submitted Water Samples from DNR’s EPA Farmed Wetland grant project: SHL shall provide chemical analysis of 45 wetland water samples provided by DNR staff. Samples for this activity shall be coded as DNR WETLAND_DRAIN.</p> <p>SHL shall provide sample containers and chain of custody paperwork for water samples to be collected by DNR staff during the contract period.</p> <p>DNR will pick up sample containers at the SHL Coralville facility and will deliver samples to SHL for analysis. These samples shall be analyzed for the analytes shown in Table 2 or as otherwise indicated on the chain of custody form provided with the sample</p>	<p>Samples shall be analyzed no later than holding times established by SHL’s Quality Management Plan (March 25, 2010) (including standard operating procedures for laboratory analyses) unless authorized in writing by the Department.</p>
<p>Task 3: Sample collection, handling, and analysis for all proceeding tasks shall be conducted according to applicable DNR and SHL QA/QC documentation.</p>	<p>No deadline – must follow the Quality Management Plan of the University Hygienic Laboratory, March 25, 2010 at all times.</p>

Task 4:	Data from all previous tasks shall be transferred to the DNR in a STORET-compatible format for water chemistry data. Bioassessment data will be transferred to the DNR's Bioassessment database. Flow data and continuous dissolved oxygen and temperature data shall be transferred in mutually agreed upon formats.	Water chemistry data transferred no later than one month after collection.
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Table 1. List of Analytes for Wetland Condition Index Project

Tests	No. of Sites	No. of Sampling Rounds	Total Sampling Rounds
N-Series	18	5	90
P-Series	18	5	90
Total Dissolved Solids	18	5	90
Total Suspended Solids	18	5	90
Chlorophyll A	18	5	90
Chloride	18	5	90
Standard Herbicides	18	5	90
Acid Herbicides	18	5	90

Table 2. List of Analytes for Farmed Wetland Project

Tests	No. of Sites	No. of Sampling Rounds	Total Sampling Rounds
N-Series	15	3	45
P-Series	15	3	45
Chloride	15	3	45
Standard Herbicides and Organophosphate Insecticides	15	3	45
Chloroacetanilide Herbicide Degradates	15	3	45
Sulfonyl Herbicides and Imidazolinone Herbicides	15	3	45

**Iowa Department of Natural Resources
Environmental Protection Commission**

ITEM

13

DECISION

TOPIC

**Contract – State Hygienic Laboratory for FY2012 Ambient Stream
Biological Monitoring and Laboratory Services**

Recommendation:

The Department requests Commission approval of a contract in the amount of \$295,936.20 with The State Hygienic Laboratory at The University of Iowa at Iowa City, Iowa covering July 1, 2011 through September 30, 2012.

Funding Source:

This contract will be funded through the State of Iowa's Environment First Infrastructure Funds.

Background:

Since 1994, the Department of Natural Resources has conducted monitoring to evaluate the ecological health of Iowa's stream resources and assess the support status of designated aquatic life uses. The protocol consists of integrated sampling of water quality, fish, benthic macroinvertebrates and habitat during base flow conditions.

Purpose:

The parties propose to enter into this Contract for the purpose of retaining the Contractor to provide field and laboratory analytical services in support of the Department's stream biological monitoring program and for the development of stream nutrient criteria.

Consulting Firm Selection Process:

The State Hygienic Laboratory (SHL) was chosen based on the Code of Iowa (455B.103) which directs the DNR to contract with public agencies of the state. SHL was chosen for this project because of SHL's specialized sample collection and analysis expertise.

Scope of Work:

For an outline of the **scope of work**, see the attached portions of ESD04HAKKrier120011 Contract.

Tom Wilton
Environmental Specialist Senior
Iowa Geological and Water Survey
Environmental Services Division

April 27, 2011

Task 5:	<p>Headwater Standard Habitat Benthic Macroinvertebrate Gear Comparison</p> <p>Three replicate standard habitat benthic macroinvertebrate samples shall be collected at each of six sample sites using a Hess or Surber sampling device. The replicate samples shall be collected concurrently with collection of Hester-Dendy artificial substrates. The 6 sample sites will be provided by DNR by July 1, 2011. A total of 18 benthic samples shall be collected and analyzed. All sample data and recorded observations shall be reported to the DNR in a DNR approved electronic format and entered by the contractor directly into the DNR's online bionet database.</p> <p>Deliverables:</p> <ul style="list-style-type: none"> a) Benthic macroinvertebrate sample collection (2001 revised DNR IBI protocols, 2011 revised DNR field forms) b) Benthic Sample Analysis c) Benthic Macroinvertebrate Analysis; Field Form and Benthic Macroinvertebrate Data Entry 	<p>1/3 by Aug. 31; 1/3 by Oct. 15; 1/3 by June 30, 2012</p> <p>2/3 by Apr.1; 1/3 by Sep.30, 2012</p> <p>2/3 by Apr.1; 1/3 by Sep.30, 2012.</p>
Task 6:	<p>Headwater Full-Bio Temporal Replicate Sampling</p> <p>Three full biocriteria IBI sampling events shall be completed at each of three sites to be identified by DNR by July 1, 2011. A full-bio sample shall be collected at each site in each of three periods: July 15-Aug. 31; Sept.15-Oct.15; May 15-June 30, 2012. All sample data and recorded observations shall be reported to the DNR in a DNR approved electronic format and entered by the contractor directly into the DNR's online bionet database.</p> <p>Deliverables:</p> <ul style="list-style-type: none"> a) Sample Collection: 1) benthic macroinvertebrates and fish (2001 revised DNR IBI protocols, 2011 revised DNR field forms); quantitative transect-based habitat survey (2001 revised DNR intensive habitat protocol; 2011 revised DNR intensive habitat field forms); water quality grab sample and field analytes (Aquatic Life parameter suite; see Table 1) b) Water Sample Analysis c) Fish and Benthic Macroinvertebrate Sample Analysis; Field Form, Fish and Benthic Macroinvertebrate Data Entry 	<p>1/3 by Aug. 31; 1/3 by Oct. 15; 1/3 by June 30, 2012</p> <p>2/3 by Dec.31; 1/3 by Aug.31, 2012</p> <p>2/3 by Apr.1; 1/3 by Sep.30, 2012</p>
Task 7	<p>Biological and Physical Habitat SOP review</p> <p>Thorough review and update of DNR's biological and physical habitat Standard Operating Procedures (SOPs).</p> <p>Deliverables:</p> <ul style="list-style-type: none"> a) First draft of biological and physical habitat SOPs provided to DNR for a 30 day review. b) Final draft of biological and physical habitat SOPs provided to DNR for publication. 	<p>January 31, 2012</p> <p>March 31, 2012</p>
Task 8:	<p>CW Stream Nutrient Criteria Development</p> <p>Sample collection and analysis to support development of stream nutrient criteria – CW streams</p> <p>Deliverables:</p> <ul style="list-style-type: none"> a) Water and benthic chlorophyll sampling shall occur three times on a monthly basis between July 1 and October 15 at 15 sites to be identified by DNR by July 1, 2011 for parameters in Table 2. Included with each benthic chlorophyll sample will be a densitometer and current velocity measurement. One benthic macroinvertebrate IBI protocol (2001 revised DNR IBI protocols, 2011 revised DNR field forms) sample at each site in conjunction with the second or third water and benthic chlorophyll sample visits. One sediment pore water sample shall be collected at the 15 sites to be identified by DNR and analyzed for parameters listed in Table 3. Pore water sampling shall be done in conjunction with biological sampling. The field forms – benthic macroinvertebrate, RBP-qualitative habitat, Stressor ID, and flood disturbance will be completed at each benthic macroinvertebrate IBI site. All sample data and recorded observations shall be reported to the DNR in a DNR approved electronic format and entered by the contractor directly into the DNR's online bionet database. b) Sample analysis results – water, benthic chlorophyll, sediment pore water, field forms, densitometer and current velocity measurements c) Benthic Macroinvertebrate Sample Analysis; Field Form and Benthic Macroinvertebrate Data Entry 	<p>July 1 – Oct.31, 2011</p> <p>December 1, 2011</p> <p>January 31, 2012</p>

**DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION COMMISSION
ATTORNEY GENERAL REFERRALS
May, 2011**

Name, Location and Region Number	Program	Alleged Violation	DNR Action	New or Updated Status	Date
Affordable Housing Network, Inc. Cedar Rapids (1)	Air Quality	Asbestos -	Referred to Attorney General	Referred	3/15/11
Bachman, Lane Lake City (3)	Animal Feeding Operation	Failure to Update Plan	Order/Penalty	Referred Petition Filed Trial Date	8/17/10 12/23/10 10/28/11
Branstad, Monroe Hancock Co. (2)	Animal Feeding Operation		Referred to Attorney General	Referred	7/20/10
Brush & Weed Control Specialists, Inc.; New Farmers Drainage District Monona Co. (4) UPDATED	Wastewater	Fish Restitution Claim; Water Pollution Penalty	Judicial Review	Petition for Judicial Review State's Answer Petitioner's Brief State's Brief Petitioner's Reply Hearing Regarding Remand State's Brief in Resistance to Supplemental Brief Ruling Remanding to Agency	7/02/10 7/26/10 10/05/10 11/04/10 11/16/10 1/20/11 3/09/11 4/14/11
Callaway Farms, Inc.; Eugene Callaway; Blake Callaway, Sr. Radcliffe (2)	Animal Feeding Operation	Prohibited Discharge	Referred to Attorney General	Referred Petition Filed	4/20/10 12/30/10
Chamness Technology, Inc. Eddyville (6)	Solid Waste	Unauthorized Discharge	Referred to Attorney General	Referred	11/16/10
General Development LC Palo Alto Co. (3)	Animal Feeding Operation	Failure to Submit Update, Fees	Referred to Attorney General	Referred Petition Filed State's Resistance to Jury Demand Defendant's Reply to Resistance State's Brief in Resistance Hearing on Jury Demand Ruling Denying Jury Demand Trial Date	8/18/09 2/03/10 6/25/10 7/12/10 7/19/10 9/10/10 11/19/10 9/14/11
Grain Processing Corporation Muscatine (6) NEW	Air Quality Wastewater	Operation Without (PSD) Permit; Emission Standards – Particulate; Failure to Comply - MON; Construction Without WW Permit	Referred to Attorney General	Referred	4/19/11
Haverhals, Peter; Haverhals Farms, Inc. Hawarden (3)	Animal Feeding Operation	Prohibited Discharge – Open Feedlot; Water Quality Violations – General Criteria	Referred to Attorney General	Referred	8/17/10

**DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION COMMISSION
ATTORNEY GENERAL REFERRALS
May, 2011**

Name, Location and Region Number	Program	Alleged Violation	DNR Action	New or Updated Status	Date
K & L Landscape & Construction, Inc. Pottawattamie Co. (4) UPDATED	Solid Waste; Hazardous Condition	Illegal Disposal; Failure to Notify	Referred to Attorney General	Referred Petition Filed Trial Date Order Granting Intervention by Harveys Iowa	2/16/10 10/13/10 10/11/11 4/18/11
Klyn, Edward Dale Corydon (5)	Animal Feeding Operation	Prohibited Discharge – Open Feedlot	Order/Penalty	Referred Petition Filed	2/16/10 1/10/11
Knudsen, Anders St. Ansgar (2)	Animal Feeding Operation	Prohibited Discharge	Referred to Attorney General	Referred Criminal Charges Filed	4/20/10 9/27/10
Kollasch Land and Livestock, Inc. Whittemore (2) (3)	Animal Feeding Operation	Failure to Submit Update, Fees	Referred to Attorney General	Referred Petition Filed State's Resistance to Jury Demand Defendant's Reply to Resistance State's Brief in Resistance Hearing on Jury Demand Ruling Denying Jury Demand	8/18/09 2/03/10 6//25/10 7/12/10 7/19/10 9/10/10 11/19/10
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 Trial Date Partial Judgment (Clean-up Order) Contempt Application Contempt Hearing Date Contempt Finding and Civil Penalty (\$100,000 and 30 Days in Jail – Suspended until 7/8/03) Hearing Regarding Contempt Order Regarding Bond/Cleanup Deadline Bond Posted State Objections to Bond Ruling Denying Objections to Bond Status Hearing Date Hearing on Motion to Extend Cleanup Deadline Order Reinstating \$100,000 Civil Penalty Site Clean-up Completed	12/15/97 10/02/98 2/04/99 4/19/99 9/13/00 9/28/00 12/12/02 2/20/03 2/20/03 7/09/03 8/01/03 8/01/03 8/20/03 9/18/03 4/16/04 12/10/04 1/05/05 8/15/06
Passehl, Jerry Latimer (2) UPDATED	Solid Waste; Wastewater; Hazardous Condition	Illegal Disposal; Operation Without Permit; Pollution Prevention Plan Violations; Failure to Notify	Order/Penalty	Referred Petition Filed Trial Date	3/16/10 12/27/10 12/15/11

**DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION COMMISSION
ATTORNEY GENERAL REFERRALS
May, 2011**

Name, Location and Region Number	Program	Alleged Violation	DNR Action	New or Updated Status	Date
Pieper, Inc.; Mike Pieper Lee Co. (6)	Animal Feeding Operation	Prohibited Discharge; Water Quality Violations – General Criteria; Improper Land Application; Uncertified Applicators	Referred to Attorney General	Referred Petition Filed State’s Resistance to Jury Demand Defendant’s Reply to Resistance Hearing on Jury Demand Order Granting Jury Demand Ruling Granting Jury Demand Trial Date	8/18/09 5/17/10 6/08/10 6/14/10 7/27/10 7/27/10 8/06/10 8/08/11
Renken, Rick LeMars (3)	Animal Feeding Operation	Failure to Update Plan	Order/Penalty	Referred Petition Filed	4/20/10 1/07/11
Sebergan Pigs, Inc. West Point (6)	Animal Feeding Operation	Failure to Update Plan; Recordkeeping; Prohibited Discharge – Confinement; General Criteria	Referred to Attorney General	Referred Petition Filed	3/16/10 12/30/10
Sharkey, Dennis Dubuque Co. (1)	Air Quality Solid Waste	Open Burning; Illegal Disposal	Referred to Attorney General	Referred Petition Filed Defendant’s Jury Demand State’s Resistance to Jury Demand Amendment Resistance to Jury Demand Ruling Denying Jury Demand Trial Date	4/03/07 9/20/07 9/13/10 9/20/10 10/04/10 11/19/10 5/24/11
Sioux Pharm, Inc. Sioux County (3)	Wastewater	Operational Violations	Referred to Attorney General	Referred Petition Filed Trial Date	3/11/08 3/09/09 8/24/11
Ward, Randy Iowa City (6)	Air Quality	Asbestos	Referred to Attorney General	Referred Criminal Charges Filed	8/18/09 12/28/10
Yentes, Clifford Council Bluffs (4)	Solid Waste	Illegal Disposal	Referred to Attorney General	Referred Petition Filed Contempt Application Filed Contempt Hearing Ruling on Contempt Application (90 days jail suspended/\$500 fine) Compliance Hearing Compliance Hearing Compliance Hearing Date Compliance Hearing Compliance Hearing Date Compliance Hearing Date Trial Date	4/03/07 9/21/07 9/21/07 11/05/07 11/29/07 2/18/08 4/27/08 5/28/08 6/30/08 8/04/08 9/08/08 12/05/08 8/16/11

**Iowa Department of Natural Resources
Environmental Services
Report of WW By-passes**

During the period March 1, 2011 through March 31, 2011, 9 reports of wastewater by-passes were received. A general summary and count by field office is presented below. This does not include by-passes resulting from precipitation events.

Month	Total	Avg. Length (days)	Avg. Volume (MGD)	Sampling Required	Fish Kill
January '11	6(8)	0.741	0.109	1	0(0)
February '11	6(6)	0.354	0.065	2	0(0)
March '11	9(20)	0.167	0.032	5	0(0)
April '10	20(7)	1.876	0.035	3	0(0)
May '10	12(9)	0.257	0.049	2	0(0)
June '10	8(12)	0.580	0.204	3	0(0)
July '10	12(6)	0.174	0.031	2	0(0)
August '10	9(6)	0.405	0.161	4	0(0)
September '10	7(4)	0.149	0.028	1	0(0)
October '10	7(6)	0.238	0.001	0	0(0)
November '10	1(6)	0.167	0.000*	0	0(0)
December '10	6(6)	0.859	0.225	5	0(0)

(numbers in parentheses are for same period last year)
*Volume for the November, 2010 event was 240 gallons

Total Number of Incidents Per Field Office This Period:

1	2	3	4	5	6
5	0	0	1	2	1

**DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION COMMISSION
CONTESTED CASES**

May, 2011

DATE RECEIVED	NAME OF CASE	F.O.	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
11/27/01	Dallas County Care Facility	5	Order/Penalty	WW	Hansen	10/03 – Letter to County attorney regarding appeal resolution. 1/04 – Letter to attorney regarding appeal. 4/04 – Dept. letter to attorney regarding appeal. 9/04 – Dept. letter to attorney regarding appeal. 6/26/07 – Appeal resolved. Facility connected to City WWTF. Consent order to be issued.
4/08/04	Silver Creek Feeders	4	Permit Conditions	AFO	Clark	2/9/11 – Met with Silver Creek’s attorney. Agreed have a meeting with Silver Creek officials, DNR staff and attorneys.
9/25/07	Winneshiek County Conservation Board (Kendallville Park)	1	Permit Revision	WS	Hansen	Negotiating before filing.
7/22/08	Nichols Aluminum	6	Permit Conditions	AQ	Preziosi	Settlement discussions ongoing. Last communication 8/28/10. Last communication 11/24/10.
10/01/08	Green Brier Subdivision	1	Permit Conditions	WS	Hansen	Negotiating before filing.
10/15/08	SSAB Iowa Inc.	6	Permit Conditions	AQ	Preziosi	Settlement discussions ongoing. Last discussion 4/14/11.
11/15/08	SSAB Iowa Inc.	6	Permit Conditions	AQ	Preziosi	Settlement discussions ongoing. Last discussion 4/14/11.
1/05/09	River Highlands Homeowner’s Association	6	Order/Penalty	WS	Hansen	10/09- WS in partial compliance with order after repair to well in 9/09.
5/29/09	Exide Technologies	1	NPDES Permit	WW	Tack	Negotiating before filing.
6/29/09	ADM (Permit 09-A-170-P)	6	Permit Condition	AQ	Preziosi	Negotiating before filing.
7/10/09	The Eastern Iowa Airport	1	NPDES Permit	WW	Hansen	Sent to DIA. Hearing set for 12/13/10. Hearing continued to 6/27/11.
8/17/09	Phoenix C & D Recycling, Inc.	5	Permit Revocation	SW	Tack	Proposed Decision issued 5/21/2010. DNR permit revocation upheld. EPC appeal pending.
9/29/09	Iowa Acquisitions, LLC	2	Order/Penalty	SW	Tack	Clean-up underway.
10/29/09	Harlan Rudd; Karen Rudd; dba Rudd Brothers Tires	6	Order/Penalty	UT	Brees	Informal negotiation. CADR was submitted, partially rejected with options. Settlement letter sent 2/24/10.
12/02/09	Table Mound MHP	1	Order/Penalty	WW	Hansen	Negotiating before filing.
12/16/09	Guy Thomas	4	Order/Penalty	UT	Brees	Oral agreement for tank removal prior to April 1, 2010. Continued negotiation on final settlement.

* These cases were previously assigned to Mike Murphy.

**DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION COMMISSION
CONTESTED CASES**

May, 2011

DATE RECEIVED	NAME OF CASE	F.O.	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
2/25/10	Higman Sand & Gravel Inc.	3	Order/Penalty	FP	Clark	Negotiating before filing.
3/08/10	Olson Farm, Inc.		Permit Conditions	AFO	Clark	Negotiating before filing.
3/11/10	Bondurant, City of	5	Order/Penalty	WW	Hansen	Negotiating before filing.
5/05/10	Jeff Grooms; Floris One Stop	6	Order/Penalty	UT	Mullen	New consent order issued. Appeal will be dismissed. Awaiting penalty payment.
5/25/10	CBJ Transport, LLC	2	Order/Penalty	AFO	Book	Met with company 1/13/11, negotiations continue.
6/01/10	Kyle Pattison Tire Company, LLC	1	Permit Renewal Denial	SW	Tack	Negotiating before filing.
6/24/10	Raccoon River Bible Camp	4	Variance Denial	WS	Hansen	Negotiating before filing.
8/06/10	West Kimberly MHP; Kendall and Beatrice Miller	3	Order/Penalty	WW	Hansen	Negotiating before filing.
8/25/10	James Bailey; James D. Bailey Construction	6	Order/Penalty	AQ/SW	Book	DIA hearing held 11/10/10. Decision affirmed, penalty now due. Mr. Bailey has been turned over to Revenue and Finance to initiate a collections action.
8/31/10	Louis Dreyfus Commodities	4	Permit Conditions	AQ	Preziosi	Negotiating before filing.
9/29/10	Bryant's Mobile Home Park	6	Order/Penalty	WW	Hansen	Negotiating before filing. 03/11 - Permit application received from MHP.
9/30/10	Ames, City of	5	Permit Conditions	WW	Tack	Hearing continued. Negotiations underway.
10/15/10	Helen and Virgil Homer dba Grandmas Snack Shop; Preston White	2	Order/Penalty	WS	Hansen	Negotiating before filing.
11/3/2010	Wendall Abkes	2	Order/Penalty	SW	Schoenebaum	Negotiating before filing.
11/5/2010	Flying Eagle, Inc. Will R. Ibeling	2	Order/Penalty	AFO	Schoenebaum	Hearing held 2/22/11. Waiting for ALJ decision.
11/12/10	Twin Valley Lakes Improvement Association	6	Permit Revisions	WS	Hansen	Negotiating before filing.
12/28/10	Oak Grove Church	1	Permit Conditions	WS	Hansen	Negotiating before filing.
12/29/10	Griffin Pipe Products Co., Inc.	4	Permit Conditions	AQ	Preziosi	Negotiating before filing.
1/31/11	Griffin Pipe products Co., Inc.	4	Tax Certification Request	AQ	Preziosi	Negotiating before filing.
2/15/11	June Oyer; Parsons Diehl, LLC; Plantation Village MHP	6	Order/Penalty	WW	Hansen	Negotiating before filing.

* These cases were previously assigned to Mike Murphy.

**DEPARTMENT OF NATURAL RESOURCES
 ENVIRONMENTAL PROTECTION COMMISSION
 CONTESTED CASES**

May, 2011

DATE RECEIVED	NAME OF CASE	F.O.	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
2/28/11	Manson, City of	3	Order/Penalty	WS	Hansen	Negotiating before filing.
3/03/11	Keith Durand		Order/Penalty	WW	Tack	To be set for hearing.

* These cases were previously assigned to Mike Murphy.

DATE: May, 2011

TO: EPC

FROM: Ed Tormey

RE: Enforcement Report Update

The following new enforcement actions were taken during this reporting period:

Name, Location and Field Office Number Date	Program	Alleged Violation	Action	
Blencoe, City of; Lyle Vandenhull Monona Co. (4)	Wastewater	Prohibited Discharge; Other Violations – Failure to Notify	Consent Order \$2,000	3/31/11
Hartford, City of (5)	Wastewater	Monitoring/Reporting	Consent Order \$1,500	3/31/11
Aric Den Boer Sioux Co. (3)	Animal Feeding Operation	Uncertified Applicator	Consent Order \$3,000	4/03/11
Cassens Mill Corp.; Charles Cassens Keokuk Co. (6)	Air Quality Solid Waste	Open Burning; Asbestos; Illegal Disposal	Consent Order \$4,500	4/03/11
Rural Water System Number 1 Sioux Co. (3)	Drinking Water	Construction Without Permit	Consent Order \$2,000	4/11/11
S & R One, Inc. Burlington (6)	Underground Tank	Leak Detection; Recordkeeping	Order/Penalty \$3,690	4/14/11
David Kundel, LLC Muscatine Co. (6)	Animal Feeding Operation	Construction Contrary to Permit	Consent Order \$3,500	4/19/11
Murl Dovel d/b/a Dovel's Locker Fremont Co. (4)	Solid Waste	Illegal Disposal	Consent Order \$4,000	4/19/11
Brian Anderson d/b/a Northwest Ready Mix Dickinson Co. (3)	Air Quality	Open Burning	Consent Order \$1,000	4/21/11
West Central Cooperative Boxholm (5)	Air Quality Solid Waste	Open Burning; Illegal Disposal	Consent Order \$7,945.64	4/21/11
Scott Herum Emmet Co. (3)	Air Quality Solid Waste	Open Burning; Illegal Disposal	Consent Order \$3,000	4/21/11

IOWA DEPARTMENT OF NATURAL RESOURCES
 ENVIRONMENTAL PROTECTION COMMISSION
 RULEMAKING STATUS REPORT
 May, 2011

PROPOSAL	SENT FOR GOVERNOR'S PRE-APPROVAL (JOB IMPACT STATEMENT)	NOTICE TO EPC	NOTICE PUBLISHED	ARC#	ARRC MTG.	HEARING	COMMENT PERIOD	FINAL SUMMARY TO EPC	RULES ADOPTED	RULES PUBLISHED	ARC#	ARRC MTG.	RULE EFFECTIVE
1. Ch. 22 – AQ Title V Fee Cap		1/18/11	2/09/11	9366B	3/11/11	3/11/11	3/11/11	*6/21/11	*6/21/11	*7/13/11		*8/02/11	*8/17/11
2. Ch. 48 – NEW – <u>GHEX Closed Loop Ground Heat Exchangers</u> ; Ch. 38; Ch. 39; Ch. 49; Ch. 82		2/15/11	3/09/11	9425B	*4/05/11	4/4-7, 11, 12/11	4/12/11	*6/21/11	*6/21/11	*7/13/11		*8/02/11	*8/17/11
3. Ch. 61 – WQ Standards, Section 401 Certification of Section 404 Regional Permits 27, 33 and 34		9/21/10	10/20/10	9153B	11/09/10	11/09/10	11/12/10	12/21/10	12/21/10	1/12/11	9330B	2/11/11	Delayed 70 Days/ ARRC 2/16/11
4. Ch. 61 – Nutrient WQ Standards for Lakes to Support Recreational Use		1/18/11	2/23/11	9371B	3/11/11	3/23/11	3/15/11	*6/21/11	*6/21/11	*7/13/11		*8/02/11	*8/17/11
5. Ch. 64 – WW Construction and Operation Permits		1/18/11	2/09/11	9364B	3/11/11	3/08/11	3/16/11	5/17/11	*5/17/11	*6/15/11		*7/05/11	*7/20/11
6. Ch. 65 – Animal Feeding Operations; Confinement NPDES		11/16/10	12/15/10	9274B	1/04/11	1/04-06, 10, 11/11	1/11/11	*6/21/11	*6/21/11	*7/13/11		*8/02/11	*8/17/11

* Projected timeline. Due to the requirement for Governor pre-approval/job impact statement of agency rule making, we can only project the timeline for the rulemaking process. Updates will be made and timelines adjusted as the rule making process moves forward.



Iowa Department of Natural Resources
Environmental Services Division
Report of Manure Releases

During the period March 1, 2011, through March 31, 2011, 2 reports of manure releases were forwarded to the central office. A general summary and count by field office is presented below.

		Total Incidents		Surface Water Impacts		Feedlot		Confinement		Land Application		Transport		Hog		Cattle		Poultry		Other	
Month	Year	Cur	Yr Ago	Cur	Yr Ago	Cur	Yr Ago	Cur	Yr Ago	Cur	Yr Ago	Cur	Yr Ago	Cur	Yr Ago	Cur	Yr Ago	Cur	Yr Ago	Cur	Yr Ago
Jan	2011	5	1	0	1	0	0	5	1	0	0	0	0	4	0	0	1	1	0	0	0
Feb	2011	1	3	0	0	0	0	1	1	0	0	0	2	1	1	0	0	0	2	0	0
Mar	2011	2	5	1	2	1	0	1	4	0	0	0	1	0	4	1	1	1	0	0	0
Total		8	9	1	3	1	0	7	6	0	0	0	3	5	5	1	2	2	2	0	0

Total Number of Incidents per Field Office for the Selected Period	Field Office 1		Field Office 2		Field Office 3		Field Office 4		Field Office 5		Field Office 6	
	Current	Previous										
Total	1	0	0	2	0	1	0	0	1	1	0	1



**Iowa Department of Natural Resources
Environmental Services Division
Report of Hazardous Conditions**

During the period March 1, 2011, through March 31, 2011, 72 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.

		Substance									Mode										
		Total Incidents		Agrichemical		Petroleum Products		Other Chemicals		Transport		Fixed Facility		Pipeline		Railroad		Fire		Other*	
Month	Year	Cur	Yr Ago	Cur	Yr Ago	Cur	Yr Ago	Cur	Yr Ago	Cur	Yr Ago	Cur	Yr Ago	Cur	Yr Ago	Cur	Yr Ago	Cur	Yr Ago	Cur	Yr Ago
Jan	2011	53	52	6	0	32	36	15	16	11	16	35	34	1	0	4	3	1	0	1	2
Feb	2011	61	43	5	0	34	29	22	14	12	14	46	22	0	5	0	1	0	0	4	2
Mar	2011	72	66	6	3	51	49	20	14	8	14	57	46	0	4	5	1	1	1	1	5
Total		186	161	17	3	117	114	57	44	31	44	138	102	1	9	9	5	2	1	6	9

*Other includes dumping, theft, vandalism and unknown

Total Number of Incidents per Field Office This Selected Period	Field Office 1		Field Office 2		Field Office 3		Field Office 4		Field Office 5		Field Office 6	
	Current	Year Ago										
Total	5	10	9	10	9	5	6	14	27	19	16	13

Environmental Services Division Variance Report

5/9/2011

Monthly Variance Report March 2011						
Item No.	Facility/City	Program	DNR Reviewer	Subject	Decision	Date
1	William Bulk Transfer	Air Quality	Bryan Bunton	Variance request for temporary storage of wood chips.	Approved	3/8/2011
2	CNH America LLC	Air Quality	Dennis Thielen	Variance from IAC 22.1 construction permits.	Approved	3/9/2011
3	City of Ames Pedestrian Bridge	Floodplains	Brian Wasserman	Variance request from the freeboard rule.	Approved	3/10/2011
4	Cardinal Valley Estates 3rd Addition	Water Supply	Mark Moeller	Variance for use of non-ASME pressure tanks.	Approved	3/15/2011
5	City of Dubuque	Waste Water	Victor Crossdale	Variance request from Design Standard Sec. 12.5.3.	Approved	3/17/2011
6	Iowa Limestone Company	Water Supply	Taroon Veerabhadrapa	Variance for use of non-ASME pressure tanks.	Approved	3/18/2011
7	Homeland Energy Solutions	Air Quality	Reid Bermel	Variance for emissions profile testing of CO2 Scrubber.	Approved	3/21/2011
8	Lincolnway Energy	Air Quality	Bryan Bunton	Variance for a trial burn of alternative fuels.	Approved	3/24/2011
10	Ag Processing Inc.	Air Quality	Reid Bermel	Variance to start construction & operate bagfilter to control rail meal loadout prior to obtaining a Const.permit.	Approved	3/28/2011
11	Schildberg Construction Co.	Air Quality	Reid Bermel	Variance to operate a portable crushing plant with engine prior to obtaining a Const. permit.	Approved	3/29/2011
12	Des Moines Water Works	Water Supply	Daryl Enfield	Variance from required Meter Vault at River Crossing.	Approved	3/29/2011
13	Southwest Renewable Energy LLC	Air Quality	Dennis Thielen	Variance for SIRE to operate a temporary natural gas package boiler.	Approved	3/30/2011
14	Valero Renewable Fuels - Charles City	Air Quality	Bryan Bunton	Variance request to conduct engineering tests on EP S40 (scrubber).	Approved	3/31/2011

IOWA DEPARTMENT OF NATURAL RESOURCES
COMPLIANCE AND ENFORCEMENT BUREAU

DATE: May 1, 2011
TO: Environmental Protection Commission
FROM: Ed Tormey
SUBJECT: Summary of Administrative Penalties

The following administrative penalties are due:

NAME/LOCATION	PROGRAM	AMOUNT	DUE DATE
Robert and Sally Shelley (Guthrie Center)	SW	1,000	3-04-91
Daryl & Karen Hollingsworth d/b/a Medora Store(Indianola)	UT	4,778	3-15-96
Greg Morton; Brenda Hornyak (Decatur Co.)	SW/AQ/WW	3,000	11-04-98
Ray Stamper; Bryan Zenor (Polk Co.)	SW	2,000	12-12-98
Otter Creek Station (Dubuque Co.)	WS	325	3-04-99
R & R Ranch (Osceola)	WW	10,000	8-30-00
James Harter (Fairfield)	WW	1,483	8-01-01
Wisconsin North dba National Petroleum, Inc. (Clinton)	UT	5,000	8-04-01
# Troy DeGroote; Casey DeGroote (Butler Co.)	AFO/AQ/SW	108	3-08-02
# Practical Pig Corporation (Clinton Co.)	AFO	2,000	5-26-02
Mobile World, L.C. (Camanche)	WW	2,000	5-27-02
M-F Real Estate; Fred "Butch" Levell (Carter Lake)	HC	1,701	8-18-02
Midway Oil Co.; David Requet (Davenport)	UT	5,355	9-20-02
Dale Schaffer (Union Co.)	AQ/SW	10,000	11-05-02
Midway Oil Co.; David Requet; John Bliss	UT	44,900	2-28-03
Green Valley Mobile Home Park (Mt. Pleasant)	WW	5,000	4-23-03
Midway Oil Company (West Branch)	UT	7,300	5-03-03
Midway Oil Company (Davenport)	UT	5,790	5-03-03
Albert Miller (Kalona)	AQ/SW	9,000	9-26-03
Mark Anderson (Des Moines Co.)	AQ/SW	6,188	3-22-04
Mike Messerschmidt (Martinsburg)	AQ/SW	500	4-13-04
Interchange Service Co., Inc., et.al. (Onawa)	WW	6,000	5-07-04
Emer Carlson (Fairfield)	AQ	232	6-01-04
Iowa Falls Evangelical Free Church (Iowa Falls)	WS	750	6-13-04
Mitchell Town Pump (Mitchell)	WS	2,080	6-16-04
# Dunphy Poultry (Union Co.)	AFO	1,500	6-27-04
Ranch Supper Club (Swisher)	WS	300	8-02-04
# Cash Brewer (Cherokee Co.)	AFO/SW	10,000	8-25-04
Spillway Supper Club (Harpers Ferry)	WS	1,500	9-06-04
David Niklasen (Shelby Co.)	SW	100	9-11-04
# Doorenbos Poultry; Scott Doorenbos (Sioux Co.)	AFO	1,500	10-09-04
T & T Corner Bar (McIntire)	WS	3,000	10-26-04
Rock N Row Adventures (Eldora)	WS	3,000	10-23-04
Americana Bowl (Ft. Madison)	WS	100	11-28-04
Harold Linnaberry (Clinton Co.)	SW	1,000	5-18-05
Elery Fry; Allen Fry; Mel Fry; Ron Fry (Moravia)	SW	10,000	6-20-05
# Matt Hoffman (Plymouth Co.)	AFO	750	8-08-05
Vernon Kinsinger (Washington Co)	SW	3,930	12-31-05
# Joel McNeill (Kossuth Co.)	AFO	2,500	1 21-06

#Animal Feeding Operation

BOLD Entries Have Been Referred to DRF

Affordable Asbestos Removal, Inc. (Monticello)	AQ	7,000	4-28-06
# Mike Elsbernd (Winneshiek Co.)	AFO	3,000	6-29-06
# Troy VanBeek (Lyon Co.)	AFO	3,500	10-16-06
Larry Bergen (Worth Co.)	AQ/SW	257	11-01-06
Mobile World, LC; R. Victor Hanks (Clinton Co.)	WW	22,500	4-01-07
James L. Heal; A-1 Imports (Homestead)	WW/SW	10,000	7-18-07
# Doug Orwig Site #1 (Dickinson Co.)	AFO	3,500	10-01-07
Mark Witt; Witt Auto Salvage (Monroe Co.)	SW/WW	8,000	1-15-08
# Joshua Van Der Weide (Lyon Co.)	AFO	3,500	2-25-08
# Edward Dale Klyn (Wayne Co.)	AFO	5,000	6-28-08
Karl Molyneux (What Cheer)	AQ/SW	960	7-19-08
Chad Hoppe; Steve Hoppe; Shady Acres MHP, (Chickasaw Co.)	WW	4,000	8-27-08
Rodney Mandernach; Mandernach Pork (Sac Co.)	AFO	4,000	10-23-08
Kevin & Candace Perry (Shelby Co.)	AQ/SW	10,000	11-07-08
George Kramer (Clinton Co.)	AQ/SW	1,500	11-09-08
Cottonballs, LLC (Winneshiek/Clayton)	AQ/SW	10,000	11-15-08
Mahaska Rural Water System, Inc.; City of Rose Hill	WW	1,000	12-06-08
Jon Knabel (Clinton Co.)	AQ/SW	2,000	12-16-08
Great River L.C.; River Highlands Homeowners Assoc.;	WS	10,000	2-01-09
River Highlands Water System Assoc. (LeClaire)			
Stuart Yoder (Johnson Co.)	AQ/SW	224	2-11-09
Ron and Joanne Kennedy (Council Bluffs)	UT	9,320	2-15-09
# James Boller (Kalona)	AFO	5,000	2-20-09
GPS Properties, LLC; Randhawas Travel Center (Brooklyn)	WW	10,000	3-08-09
Anthony Herman; Mighty Good Used Cars (Polk Co.)	WW	3,000	4-21-09
# Robert Fangmann (Dubuque Co.)	AFO	396	6-01-09
# Rick Renken (LeMars)	AFO	2,042	7-03-09
# Joe Klukow; RK Transport Inc. (Winnebago Co.)	AFO	5,000	7-09-09
# Brian Lill (Sioux Co.)	AFO	3,904	7-18-09
# Wesley Allender (Henry Co.)	AFO	1,500	8-22-09
# Lu-Jen Farms, Inc. (Cedar Co.)	AFO	2,000	8-22-09
Garner, City of	WW	1,500	9-28-09
# Lane Bachman (Calhoun Co.)	AFO	3,885	10-08-09
Thakur, LLC; Relax Inn (Williamsburg)	WS	9,250	10-19-09
Denny Geer (New Market)	SW	9,500	10-31-09
Buff's Iris City Truck Plaza (Mt. Pleasant)	UT	2,000	10-31-09
Dunkerton Cooperative Elevator (Dunkerton)	WW/HC	6,000	11-19-09
# John T. Erpelding (Kossuth Co.)	AFO	1,250	12-01-09
# Roger Langreck (Fayette Co.)	AFO	1,500	12-11-09
Van Bee Pork, LLC (Osceola)	AQ/SW	1,500	1-22-10
# Farmers Co-Operative Society (Sioux Co.)	AFO	3,000	1-22-10
Shrey Petroleum; Palean Oil; Profuel Three (Keokuk)	UT	10,000	3-19-10
Ellis Houk (Adams Co.)	AQ/SW	8,000	2-14-10
# Clinton Reed (Union Co.)	AQ/SW	2,100	3-12-10
# Dwayne Christiansen (Worth Co.)	AFO	1,500	3-16-10
Jeff Larabee; J & J Construction	AQ/SW	2,000	4-23-10
Melvin Wellik; Wellik-DeWitt Implement (Britt)	AQ/SW	3,000	4-08-10
Alchemist USA, LLC; Ravinder Singh (Malcom)	UT	8,260	5-03-10
Randy Logsdon; Bluffton Store (Decorah)	WS	3,000	5-06-10
LJ Unlimited, LLC (Franklin Co.)	AFO/AQ/SW	3,500	5-27-10
Alchemist USA, LLC (Bouton)	UT	10,000	6-19-10
L & D Dry Cleaning and Laundry (Fort Dodge)	AQ	2,019	6-18-10
Bret Cassens; J & J Pit Stop (Columbus Junction)	UT	8,700	6-20-10
# Christopher P. Hardt (Kossuth Co.)	AFO	2,000	7-07-10
# Richard Winkleman (Kossuth Co.)	AFO	3,000	7-10-10

#Animal Feeding Operation

BOLD Entries Have Been Referred to DRF

TC Tiling & Excavating (Wayland)	AQ	3,000	7-13-10
Doeden Farms, Inc. (Lyon Co.)	AFO	9,000	7-23-10
AKD Investments, LLC; H.M. Mart, Inc. (Blue Grass)	UT	6,900	8-06-10
Lonnie Bryant; Sierra Bryant; Bryant's MHP (Keokuk)	WW	2,000	8-15-10
Randy Groff; Virginia Groff (Mitchell Co.)	AQ/SW	1,000	8-15-10
# Derner's of Milford, Inc. (Milford)	AFO	3,000	8-27-10
Lake Trio Homeowner's Improvement Assn. (Washington)	WW	3,000	8-29-10
Kenneth Knight Sr. (Glenwood)	AQ/SW	3,500	10-15-10
Wendall Abkes (Parkersburg)	SW	7,000	11-07-10
# Chris Wessels (Earlville)	AFO	3,500	11-12-10
# Flying Eagle, Inc.; Will R. Ibeling (Hardin Co.)	AFO	10,000	11-14-10
Jefferson, City of	AQ/SW	2,500	11-18-10
# Blake Hershberger; Jennifer Hershberger (Washington Co.)	AFO	2,000	11-20-10
Eastern Hills Baptist Church (Council Bluffs)	WS	3,000	11-29-10
James Bailey; James Bailey Construction (Douds)	AQ/SW	3,500	12-01-10
Jeff Grooms; Floris One Stop (Floris)	UT	1,000	12-09-10
Leonard Dolezal (Cedar Rapids)	AQ/SW	2,400	12-14-10
# Joe McNeill (Kossuth Co.)	AFO	2,500	12-23-10
# Brandon Diedrich; Diedrich Ag (Worth Co.)	AFO	5,000	12-27-10
# KRKL Cattle Inc. (Sioux Co.)	AFO	5,000	2-06-11
Keith Durand; Durand Construction (Lee Co.)	WW	500	2-13-11
Gaylord Construction, Inc. (Hardin Co.)	WW	4,000	2-13-11
Gonzalez & Sons Express, Inc. (DeSoto)	WW	8,000	4-20-11
Aric Den Boer (Sioux Co.)	AFO	3,000	5-03-11
David Kundel, LLC (Muscatine Co.)	AFO	3,500	5-19-11
Iowa Limestone Co. (Alden)	AQ	10,000	5-22-11
George O. Ackerson (Warren Co.)	SW	3,000	6-02-11
Hartford, City of	WW	1,500	6-11-11
Quality Mat Co., Inc. (Waterloo)	AQ	1,500	-----
S & R One, Inc. (Burlington)	UT	3,690	-----
Elite Fuel Four; Iowa Gas Group; USA Gas Depot; Kavya Corp.; Ish Oberoi (Indianola)	UT	10,000	-----
Elite Fuel Four; Iowa Gas Group; Liberty Mart; Ish Oberoi (Des Moines)	UT	10,000	-----
Elite Fuel Two; Iowa Gas Group; Ish Oberoi; Mark Kramer; M K Fueltime (New Hampton)	UT	10,000	-----
Elite Fuel Four; Iowa Gas Group; Gas Depot & Minimart; Ish Oberoi (Des Moines)	UT	10,000	-----
Elite Fuel Six; Iowa Gas Group; United Mini-Mart; Ish Oberoi (Des Moines)	UT	10,000	-----
Elite Fuel Six; Iowa Gas Group; United Gas Supply; Ish Oberoi (Des Moines)	UT	10,000	-----
Elite Fuel Six; Elite Fuel Two; Ish Oberoi (Waterloo)	UT	6,375	-----
Elite Fuel Eight; Iowa Gas Group; Sekon Brothers; Ish Oberoi (Des Moines)	UT	6,500	-----
Elite Fuel Eight; Iowa Gas Group; USA Gas Supply; Ish Oberoi (Des Moines)	UT	10,000	-----
	TOTAL	635,602	

The following penalties have been placed on payment plans:

* Jerry Feilen and Rick Bain (Pottawattamie Co.)	AQ/SW	1,663	12-15-03
* Reginald Parcel (Henry Co.)	AQ/SW	110	4-23-05
* Country Stores of Carroll, Ltd. (Carroll)	UT	1,408	6-06-05

#Animal Feeding Operation

BOLD Entries Have Been Referred to DRF

* Douglas Bloomquist (Webster Co.)	AQ/SW	3,500	12-01-07
* Jack Knudson (Irwin)	UT	10,000	1-15-08
* Craig Burns (Postville)	WW	950	7-15-08
* Fred Knosby (Cumming)	AQ/SW	2,650	3-18-08
#*Doug Hymbaugh (Ringgold Co.)	AQ/SW	200	12-08-08
* Goldsmith & Son, Inc.; J & G Pallet LLC (Sergeant Bluff)	WW	200	4-15-10
#*Richard Steen (Montgomery Co.)	AFO	2,000	2-15-10
# Jeff Behrens (Montgomery Co.)	AFO	889	8-15-09
* Jacob Nielsen (Newell)	AQ/SW	250	3-25-10
* Land Pros, LLC; Meadow Brooke (Indianola)	WW	2,000	6-30-09
* 76 LTD (Washington Co.)	AFO	1,000	2-15-10
#*Gale Rehm (Franklin Co.)	AFO	500	8-01-09
* Ramona Gronbach; Thomas Gronbach	AQ/SW	2,325	11-01-10
# Jerry Passehl (Latimer)	SW/WW/HC	2,695	7-01-09
# Steve Frick (Osceola Co.)	AFO	340	4-01-11
# Brad Eslick (Webster Co.)	AFO	1,667	8-30-09
# Ted Dickey dba Dickey Farms (Muscatine Co.)	AQ/SW/AFO	1,200	10-15-09
# Denver Dairy Farm, LLC (Bremer Co.)	AFO	2,664	3-15-10
# HDS Farms, L.L.C. (Sioux Co.)	AFO	3,000	3-01-11
Active Thermal Concepts, Inc. (Linn Co.)	AQ	1,000	9-01-11
# Winter Feedlots, Inc. (Plymouth Co.)	AFO	930	4-15-11
Jerry Wernimont (Carroll)	AQ/SW	1,500	4-19-10
Pomeroy Rental LLC (Pomeroy)	AQ/SW	2,800	4-15-11
Bob Wright; Wright Excavating & Bulldozing (West Branch)	AQ/SW	1,750	9-30-11
Air Advantage; ANF Air Service (Des Moines Co.)	WW	2,125	2-01-11
Randy Bachman; Bachman Tiling & Excavating (Pomeroy)	AQ/SW	2,600	4-15-11
Walter H. Marshall, Jr. (Harrison Co.)	AQ/SW	460	5-10-11
# Kevin Montgomery (Clinton Co.)	AFO	1,400	2-10-11
James Mathes (Marion Co.)	AFO	2,812	5-15-11
4-Star Pork, LLC (Buena Vista Co.)	AFO	1,500	11-23-10
Rock Bottom Dairy; Bernie Bakker (Rock Valley)	AFO	3,000	2-01-11
Frye Property Management, LLC (Ft. Dodge)	AQ	1,875	4-15-10
Tres M, LLC (Butler Co.)	AFO	2,000	6-15-11
Pam Lehman (Decatur Co.)	SW	2,250	4-30-11
Muller Livestock,L.C.; Jon Kelly Muller (Cass Co.)	WW	3,333	10-01-11
Regency of Iowa, Inc. (Johnson/Story Cos.)	AQ	5,304	5-01-11
# Tony Mertens (Lee Co.)	AFO	3,952	2-15-11
# Gary Riesberg (Carroll Co.)	AFO	2,400	4-01-11
# Guse Family Farm Corp. (Emmet Co.)	AFO	1,500	10-15-10
# Ernest Greiner (Keokuk Co.)	AFO	500	5-19-10
Quad City Drum Recycling Co., Inc. (Davenport)	AQ	594	5-01-11
TMAC Farms, LLC (Plymouth Co.)	AFO	1,660	5-01-11
Alchemist USA, LLC (Bouton)	UT	2,200	5-01-11
Stott Aerial Spray, Inc. (Jefferson)	AQ/SW	4,025	7-15-11
# J. Ward Farms, LLC; Jeff Ward (Worth Co.) (2 Orders)	AFO	4,375	5-01-11
Brian Anderson dba Northwest Ready Mix (Milford)	AQ	1,000	5-01-11
	TOTAL	100,149	

#Animal Feeding Operation

BOLD Entries Have Been Referred to DRF

The following administrative penalties have been appealed:

NAME/LOCATION	PROGRAM	AMOUNT
Dallas County Care Facility (Adel)	WW	5,000
Iowa Acquisitions, LLC (Floyd Co.)	SW	5,000
Table Mound Park Corp.; Table Mound #1 MHP (Dubuque Co.)	WW	7,500
Guy Thomas (Council Bluffs)	UT	10,000
Harlan Rudd; Karen Rudd; Rudd Bros. Tires (Drakesville)	UT	10,000
Bondurant, City of	WW	10,000
Higman Sand and Gravel, Inc. (Plymouth Co.)	FP	10,000
# CBJ Transport, LLC (Cerro Gordo Co.)	AFO	5,000
Jeff Grooms; Floris One Stop (Floris)	UT	3,500
Kendall Miller; Beatrice Miller; West Kimberly MHP	WW	4,000
Helen and Virgil Homer; Grandmas Snack Shop; Preston White (Aredale)	WS	8,461
June Oyer; Parsons Diehl, LLC; Plantation Village MHP	WW	2,500
Manson, City of	WS	10,000
	TOTAL	90,961

The following administrative penalties have been collected:

NAME/LOCATION	PROGRAM	AMOUNT
Regency of Iowa, Inc. (Johnson/Story Cos.)	AQ	312
Regency of Iowa, Inc. (Johnson/Story Cos.)	AQ	312
Quad City Drum Recycling Co., Inc. (Davenport)	AQ	31
Frye Property Management, LLC (Ft. Dodge)	AQ	625
James Mathes (Marion Co.)	AFO	187
Coggon, City of; Coggon Municipal Light Plant	AQ	750
# Steve Frick (Osceola Co.)	AFO	340
#*John Kauffman (Johnson Co.)	AFO	166
Walter H. Marshall, Jr. (Harrison Co.)	AQ/SW	20
Pam Lehman (Decatur Co.)	SW	100
Randy Bachman; Bachman Tiling & Excavating (Pomeroy)	AQ/SW	200
Quad City Drum Recycling Co., Inc. (Davenport)	AQ	31
Frye Property Management, LLC (Ft. Dodge)	AQ	625
James Mathes (Marion Co.)	AFO	187
Dennis Goodrich (Hamilton Co.)	AQ/SW	100
TMAC Farms, LLC (Plymouth Co.)	AFO	83
Bob Wright; Wright Excavating & Bulldozing (West Branch)	AQ/SW	1,750
Blencoe, City of; Lyle Vandenhull (Monona Co.)	WW	2,000
# Jeff Behrens (Montgomery Co.)	AFO	444
Ron and Joanne Kennedy (Council Bluffs)	UT	668
# Ted Dickey dba Dickey Farms (Muscatine Co.)	AQ/SW/AFO	225
Daryl & Karen Hollingsworth d/b/a Medora Store (Indianola)	UT	100
# Rick Renken (LeMars)	AFO	97
Cassens Mill Corp.; Charles Cassens (Keokuk Co.)	AQ/SW	4,500
Pam Lehman (Decatur Co.)	SW	100
Walter H. Marshall, Jr. (Harrison Co.)	AQ/SW	20
Allen Brockshus (Osceola Co.)	AQ/SW	1,000
Alchemist USA, LLC (Bouton)	UT	200
Stott Aerial Spray, Inc. (Jefferson)	AQ/SW	575
Van Bruggen Pit Cleaning, Inc. (Sioux Co.)	AFO	2,500
Quad City Drum Recycling Co., Inc. (Davenport)	AQ	31

#Animal Feeding Operation

BOLD Entries Have Been Referred to DRF

Murl Dovel d/b/a Dovel's Locker (Fremont Co.)	SW	4,000
West Central Cooperative (Ralston)	AQ/SW	7,946
Scott Herum (Emmet Co.)	AQ/SW	3,000
Alchemist USA, LLC (Bouton)	UT	200
Rural Water System Number 1 (Sioux Co.)	WS	2,000
Mega Inc.; Rocky Marco (Ocheyedan)	AQ/SW	1,000
# Winter Feedlots, Inc. (Plymouth Co.)	AFO	93
	TOTAL	36,518

#Animal Feeding Operation
BOLD Entries Have Been Referred to DRF