

Regulatory Plan for SFY2010

Iowa Department of Natural Resources

Introduction

This plan is intended to implement the Governor's Executive Order #9 and provides the Department's expected regulatory actions for State Fiscal Year 2010, which began July 1, 2009.

Regulatory Objectives

The Director of the Department of Natural Resources, the Environmental Protection Commission, the Natural Resources Commission, and the State Advisory Board for Preserves:

- Strive to provide by rule general statements that implement, interpret or prescribe law or policy or serve an important public need;
- Strive to describe by rule the organization, procedure, and practice requirements of the Department;
- Strive to use sound science, economic analysis, and policy analysis;
- Strive to use an open, inclusive process for rule making; and
- Strive to provide rules that are plain-spoken, direct, productive and are necessary to carry out the laws of Iowa and the federally mandated programs.

In doing so, these rule-making authorities will strive to incorporate the Governor's priorities for

- Protecting and improving Iowa's water resources,
- Encouraging all Iowans to serve as stewards of our natural and cultural resources,
- Ensuring a sustainable environment for high quality outdoor recreation,
- Increasing environmentally sustainable business practices, and
- Using energy efficiently.

Regulatory Actions

The following tables list the Department's anticipated regulatory actions by rule-making authority. A summary of each action follows.

It is anticipated that, of the planned regulatory actions, those relating to water quality standards (Chapter 61) and animal feeding operations (Chapter 65) will receive the most public input. There may be significant interest in the Title V Fee Cap (Chapter 22), Indicator Opacity (Chapters 22 23), and Public Water Supply Rulemaking for Stage 2 Disinfectants and Long-Term 2 Enhanced Surface Water Treatment (40-43, 81, 83).

How Can You Participate?

You can participate by contacting the person listed in the summary of a regulatory action. You may also participate by commenting on proposed rules that are published in the Iowa Administrative Bulletin. Once a rule has been proposed, the Department will consider your comments and address them before issuing a final rule. To be most effective, comments should contain information and data that support your position, and explain why they should be incorporated in the final rule. You can be particularly helpful and persuasive if you provide examples to illustrate your concerns and offer specific alternatives.

Chapter	Subject of Regulatory Action
561-1	Department Organization
561-8, 567-8, 571-8	Contracts
565	No Planned Regulatory Actions
567-15	Cross Media Electronic Reporting - CROMERR
567-15, 571-15	General Licenses - Revocations
567-20,22,26,31,33	New Source Review– Fine Particulate
567-20 – 23, 25,33, 34	1 st General Air Updates
567-20 – 23, 25,33, 34	2 nd General Air Updates
567-22	Title V Fee Cap
567-22,23	Indicator Opacity
567-23	Open Burning – Exemption for Prescribed Natural Resource Burns
567-38,39, 49, 82	Geothermal Heat Loop Regulation
567-40-43	Public Water Supply Design Standards
567-40-43,81,83	Analytical Methods and Lead & Copper Revisions
567-40-43,81,83	Public Water Supply Rulemaking: Stage 2 DBPR and LT2 ESWTR
567-40-43,63,67,69, 83,100-130,133,135, 137,	Laboratory Certification
567-44,90-93	State Revolving Fund
567-60,61,62,72	Water Quality Standards
567-60,62,63,64	National Pollutant Discharge Elimination System Permits
567-64	Wastewater Facility Design Standards
567-65	Animal Feeding Operations Update
567-65	Animal Feeding Operations EPA CAFO
567-65	Animal Feeding Operations Demand for Hearing Procedures
567-71,72	Floodplain Development
567-101	Solid Waste Comprehensive Planning
567-114	Sanitary Landfills
567-122	Cathode Ray Tubes
567-123,221	Financial Assistance For The Collection Of Household Hazardous Materials
567-133	Clean Up Actions & Restitution
567-133	Hazardous Conditions Update
567-135	Technical Standards and Corrective Action Requirements for Owners and Operators of Underground Storage Tanks

567-new chapter	Reporting for Emergency Planning & Community Right to Know
571-12,15	Law Enforcement Volunteer Instructor Training
571-14	Concessions
571-15	Hunting & Fishing Licenses
571-15	Educator Requirements
571-16	Docks – Boat Houses
571-18	Leases of State Owned Property
571-29	Local Recreation Infrastructure Grants Program
571-28,46,47,50	Snowmobile & ATVs
571-40	Boating
571-44	Law Enforcement Special Events
571-51, et. al.	Wildlife Season Setting, Shooting Hours, Bag Limits
571-13,54	Removal of Plant Life from Lakes
571-61,63	State Parks
571-78	Ginseng Harvesting
571-81	Fishing Paddlefish Update
571-88	Fishing Tournaments
571-101,102	Falconry
571-113	Clean Up Actions & Restitution
575	No Planned Regulatory Actions

**DNR REGULATORY AGENDA FOR SFY 2010
FORM FOR REGULATORY ACTION DESCRIPTION**

Rule Making Authority Director
Environmental Protection Commission (EPC)
Natural Resource Commission (NRC)
Energy & Geological Resource Division

Title of Regulatory Action

Rule Chapter(s) that may be involved

Description of Contemplated Regulatory Action

(Including, to the extent reasonable and practicable, alternatives to be considered and preliminary estimate of costs and benefits of the Action)

Legal Basis

(Include whether action is required by statute or court order)

Need for Regulatory Action

(Include if applicable how the action will reduce risk to public health, safety, or the environment)

**Other Affected/Interested
Rule Making Authorities**

**Potential Public Groups
Impacted**

Schedule:

(Actions & month/year)

Staff Contact/Phone #

**DNR REGULATORY AGENDA FOR SFY 2010
FORM FOR REGULATORY ACTION DESCRIPTION**

Rule Making Authority Director
Environmental Protection Commission (EPC)
Natural Resource Commission (NRC)
Energy & Geological Resource Division

Title of Regulatory Action Contracts for Public Improvements and Professional Services – part of rulemaking may include a name change.

Rule Chapter(s) that may be involved IAC 561 Chapter 8, IAC 567 Chapter 8 & IAC 571 Chapter 8

Description of Contemplated Regulatory Action
(Including, to the extent reasonable and practicable, alternatives to be considered and preliminary estimate of costs and benefits of the Action)

The purpose of the proposed rule changes is to adopt new contracting rules that reference procurement rules already applicable to the department, remove non-applicable contracting standards, and comply with laws regarding additional consideration requirements for Iowa Great Places projects.

Legal Basis
(Include whether action is required by statute or court order)

Not required by code or court order. Implements provisions found in Iowa Code chapters 26, 303, 455A, 455B, 456A, 461A, and 573.

Need for Regulatory Action
(Include if applicable how the action will reduce risk to public health, safety, or the environment)

Enhances agency's ability to perform.

Other Affected/Interested Rule Making Authorities

None

Potential Public Groups Impacted

Vendors; contractors; grant recipients.

Schedule:
(Actions & month/year)

Commissions informational item by January 2010.
Notice of Intended Action to be filed by February 2010.
Public hearings in February 2010.
Final rule to Commissions by April 2010.

Staff Contact

Kelley Myers 515-281-5634

**DNR REGULATORY AGENDA FOR SFY 2010
FORM FOR REGULATORY ACTION DESCRIPTION**

Rule Making Authority Director
Environmental Protection Commission (EPC)
Natural Resource Commission (NRC)
Energy & Geological Resource Division

Title of Regulatory Action Cross Media Electronic Reporting

Rule Chapter(s) that may be involved Add IAC 567 Chapter 15

Description of Contemplated Regulatory Action

(Including, to the extent reasonable and practicable, alternatives to be considered and preliminary estimate of costs and benefits of the Action)

The purpose of the proposed rule changes is to adopt the U.S. Environmental Protection Agency's (EPA) electronic reporting requirements for programs which establishes electronic reporting as an acceptable regulatory alternative across a broad spectrum of EPA programs and institutes standards for e-reporting systems to ensure that electronic documents are as legally dependable as their paper counterparts. CROMERR impacts electronic data currently received or planned to be received in federally mandated programs in the Environmental Services Division.

CROMERR does not require regulated entities to submit electronic data or require programs to accept electronic data. CROMERR establishes the performance standards for accepting electronic documents if the option is or will be available. Programs already receiving electronic information must modify the system(s) or create new systems to be compliant with CROMERR.

Legal Basis

(Include whether action is required by statute or court order)

455B.133 and 554D, 40 CFR Part 3

Need for Regulatory Action

(Include if applicable how the action will reduce risk to public health, safety, or the environment)

Adoption of this rule is required for the CROMERR application to EPA. States are required to submit CROMERR applications to EPA for existing electronic document receiving systems by January 13, 2010.

**Other Affected/Interested
Rule Making Authorities**

U.S. Environmental Protection Agency, DED

**Potential Public Groups
Impacted**

Association of Business & Industries

Schedule:

(Actions & month/year)

Commission informational item by August 2009
Notice of Intended Action to be filed by October 2009
Public hearings in December 2009
Final rule to Commission by February 2010

Staff Contact/Phone #

Anne Preziosi 515-281-6243

**DNR REGULATORY AGENDA FOR SFY 2010
FORM FOR REGULATORY ACTION DESCRIPTION**

Rule Making Authority Director
Environmental Protection Commission (EPC)
Natural Resource Commission (NRC) **X**
Energy & Geological Resource Division

Title of Regulatory Action

Rule Chapter(s) that may be involved

General License Regulations

Description of Contemplated Regulatory Action

IAC 567 Chapter 15
IAC 571 Chapter 15

(Including, to the extent reasonable and practicable, alternatives to be considered and preliminary estimate of costs and benefits of the Action)

The proposed changes provide revocation and suspension of licenses for DNR permittees and license holders who have unpaid debt with the state.

Legal Basis

(Include whether action is required by statute or court order)

This amendment is intended to implement provisions of Iowa Code chapter 272D and Iowa Code section 455A.5.

Need for Regulatory Action

(Include if applicable how the action will reduce risk to public health, safety, or the environment)

The DNR is required by law to comply with license revocation procedures outlined in Iowa Code chapter 272D.

Other Affected/Interested Rule Making Authorities

Department of Revenue

Potential Public Groups Impacted

DNR license and permit holders

Schedule:

Commission informational item by August 13, 2009
Notice of Intended Action to be filed by August 19, 2009
Public hearings in September 29, 2009
Final rule to Commission by December 9, 2009

Staff Contact/Phone#

Kelley Myers 515-281-5634

**DNR REGULATORY AGENDA FOR SFY 2010
FORM FOR REGULATORY ACTION DESCRIPTION**

Rule Making Authority Director
Environmental Protection Commission (EPC)
Natural Resource Commission (NRC)
Energy & Geological Resource Division

Title of Regulatory Action General Rulemaking: Adoption of federal NESHAPS and NSPS, and general updates and corrections

Rule Chapter(s) that may be involved IAC 567 Chapters 20, 21, 22, 23, 25, 33 and 34

Description of Contemplated Regulatory Action

(Including, to the extent reasonable and practicable, alternatives to be considered and preliminary estimate of costs and benefits of the Action)

The rulemaking will include adoption by reference of National Emission Standards for Hazardous Air Pollutants (NESHAP) and New Source Performance Standards (NSPS). In particular, the rulemaking will include adoption of several NESHAP for area sources. Many area sources are small businesses not familiar with air quality regulations. Area sources may also include local, state, and federal government operations. For these reasons, the department has formed implementation groups to provide compliance assistance and educational outreach to affected area sources.

The rulemaking will also provide clarification of records, maintenance requirements, reporting requirements, and exemptions for continuous monitors. Provides updates to other air quality programs such as Title V and Prevention of Significant Deterioration (PSD). General updates, clarifications and corrections to the rules.

Preliminary Estimate of Costs: No costs to the state. Adoptions of federal standards by reference impose no new costs to regulated industry beyond those already associated with the federal standard.

Benefits of the Action: Up-to-date rules that are easier for the department and regulated public to use. Area source NESHAP facilities will benefit from increased compliance assistance and outreach activities.

Legal Basis

(Include whether action is required by statute or court order)

This action is intended to implement Iowa Code 455B.133.

Need for Regulatory Action

This action is intended to maintain up-to-date rules, correct errors, eliminate loopholes, and provide clarifications.

Other Affected/Interested Rule Making Authorities

U.S. EPA, IDED – Small Business Environmental Liaison, UNI – Iowa Air Emissions Assistance Program, county air quality control programs (Linn and Polk counties), IDPS, IDOT, Professional Licensure Division, and Dept. of Education.

Potential Public Groups Impacted

Association of Business and Industry, National Federal of Independent Business, Agribusiness Association, Petroleum Marketers and Convenience Stores of Iowa, Iowa League of Cities, and Iowa State Association of Counties.

Schedule:

(Actions & month/year)

EPC informational item by November 2009
Notice of Intended Action to be filed by December 2009
Public hearings in January 2010
Final rule to EPC by March 2010
Final rule effective in IAC by April 2010

Staff Contact/Phone #

Christine Paulson 515-242-5154

**DNR REGULATORY AGENDA FOR SFY 2010
FORM FOR REGULATORY ACTION DESCRIPTION**

Rule Making Authority Director
Environmental Protection Commission (EPC)
Natural Resource Commission (NRC)
Energy & Geological Resource Division

Title of Regulatory Action General Rulemaking: Adoption of federal NESHAPS and NSPS, and general updates and corrections

Rule Chapter(s) that may be involved IAC 567 Chapters 20, 21, 22, 23, 25, 33 and 34

Description of Contemplated Regulatory Action

(Including, to the extent reasonable and practicable, alternatives to be considered and preliminary estimate of costs and benefits of the Action)

The rulemaking will include adoption by reference of National Emission Standards for Hazardous Air Pollutants (NESHAP) and New Source Performance Standards (NSPS). In particular, the rulemaking will include adoption of several NESHAP for area sources. Many area sources are small businesses not familiar with air quality regulations. Area sources may also include local, state, and federal government operations. For these reasons, the department has formed implementation groups to provide compliance assistance and educational outreach to affected area sources.

The rulemaking will provide clarification of records, maintenance requirements, reporting requirements, and exemptions for continuous monitors. Provides updates to other air quality programs such as Title V and Prevention of Significant Deterioration (PSD). General updates, clarifications and corrections to the rules. This rulemaking will also include the adoption of the revised nitrogen dioxide (NO₂) national ambient air quality standard.

Preliminary Estimate of Costs: No costs to the state. Adoptions of federal standards by reference impose no new costs to regulated industry beyond those already associated with the federal standard.

Benefits of the Action: Up-to-date rules that are easier for the department and regulated public to use. Area source NESHAP facilities will benefit from increased compliance assistance and outreach activities.

Legal Basis

(Include whether action is required by statute or court order)

This action is intended to implement Iowa Code 455B.133.

Need for Regulatory Action

(Include if applicable how the action will reduce risk to public health, safety, or the environment)

This action is intended to maintain up-to-date rules, correct errors, eliminate loopholes, and provide clarifications.

Other Affected/Interested Rule Making Authorities

U.S. EPA, IDED – Small Business Environmental Liaison, UNI – Iowa Air Emissions Assistance Program, county air quality control programs (Linn and Polk counties), IDPS, IDOT, Professional Licensure Division and Dept. of Education.

Potential Public Groups Impacted

Association of Business and Industry, National Federal of Independent Business, Agribusiness Association, Petroleum Marketers and Convenience Stores of Iowa, Iowa League of Cities, and Iowa State Association of Counties.

Schedule:

(Actions & month/year)

EPC informational item by March 2010
Notice of Intended Action to be filed by April 2010
Public hearings in May 2010
Final rule to EPC by July 2010
Final rule effective in IAC by August 2010

Staff Contact/Phone #

Christine Paulson 515-242-5154

**DNR REGULATORY AGENDA FOR SFY 2010
FORM FOR REGULATORY ACTION DESCRIPTION**

Rule Making Authority Director
Environmental Protection Commission (EPC)
Natural Resource Commission (NRC)
Energy & Geological Resource Division

Title of Regulatory Action Adoption of EPA's New Source Review Implementation Rules for PM2.5

Rule Chapter(s) that may be involved IAC 567 Chapters 20, 22, 26, 31, and 33

Description of Contemplated Regulatory Action
(Including, to the extent reasonable and practicable, alternatives to be considered and preliminary estimate of costs and benefits of the Action)

Adoption of EPA's New Source Review (NSR) attainment and non-attainment implementation rules for PM2.5.

Preliminary Estimate of Costs: This action implements federal requirements, therefore no costs beyond those associated with the federal action are anticipated. Costs to the state for implementing this program are unknown at this time.

Benefits of the Action: Certainty and consistency in implementation of NSR requirements for PM2.5.

Legal Basis
(Include whether action is required by statute or court order)

This action is intended to implement Iowa Code section 455B.133 and parts C and D of Title I of the Clean Air Act.

Need for Regulatory Action
(Include if applicable how the action will reduce risk to public health, safety, or the environment)

Directly regulating PM2.5 emissions instead of relying on the regulation of PM-10 emissions as a surrogate for PM2.5 emissions will result in improved public health protection.

Other Affected/Interested Rule Making Authorities

U.S EPA
Local air quality programs in Linn and Polk counties
Iowa DED, IDOT, Professional Licensure Division

Potential Public Groups Impacted

Regulated industries and businesses
Association of Business and Industry

Schedule:
(Actions & month/year)

EPC informational item by May 2010
Notice of Intended Action to be filed by June 2010
Public Hearing in August 2010
Final rule to EPC by November 2010

Staff Contact/Phone #

Jim McGraw 515-242-5167

**DNR REGULATORY AGENDA FOR SFY 2010
FORM FOR REGULATORY ACTION DESCRIPTION**

Rule Making Authority Director
Environmental Protection Commission (EPC)
Natural Resource Commission (NRC)
Energy & Geological Resource Division

Title of Regulatory Action Title V Fee Cap

Rule Chapter(s) that may be involved IAC 567 IAC Chapter 22

Description of Contemplated Regulatory Action
The regulations contain a cap on the fees that may be assessed per ton of air pollutants. This modification would raise the cap to the presumptive minimum, which is set by the EPA.

Legal Basis
(Include whether action is required by statute or court order)

This action is intended to implement Iowa Code 455B.133.

Need for Regulatory Action
Funding for the Title V program originates from fees on air emissions from the previous year. The department is anticipated reaching the existing cap on fees and needs to raise the cap on fees to maintain adequate funds to run the program for major sources. The raising of the fees is consistent with the goal of adjusting the fee as necessary to cover all reasonable costs required to develop and administer programs for major sources.

Other Affected/Interested Rule Making Authorities Iowa DED, IDOT
U.S. EPA

Potential Public Groups Impacted Iowa Association of Business and Industry
Current or prospective Title V facilities

Schedule:
(Actions & month/year) EPC informational item by May 2010
Notice of Intended Action to be filed by June 2010
Public Hearing in August 2010
Final rule to EPC by October 2010
Final rule effective in IAC by December 2010

Staff Contact/Phone # Wendy Rains 515-281-6061

**DNR REGULATORY AGENDA FOR SFY 2009
FORM FOR REGULATORY ACTION DESCRIPTION**

Rule Making Authority Director
Environmental Protection Commission (EPC)
Natural Resource Commission (NRC)
Energy & Geological Resource Division

Title of Regulatory Action Indicator Opacity Requirements

Rule Chapter(s) that may be involved IAC 567 Chapters 22 and 23

Description of Contemplated Regulatory Action

(Including, to the extent reasonable and practicable, alternatives to be considered and preliminary estimate of costs and benefits of the Action)

The Air Quality Bureau intends to work with a stakeholder group to review the current opacity policy, available opacity data, and propose a rulemaking for appropriate permit limits for opacity.

Costs: None.

Benefits: To establish a clearer understanding of opacity between DNR and stakeholders.

Legal Basis

(Include whether action is required by statute or court order)

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

Need for Regulatory Action

(Include if applicable how the action will reduce risk to public health, safety, or the environment)

The Air Quality Bureau seeks to review of available data and stakeholder input in an attempt to clarify opacity.

**Other Affected/Interested
Rule Making Authorities**

Local air quality programs in Linn and Polk Counties
Iowa DED, IDPS, IDOT, Professional Licensure Division

**Potential Public Groups
Impacted**

Regulated industries and businesses
Iowa Association of Business and Industry

Schedule:

(Actions & month/year)

Environmental Protection Commission Information: 05/10
Environmental Protection Commission Notice: 06/10
Public Hearing and End of Public Comment Period: 08/10
Environmental Protection Commission Final: 09/10

Staff Contact/Phone #

Wendy Rains 515-281-6061

**DNR REGULATORY AGENDA FOR SFY 2010
FORM FOR REGULATORY ACTION DESCRIPTION**

Rule Making Authority Director
Environmental Protection Commission (EPC)
Natural Resource Commission (NRC)
Energy & Geological Resource Division

Title of Regulatory Action Open Burning – Exemption for Prescribed Natural Resource Burns

Rule Chapter(s) that may be involved IAC 567 Chapter 23

Description of Contemplated Regulatory Action

(Including, to the extent reasonable and practicable, alternatives to be considered and preliminary estimate of costs and benefits of the Action)

This action will add “prescribed natural resource burns” to the list of exemptions from the open burning ban in air quality rules. Prescribed natural resource burns may be conducted for purposes of restoring, reconstructing or managing natural area vegetation such as prairies, grasslands, wetlands, woodlands (including forest and savanna), and wildlife habitat areas. The rule change will occur in conjunction with development of a statewide Smoke Management Program (SMP). EPA recommends that states develop SMPs to assist in reducing the impacts of smoke on regional haze and fine particulate matter concentrations.

Costs: Any cost to regulated parties would be minimal. The rule may include that a burn plan be prepared and available at the site of the prescribed burn. However, many groups conducting prescribed burns already prepare burn plans. Some types of burns may require notifying residents or businesses within a certain area of the proposed burn. It is expected that most parties conducting prescribed burns already notify area residents and businesses.

Benefits: The proposed rules will provide recognition of prescribed burns as a legitimate natural resource management tool, and will specify the requirements for minimizing impacts to air quality.

Legal Basis

(Include whether action is required by statute or court order)

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

Need for Regulatory Action

(Include if applicable how the action will reduce risk to public health, safety, or the environment)

Currently, there is no explicit open burning exemption for prescribed burning. It has been covered under the existing “landscape waste” exemption in the air quality rules. However, prescribed burning has a different objective from most landscape waste burning, which is usually conducted for waste disposal. Prescribed burning is necessary to enhance and regenerate natural area vegetation. Additionally, prescribed burns have distinctly different smoke emissions and air quality impacts from burning landscape waste such as leaves and grass piles.

Other Affected/Interested Rule Making Authorities

EPA, US Forest Service, US Park Service, IDED, IDPS, IDOT, Linn and Polk county air quality programs, and other county and local entities.

Potential Public Groups Impacted

The Nature Conservancy, Iowa Prairie Network and other private, non-profit land managers. Private owners with natural areas.

Schedule:

(Actions & month/year)

The rulemaking schedule will be contingent upon development of a DNR Burn Policy and EPA's finalizing of a new guidance document for state development of SMPs. At that time, DNR will resume meetings with stakeholder groups to develop the statewide SMP and the companion air quality rulemaking.

Staff Contact/Phone #

Christine Paulson 515-242-5154

**DNR REGULATORY AGENDA FOR SFY 2010
FORM FOR REGULATORY ACTION DESCRIPTION**

Rule Making Authority Director
Environmental Protection Commission (EPC)
Natural Resource Commission (NRC)
Energy & Geological Resource Division

Title of Regulatory Action Add Chapter 48 - Geothermal Heat Exchange Borehole Installations
(GEOHEX Borehole Installations)

Rule Chapter(s) that may be involved 567—Chapter 38 Private Water Well Construction Permits
567—Chapter 39 Requirements for Plugging Abandoned Wells
567—Chapter 49 Nonpublic Water Supply Wells
567—Chapter 82 Well Contractor Certification

Description of Contemplated Regulatory Action
(Including, to the extent reasonable and practicable, alternatives to be considered and preliminary estimate of costs and benefits of the Action)

A new chapter of rules (Chapter 48) will be added to regulate geothermal heat exchange borehole installations (GEOHEX loops).
Chapter 38 will be amended to add the classification of GEOHEX borehole.
Chapter 39 will be amended to add the classification of GEOHEX borehole.
Chapter 49 will be amended to add a sub-classification to the definition of “well” for GEOHEX borehole and refer to a new chapter of code to specifically address geothermal boreholes installations.
Chapter 82 will be amended to include a new classification of certification and requirements for GEOHEX driller.

Legal Basis

The IDNR has the authority to require all well installations to follow minimum construction requirements, that all well contractors be appropriately certified for each type of well service performed, and to set the experience, education, and examination requirements for the various well contractor classifications. (Code of Iowa 455B.187, 190, & 190A)

Need for Regulatory Action

These changes proposed in the rules are a result of the geothermal industry request and involvement. Geothermal heat exchange boreholes require more specific construction standards than the current private well construction rules (Chapter 49) provide. This will allow greater flexibility in placement of these boreholes in addition to providing adequate protection to the groundwater and surrounding private and public drinking water supply wells.

Other Affected/Interested Rule Making Authorities

Iowa Office of Energy Independence, IDED

Potential Public Groups Impacted

Citizens who may be interested in using this technology for heating and cooling and any of the 329 certified well contractors who install, or have the ability to install geothermal heat exchange boreholes may be affected by proposed rules changes.

Schedule:

(Actions & month/year)

Submit to EPC as an Information Item (draft rules) -9/09
Submit to EPC as a Decision Item (proposed rules) -10/09
Notice of Intended Action published in Iowa Administrative Bulletin -10/09
Hold public hearing & public comment period -11/09
Submit to EPC as a Decision Item (final rules) -12/09:
Adopted & filed published in Iowa Administrative Bulletin -1/10

Staff Contact/Phone

#

Shelli Grapp, Water Supply Operations Section, 515/725-0401
Russ Tell, Water Supply Operations Section, 515/725-0462

**DNR REGULATORY AGENDA FOR SFY 2010
FORM FOR REGULATORY ACTION DESCRIPTION**

Rule Making Authority Director
 Environmental Protection Commission (EPC)
 Natural Resource Commission (NRC)
 Energy & Geological Resource Division

Title of Regulatory Action Public Water Supply Rulemaking: Design Standards

Rule Chapter(s) that may be involved IAC 567—Chapters 40, 41, 42, 43 (Water Supply)

Description of Contemplated Regulatory Action

DNR is required to have standards for the design and construction of water supply systems as part of its primacy for the Safe Drinking Water Act in Iowa. Iowa had its own Iowa Design Facility Standards in the past, which became very outdated. As a result, new design standards were adopted: the “Recommended Standards for Water Works,” commonly called Ten States Standards, and the American Water Works Association (AWWA) standards. The Ten States Standards are developed by a consortium of ten states and one province. Iowa is one of the state members and DNR staff are active members of the Ten States Water Supply Committee. The standards are updated every five years. There are certain standards that are not specific or applicable to Iowa, and so modifications to Chapter 43 have been adopted in the past to explain the differences. In addition, there are areas of design and construction not covered by Ten States or AWWA. There are enough differences now that DNR is proposing to develop its own design and construction standards, using Ten States Standards as the basis, and incorporating those changes and additional covered areas into Iowa’s standards. This will also facilitate professional engineers knowing the requirements in Iowa without having to look at a variety of sources. This rulemaking will adopt four of the nine planned chapters.

Legal Basis

The DNR has the jurisdiction to conduct the drinking water program in Iowa (Code of Iowa 455B.172(1)), is required to approve and disapprove engineering plans and specifications for public water supplies (Code of Iowa 455B.174(4a)). Duties of the Environmental Protection Commission include the requirement to develop and adopt state-specific standards for the design and construction of water supplies (Code of Iowa 455B.173(3, 8, & 9)).

Need for Regulatory Action

Action is required in order to improve the design and construction standards for public water supply systems in Iowa. The requirement for engineering plans and specifications review as well as the adoption of consistent and state-specific standards reduces the risk to public health at public water systems by having adequate facilities, providing consistent design standards for professional engineers, and protecting the monetary investment in infrastructure made by the state’s citizens in the public water supply facilities.

IDED, Engineering & Land Surveying Board, Public Health Dept,

**Other Affected/Interested
Rule Making Authorities**

**Potential Public Groups
Impacted**

All 2,000 public water supplies in Iowa; stakeholders: Iowa Association of Municipal Utilities, Iowa Rural Water Association, Iowa Section – American Water Works Association, Iowa Association of Water Agencies, Consulting Engineers Council of Iowa; any group interested in water, water quality, or infrastructure (Farm Bureau, Sierra Club, etc.)

Schedule:

(Actions & month/year)

9/09: Advisory group meeting 1/10: Submit to EPC as an Information Item (draft rules) 2/10: Submit to EPC as a Decision Item (proposed rules) 3/10: Notice of Intended Action published in Iowa Administrative Bulletin 4/10: Hold public hearings & public comment period 6/10: Submit to EPC as a Decision Item (final rules) 7/10: Adopted & filed published in Iowa Administrative Bulletin

Staff Contact/Phone #

Diane Moles, Water Supply Engineering Section, 515/725-0281

**DNR REGULATORY AGENDA FOR SFY 2010
FORM FOR REGULATORY ACTION DESCRIPTION**

Rule Making Authority Director
 Environmental Protection Commission (EPC)
 Natural Resource Commission (NRC)
 Energy & Geological Resource Division

Title of Regulatory Action

Public Water Supply Rulemaking: Analytical Methods, Lead & Copper Revisions, and Groundwater Rule

Rule Chapter(s) that may be involved

IAC 567—Chapters 40, 41, 42, 43 (Water Supply), Chapter 81 (Operator Certification) & Chapter 83 (Laboratory Certification)

Description of Contemplated Regulatory Action

(Including, to the extent reasonable and practicable, alternatives to be considered and preliminary estimate of costs and benefits of the Action)

EPA promulgated four new public drinking water regulations in 2006, 2007, and 2008 which need to be incorporated into the Iowa Administrative Code in order for the state to retain primacy for the Safe Drinking Water Act. The final federal rules include two analytical methods rules, the Lead & Copper Rule Short-term Revisions, and the Groundwater Rule. As a condition of primacy, states are required to adopt rules equivalent to the federal rules. Failure to retain primacy in Iowa would result in the loss of the federal Public Water Supply Supervision grant (now incorporated into the Division's PPA/PPG with EPA), which is approximately \$1.4M in FFY2009, as well as loss of the Drinking Water State Revolving Loan Fund of \$10M/year. Formal rulemaking will start in SFY2010. There are other clarifications, including items that have been adopted into policy implementation guidances, which will be included in the rule package.

Legal Basis

(Include whether action is required by statute or court order)

Action is required in order to retain primacy for SDWA in Iowa. The IDNR has the jurisdiction to conduct the drinking water program in Iowa (Code of Iowa 455B.172(1)). Duties of the Environmental Protection Commission include rulemaking relating to drinking water supplies (Code of Iowa 455B.173(3, 5 & 6a)).

Need for Regulatory Action

(Include if applicable how the action will reduce risk to public health, safety, or the environment)

Action is required in order to retain primacy for the SDWA in Iowa. The federal regulations are meant to reduce the risk to public health from public drinking water supplies through new contaminant standards and operation requirements, and to inform the public when a problem is detected so that they may take the appropriate action to protect their health.

Other Affected/Interested Rule Making Authorities

IDED, Engineering & Land Surveying Board, Public Health Dept.

Potential Public Groups Impacted

All 2,000 public water supplies in Iowa; stakeholders: Iowa Association of Municipal Utilities, Iowa Section – American Water Works Association, Iowa Rural Water Association, Iowa Association of Water Agencies; any group interested in water and water quality (Farm Bureau, Sierra Club, etc.), and any environmental laboratory conducting business in Iowa.

Schedule:

(Actions & month/year)

5/10: Advisory group meeting
 6/10: Submit to EPC as an Information Item (draft rules)
 7/10: Submit to EPC as a Decision Item (proposed rules)
 9/10: Notice of Intended Action published in Iowa Administrative Bulletin
 10/10: Hold public hearings & public comment period
 12/10: Submit to EPC as a Decision Item (final rules)
 1/11: Adopted & filed published in Iowa Administrative Bulletin

Staff Contact/Phone #

Diane Moles, Water Supply Engineering Section, 515/725-0281

**DNR REGULATORY AGENDA FOR SFY 2010
FORM FOR REGULATORY ACTION DESCRIPTION**

Rule Making Authority Director
 Environmental Protection Commission (EPC)
 Natural Resource Commission (NRC)
 Energy & Geological Resource Division

Title of Regulatory Action Public Water Supply Rulemaking: Stage 2 DBPR and LT2 ESWTR

Rule Chapter(s) that may be involved IAC 567—Chapters 40, 41, 42, 43 (Water Supply), Chapter 81 (Operator Certification) & Chapter 83 (Laboratory Certification)

Description of Contemplated Regulatory Action

EPA promulgated two new public drinking water regulations in 2006 which need to be incorporated into the Iowa Administrative Code in order for the state to retain primacy for the Safe Drinking Water Act. The Stage 2 Disinfectants/Disinfection Byproducts Rule and Long-Term 2 Enhanced Surface Water Treatment Rule are final federal regulations. As a condition of primacy, states are required to adopt rules equivalent to the federal rules. Failure to retain primacy in Iowa would result in the loss of the federal Public Water Supply Supervision grant (now incorporated into the Division's PPA/PPG with EPA), which is approximately \$1.4M in FFY2009, as well as loss of the Drinking Water State Revolving Loan Fund of \$10M/year. Formal rulemaking will start in SFY2010. There are other clarifications and additions to existing rules that will be made in the rule package, to include the Area-Wide Optimization Program goals, the most current version of the construction and design standards (10 States Standards), and continuing education unit issuance conducted by the department.

Legal Basis

Action is required in order to retain primacy for SDWA in Iowa. The IDNR has the jurisdiction to conduct the drinking water program in Iowa (Code of Iowa 455B.172(1)). Duties of the Environmental Protection Commission include rulemaking relating to drinking water supplies (Code of Iowa 455B.173(3, 5 & 6a)).

Need for Regulatory Action

Action is required in order to retain primacy for the SDWA in Iowa. The federal regulations are meant to reduce the risk to public health from public drinking water supplies through new contaminant standards and operation requirements, and to inform the public when a problem is detected so that they may take the appropriate action to protect their health.

Other Affected/Interested Rule Making Authorities IDED, Engineering & Land Surveying Board, Public Health Dept, Latino Affairs Dept, Regents Board

Potential Public Groups Impacted All 2,000 public water supplies in Iowa; stakeholders: Iowa Association of Municipal Utilities, Iowa Section – American Water Works Association, Iowa Rural Water Association, Iowa Association of Water Agencies; any group interested in water and water quality (Farm Bureau, Sierra Club, etc.)

Schedule:
 (Actions & month/year)

8/09: Advisory group meeting
 9/09: Submit to EPC as an Information Item (draft rules)
 10/09: Submit to EPC as a Decision Item (proposed rules)
 11/09: Notice of Intended Action published in Iowa Administrative Bulletin
 12/09: Hold public hearings & public comment period
 2/10: Submit to EPC as a Decision Item (final rules)
 3/10: Adopted & filed published in Iowa Administrative Bulletin

Staff Contact/Phone # Diane Moles, Water Supply Engineering Section, 515/725-0281

**DNR REGULATORY AGENDA FOR SFY 2010
FORM FOR REGULATORY ACTION DESCRIPTION**

Rule Making Authority Director
Environmental Protection Commission (EPC)
Natural Resource Commission (NRC)
Energy & Geological Resource Division

Title of Regulatory Action Laboratory Certification Rulemaking

Rule Chapter(s) that may be involved

567—Chapters 40 – 43 Water Supply
567—Chapter 135 Underground Storage Tank
567—Chapters 63, 67, 69 Clean Water
567—Chapters 100-130, 133, 135, and 137 Solid Waste and Contaminated Sites
567—Chapter 83 Environmental Laboratory Certification

Description of Contemplated Regulatory Action

(Including, to the extent reasonable and practicable, alternatives to be considered and preliminary estimate of costs and benefits of the Action)

The rule promulgation process for Chapter 83 was last conducted in 2002-2003 to add the Solid Waste and Contaminated Sites environmental programs to the certification process, with the rule becoming effective February 11, 2004. The University of Iowa Hygienic Laboratory (UHL) provides contracted technical support to the IDNR in the laboratory certification process as the laboratory appraisal authority. The self-sustaining laboratory certification program income is allocated at a ratio of 86% for the costs of the technical program aspects and 14% for administrative expenses. The rule changes will include routine updates defining approved analytical methods available for certification as well as an increase in laboratory certification fees. The fee increase will support increased costs related to program salaries and administration as well as increased efforts to improve data quality and reporting systems.

Legal Basis

(Include whether action is required by statute or court order)

An EPA-approved Laboratory Certification program is a condition for State primacy for the Safe Drinking Water Act. Iowa Code section 455B.113 requires the director to certify laboratories performing analyses of samples which are required to be submitted to the department, as a result of Iowa Code provisions, rules, operation permits, or administrative orders. It allows for the department to assess fees for processing an application that shall take into account the administrative costs and the cost of enforcement. Iowa Code section 455B.114 requires the director to issue a certificate of competency to the laboratory, including the analytical procedures and methods the laboratory is certified to conduct. Iowa Code section 455B.115 requires all laboratories submitting analytical data for use by the department under sections 455B, 459, and 459A be certified.

Need for Regulatory Action

(Include if applicable how the action will reduce risk to public health, safety, or the environment)

A higher level of emphasis on administrative oversight by the department pertaining to data quality issues and electronic reporting will permit a more efficient and comprehensive review of analytical data submitted to the department.

Other Affected/Interested Rule Making Authorities

Regents Board - University Hygienic Laboratory, Public Health Dept, IDED

Potential Public Groups Impacted

Approximately 160 in-state laboratories and 40 out-of-state laboratories

Schedule:

(Actions & month/year)

1/10: Submit to EPC as an Information Item (draft rules)
2/10: Submit to EPC as a Decision Item (proposed rules)
3/10: Notice of Intended Action published in Iowa Administrative Bulletin
4/10: Hold public hearings & public comment period
6/10: Submit to EPC as a Decision Item (final rules)
7/10: Adopted & filed published in Iowa Administrative Bulletin

Staff Contact/Phone #

Shelli Grapp, Supervisor, Water Supply Operations, 515/725-0401
Joe Zerfas, Water Supply Operations, 515/725-0343

**DNR REGULATORY AGENDA FOR SFY 2010
FORM FOR REGULATORY ACTION DESCRIPTION**

Rule Making Authority Director
Environmental Protection Commission (EPC)
Natural Resource Commission (NRC)
Energy & Geological Resource Division

Title of Regulatory Action Update of State Revolving Fund eligibility and prioritization systems

Rule Chapter(s) that may be involved IAC 567 44, 90, 91, 92, 93

Description of Contemplated Regulatory Action
(Including, to the extent reasonable and practicable, alternatives to be considered and preliminary estimate of costs and benefits of the Action)

This action will involve updates to the prioritization systems for the Drinking Water and Clean Water State Revolving Fund programs. The action may also involve changes to the types of practices eligible under the Clean Water SRF nonpoint source programs.

Legal Basis
(Include whether action is required by statute or court order)

455B.291 – 455B.299

Need for Regulatory Action
(Include if applicable how the action will reduce risk to public health, safety, or the environment)

The State Revolving Fund programs have been able to fund all eligible projects. The action to update prioritization systems is in preparation for the possibility that demand for SRF loans exceeds supply of funds. This is necessary to ensure that SRF loans go to the projects that have the greatest benefits for protection of public health and the environment.

Other Affected/Interested Rule Making Authorities Iowa Finance Authority, IDED, Engineering and Surveying Board, Inspections and Appeals Department

Potential Public Groups Impacted Iowa League of Cities, Iowa Association of Municipal Utilities, Iowa State Association of Counties, Iowa Farm Bureau Federation, Iowa Cattlemen’s Association, Iowa Pork Producers

Schedule:
(Actions & month/year) Commission informational item by Fall 2009
Notice of Intended Action to be filed by Winter 2009/2010
Public hearings in Spring 2010
Final rule to Commission by Spring 2010

Staff Contact/Phone # Patti Cale-Finnegan 515-725-0498

**DNR REGULATORY AGENDA FOR SFY 2010
FORM FOR REGULATORY ACTION DESCRIPTION**

Rule Making Authority Director
Environmental Protection Commission (EPC)
Natural Resource Commission (NRC)
Energy & Geological Resource Division

Title of Regulatory Action Water Quality Standards – modifications and/or completion of Designated Uses, Antidegradation, and Criteria

Rule Chapter(s) that may be involved IAC 567 61 – Water Quality Standards (primary); 567 60, 62, & 72 (secondary)

Description of Contemplated Regulatory Action

(Including, to the extent reasonable and practicable, alternatives to be considered and preliminary estimate of costs and benefits of the Action)

Action #1: Use Assessment and Use Attainability Analyses

- Works toward completion of the UA/UAA project as mandated by the legislature in 455B.176A
- Cost Estimates: This effort is directly tied to the August 2005 FIS (\$500 million to \$1 billion statewide to upgrade treatment facilities or provide alternative technologies.
- Benefits: More stream reaches will be better protected for aquatic life and recreational uses. Water quality improvements will occur locally where these treatment plants are located and implementing new processes to comply with the WQS.

Action #2: Widespread Social and Economic Impact Rules

- Establishes variance procedures for parties adversely affected by the revised water quality standards considering the cost and impact of compliance with new rules as mandated by the legislature.
- Cost estimates: Unknown at this time. \$50 to \$100k staff/administrative
- Benefits: Provides temporary relief for affected communities and industries where appropriate as they work towards compliance with the new WQS.

Action #3: Lake Nutrient Standards

- Established nutrient standards for Iowa’s lakes
- Cost estimates: Unknown at this time.
- Benefits: The establishment of lake nutrient criteria will consider the best available science to identify the levels at which nuisance algal blooms may be prevented to better manage and protect these resources.

Legal Basis

(Include whether action is required by statute or court order)

Iowa Code 455B.173

Need for Regulatory Action

(Include if applicable how the action will reduce risk to public health, safety, or the environment)

The rule making efforts are intended to provide protection and maintain existing water quality for the various aquatic species inhabiting Iowa water and protection for the human related uses made of the waters, including fish consumption, drinking water and recreational activities.

Other Affected/Interested Rule Making Authorities

US EPA, IDALS, IDED, Regents Board

Potential Public Groups Impacted

Municipal, Industrial, and Semi-Public wastewater treatment facilities and representative groups (IWPCA, IRWA, IAMU, others) are interested in rules affecting their water quality-based permit limits and facility planning processes. Environmental groups (Sierra Club, Iowa Environmental Council, HFFA, ELPC, others) are interested in assuring adequate protection and preservation of water quality for both the aquatic life and human uses of Iowa's waters.

Schedule:
(Actions & month/year)

Action 1:
Commission informational item by January 2010
Notice of Intended Action to be filed by March 2010
Public hearings in April 2010
Final rule to Commission by October 2010

Action 2:
Commission informational item by March 2010
Notice of Intended Action to be filed by May 2010
Public hearings in June 2010
Final rule to Commission by December 2010

Action 3:
Commission informational item by March 2010
Notice of Intended Action to be filed by May 2010
Public hearings in June 2010
Final rule to Commission by December 2010

Staff Contact/Phone #

Lori McDaniel 515.281.8094
Adam Schnieders 515.281.7409

**DNR REGULATORY AGENDA FOR SFY 2010
FORM FOR REGULATORY ACTION DESCRIPTION**

Rule Making Authority Director
Environmental Protection Commission (EPC)
Natural Resource Commission (NRC)
Energy & Geological Resource Division

Title of Regulatory Action NPDES – wastewater operation and discharging permit regulations

Rule Chapter(s) that may be involved IAC 567 chapters 60, 62, 63, and d 64

Description of Contemplated Regulatory Action

(Including, to the extent reasonable and practicable, alternatives to be considered and preliminary estimate of costs and benefits of the Action)

Revising the National Pollutant Discharge Elimination program’s rules to:

1. Adopt federal effluent guidelines as they become effective nationally;
2. Modify the requirement that a facility must be in compliance with its NPDES permit before the permit could be renewed to allow department flexibility in renewing such a permit in situations when no enforcement is or will be taken (cost=0; savings = staff time)
3. Require wastewater construction permit being issued before building earthen basin for storing any liquid
4. Remove the requirement for minor existing NPDES facilities to publish on local newspapers when their draft NPDES permits are put on public notice. (cost =0; savings: approximate \$50/facility per five-year permitting cycle + saved staff time typically used to urge the facilities to publish notices on time)
5. Clarify the language with regard to responses to public comments received for draft NPDES permits

Legal Basis

(Include whether action is required by statute or court order)

Iowa Code 455B.173

Need for Regulatory Action

(Include if applicable how the action will reduce risk to public health, safety, or the environment)

The items in this rule making action will not adversely impact public health, safety, or the environment.

Federal effluent guidelines have to be implemented in EPA delegated Iowa NPDES program without modifications. The historical practice of annually adopting these guidelines does not add any value to the rule making process.

The original intent to require NPDES facilities be in compliance with their permits before their permits are renewed was good. However, it has become a barrier to implementing the newest water quality standards through NPDES permits if a facility is not in compliance and no enforcement action can be taken due to lack of staff. Federal NPDES regulations do not have this requirement.

The department developed and launched an online database to post all draft NPDES permits, permit rationales, and final permits. The database also send automatic email notices to anyone who is interested in reviewing these documents once they sign up to receive such notices. As a result, it is no longer needed for minor facilities (smaller municipalities and smaller businesses) to publish on local newspaper when public comments period starts on their draft NPDES permits. All major facilities, all new facilities, and all facilities that have increased permit limits (less stringent limits) will still be required to publish on local newspapers. Iowa's current public notice requirement for NPDES program is more stringent than federal requirements. The proposed rules will bring Iowa's program to meet the federal requirements but not be more stringent than the federal requirements. Once this rule revision becomes effective, smaller cities and businesses will have less regulatory burden (approximate \$50 per 5-years and the staff time needed to arrange for the publications).

Other Affected/Interested Rule Making Authorities

US EPA, IDED, IDOT, IDALS, Turkey Marketing Council, Regents Board, Public Health Dept.

Potential Public Groups Impacted

NPDES permit holders; Iowa Water Pollution Control Association; Iowa Municipal Utilities Association; Iowa Business Association; Iowa League of Cities; Iowa Environmental Council; Iowa Sierra Club; other environmental groups.

Schedule:
(Actions & month/year)

Commission informational item by November 2009
Notice of Intended Action to be filed by December 2009
Public hearings in February 2010
Final rule to Commission by April 2010

Staff Contact/Phone #

Courtney Cswercko 515-281-7206

**DNR REGULATORY AGENDA FOR SFY 2010
FORM FOR REGULATORY ACTION DESCRIPTION**

Rule Making Authority Director
Environmental Protection Commission (EPC)
Natural Resource Commission (NRC)
Energy & Geological Resource Division

Title of Regulatory Action Wastewater Facility Design Standards

Rule Chapter(s) that may be involved IAC 567 IAC 64 - Iowa Wastewater Facilities Design Standards update – Chapters 11, 12, 13, 14, and 18C

Description of Contemplated Regulatory Action

(Including, to the extent reasonable and practicable, alternatives to be considered and preliminary estimate of costs and benefits of the Action)

567 IAC 64 This chapter references the design standards by approval date. Updated standards will follow the rulemaking process and the rule will be revised with new dates and/or references.

Legal Basis

(Include whether action is required by statute or court order)

455B.173, paragraph 3

Need for Regulatory Action

(Include if applicable how the action will reduce risk to public health, safety, or the environment)

Design Standards are in need of updating to reflect new technologies and current design philosophies

Other Affected/Interested Rule Making Authorities

IDALS, Engineering & Land Surveying Board, Public Health Dept, DOT

Potential Public Groups Impacted

Wastewater facility owners or potential owners that will construct facilities in the future; consulting engineers that use the standards to design facilities.

Schedule:

(Actions & month/year)

Commission informational item by August, 2009
Notice of Intended Action to be filed by September 2009
Public hearings in October- November, 2009
Final rule to Commission by December, 2009

Staff Contact/Phone #

Wayne Farrand 515/281-8877

**DNR REGULATORY AGENDA FOR SFY 2010
FORM FOR REGULATORY ACTION DESCRIPTION**

Rule Making Authority Director
Environmental Protection Commission (EPC)
Natural Resource Commission (NRC)
Energy & Geological Resource Division

Title of Regulatory Action Animal Feeding Operations

Rule Chapter(s) that may be involved IAC 567 Chapter 65

Description of Contemplated Regulatory Action

(Including, to the extent reasonable and practicable, alternatives to be considered and preliminary estimate of costs and benefits of the Action)

Update needed to current rules in Chapter 65 to adopt the most recently revised and adopted version of the federal CAFO rule. Division I of Chapter 65 may need significant revisions, however the NPDES permits do not generally apply to confinement operations which are not allowed to discharge. Division II of Chapter 65 must be modified to comply with the most recent version of the federal rule.

Legal Basis

(Include whether action is required by statute or court order)

The proposed rules are required to make the IAC equal to federal requirements adopted in the 2008 Final CAFO rule.

Need for Regulatory Action

(Include if applicable how the action will reduce risk to public health, safety, or the environment)

The proposed rules will increase consistency between the Iowa Administrative Code and federal regulations. This includes defining when livestock operations are required to apply for a NPDES permit so that owners of livestock operations can make good decisions related to management of their operations.

**Other Affected/Interested
Rule Making Authorities**

IDALS, IDED, Egg Council, Engineering and Surveying Board, Regents Board, Sheep and Wool Board, Turkey Marketing Council

**Potential Public Groups
Impacted**

IA Poultry Assn, IA Turkey Fed, IA Farm Bureau Fed, IA State Assn of Counties, IA Environmental Council, IA Citizens for Community Improvement, Agri-Business Assn, IA Cattlemens Assn, IA Pork Producers

Schedule:

(Actions & month/year)

Commission informational item by December 2009
Notice of Intended Action to be filed by January 2010
Public hearings in March 2010
Final rule to Commission by June 2010

Staff Contact/Phone #

Gene Tinker (515) 281-3103

**DNR REGULATORY AGENDA FOR SFY 2010
FORM FOR REGULATORY ACTION DESCRIPTION**

Rule Making Authority Director
Environmental Protection Commission (EPC)
Natural Resource Commission (NRC)
Energy & Geological Resource Division

Title of Regulatory Action Animal Feeding Operations

Rule Chapter(s) that may be involved 567 Chapter 65

Description of Contemplated Regulatory Action

(Including, to the extent reasonable and practicable, alternatives to be considered and preliminary estimate of costs and benefits of the Action)

Proposed rules will update language in the IAC for consistency with the COI for issues such as animal unit capacity, proper stockpiling of manure from open feedlot operations, dry manure stockpiling from confinement operations, construction and operation of deep bedded confinement operations and liquid manure application on frozen or snow covered ground. The proposed rules include best management practices to decrease water quality degradation due to transport of manure nutrients to water bodies. Also, current rules provide design standards for secondary containment barriers for above ground liquid manure containment systems that don't meet separation distance requirements to water sources. Revisions are needed for below ground containment systems and confinement feeding operations that utilize dry manure storage systems. This is currently covered by Program Implementation Guidance that needs to be incorporated into the administrative code. Additionally, the proposed rules clarify procedures on requirements for construction permit application.

Legal Basis

(Include whether action is required by statute or court order)

The proposed rules are needed to implement requirements due to the following legislative actions: SF 2293 (79th General Assembly), SF 2369 (81st General Assembly), SF 432 and HF 735 (83rd General Assembly)

Need for Regulatory Action

(Include if applicable how the action will reduce risk to public health, safety, or the environment)

The proposed rules will provide producers guidance on proper stockpiling of dry manure and application on frozen and snow covered ground. Following this guidance should result in fewer instances of water quality impairments.

**Other Affected/Interested
Rule Making Authorities**

IDALS, IDED, Egg Council, Engineering and Surveying Board, Regents Board, Sheep and Wool Board, Turkey Marketing Council

**Potential Public Groups
Impacted**

IA Poultry Assn, IA Turkey Fed, IA Farm Bureau Fed, IA State Assn of Counties, IA Environmental Council, IA Citizens for Community Improvement, Agri-Business Assn, IA Cattlemens Assn, IA Pork Producers Assn, Sierra Club, IA State Dairy Assn

Schedule:

(Actions & month/year)

Commission informational item by September 2009
Notice of Intended Action to be filed by October 2009
Public hearings in December 2009
Final rule to Commission by March 2010

Staff Contact/Phone #

Gene Tinker (515) 281-3103

FORM FOR REGULATORY ACTION DESCRIPTION

Rule Making Authority Director
Environmental Protection Commission (EPC)
Natural Resource Commission (NRC)
Energy & Geological Resource Division

Title of Regulatory Action Animal Feeding Operations – Demand for Hearing

Rule Chapter(s) that may be involved IAC 567 Chapter 65

Description of Contemplated Regulatory Action

(Including, to the extent reasonable and practicable, alternatives to be considered and preliminary estimate of costs and benefits of the Action)

The proposed amendment would modify the filing and hearing procedures when an applicant or county demands a hearing before the Commission regarding the Department's preliminary decision on a construction permit application.

Legal Basis

(Include whether action is required by statute or court order)

Iowa Code §459.103(1) authorizes the Commission to establish by rule requirements relating, among other things, to the issuance of permits and Iowa Code §459.304(8) requires the Commission to hear demand for hearing cases "according to procedures established by rules adopted by the department."

Need for Regulatory Action

(Include if applicable how the action will reduce risk to public health, safety, or the environment)

The proposed amendment will facilitate public access to applications and related documents filed with the Department and will provide "during the hearing" procedures.

Other Affected/Interested Rule Making Authorities

IDALS, IDED, Egg Council, Engineering and Surveying Board, Regents Board, Sheep and Wool Board, Turkey Marketing Council

Potential Public Groups Impacted

IA Poultry Assn, IA Turkey Fed, IA Farm Bureau Fed, IA State Assn of Counties, IA Environmental Council, IA Citizens for Community Improvement, Agri-Business Assn, IA Cattlemens Assn, IA Pork Producers

Schedule:

(Actions & month/year)

Commission informational item in May, 2009
Notice of Intended Action filed in June, 2010
Public hearings in August, 2010
Final rule to Commission in November or December, 2010

Staff Contact/Phone

Randy Clark (515) 281-8891

**DNR REGULATORY AGENDA FOR SFY 2010
FORM FOR REGULATORY ACTION DESCRIPTION**

Rule Making Authority Director
Environmental Protection Commission (EPC)
Natural Resource Commission (NRC)
Energy & Geological Resource Division

Title of Regulatory Action Flood Plain Development Permit Rule Changes

Rule Chapter(s) that may be involved IAC 567 Chapter 71 and Chapter 72

Description of Contemplated Regulatory Action

(Including, to the extent reasonable and practicable, alternatives to be considered and preliminary estimate of costs and benefits of the Action)

Description

The proposed rule changes to date consist of: 1) Clean-up and correction of inconsistencies and errors in the rules; 2) Deregulating certain low head dams under one foot in height; 3) Deregulating certain low damage potential buildings that are situated in a rural area and within two miles of an urban area; 4) Elimination of the rule citations that address pipeline stream crossings (as a specific project category); 5) Revising the rule citation concerning stream bank protective devices to allow that riprap armoring projects in rural areas meeting the specified criteria are exempt from permitting and starting to regulate certain armoring projects in urban areas; 6) Expansion of the rule citation addressing certain exempted non-floating boat docks to include all types, rather than just recreational; and 7) Specifying that bridges and culverts must meet backwater at Q50 (and Q100), rather than at Q50 and lesser floods (and Q100);

Alternatives

The proposed changes are primarily a streamlining/prioritization effort within the Department's Floodplain Management Program. Therefore, the alternatives basically would be choosing to what degree our agency regulates floodplain development. However, an alternative for the elimination of 'and lesser floods' listed above could be to review at Q10 and Q25 in those cases where there will be roadgrade overflow.

Costs

The Department does not charge applicants for processing Flood Plain Development Permits. On the whole, the total project costs of regulated parties would be expected to decrease. The only possible cost increase would be for stream bank protective devices in urban areas on a stream that drains between 2 and 100 square miles. The reduction in cost would not be as much for the 'at Q10 and Q25' alternative. Staff review time for the 'at Q10 and Q25' alternative would be less than the current subrule, but would be greater than for the subrule that is proposed

Legal Basis

(Include whether action is required by statute or court order)

455B.275

Need for Regulatory Action

(Include if applicable how the action will reduce risk to public health, safety, or the environment)

The proposed changes are primarily a streamlining/prioritization effort within the Department's Flood Plain Management Program.

Other Affected/Interested Rule Making Authorities

IDED, IDALS, Possible the Department's Sovereign Lands Construction Permit Program, the U.S Army Corps of Engineers, and local Floodplain Managers.

Potential Public Groups Impacted

Gas and Petroleum Transportation Associations, County Engineers Associations, Consulting Engineers Association, Commercial Dock Owners Associations, and Municipal Engineers Associations.

Schedule:

(Actions & month/year)

Commission informational item by January 2010
Notice of Intended Action to be filed by March 2010
Public hearings in April 2010
Final rule to Commission by October 2010

Staff Contact/Phone #

Lori McDaniel 515/281-8094.

**DNR REGULATORY AGENDA FOR SFY 2010
FORM FOR REGULATORY ACTION DESCRIPTION**

Rule Making Authority Director
Environmental Protection Commission (EPC)
Natural Resource Commission (NRC)
Energy & Geological Resource Division

Title of Regulatory Action

Solid Waste Comprehensive Planning Requirements

Rule Chapter(s) that may be involved

IAC 567 Chapter 101

Description of Contemplated Regulatory Action

The proposed amendments are for correction, clarification and ease of use purposes in order to correct inconsistencies between the Iowa Code and Iowa Administrative Code. The majority of the proposed revisions are in response to stakeholder input received during the 5th round of comprehensive plan update submittals and include amendments to the municipal solid waste and recycling survey, several of the fourteen (14) online forms which make up the online database, and the Quarterly Solid Waste Fee Schedule and Retained Fees Report.

Legal Basis

(Include whether action is required by statute or court order)

455B.301A, 455B.302, 455B.310, 455D.3, and 455D.3 and Iowa Code Supplement section 455B.306 as amended by 2008 Iowa Acts, Senate File 2276

Need for Regulatory Action

The proposed amendments are for correction, clarification and ease of use purposes in order to correct inconsistencies between the Iowa Code and Iowa Administrative Code, and aren't expected to alter the intent of the comprehensive planning requirements.

Other Affected/Interested Rule Making Authorities

IDALS, DED, DAS – General Services, DOT, Sheep and Wool Promotion Board

Potential Public Groups Impacted

MSW landfills claiming a tonnage fee exemption on C&D debris, all 45 solid waste comprehensive planning areas, and transfer stations taking waste out of state for disposal.

Schedule:

Commission informational item by: August 2008
Notice of Intended Action filed by: October 2008
Public hearings in: November 2008 & May 2009
Amended Notice of Intended Action filed by: April 2009
Final rule to Commission by: July 2009

Staff Contact/Phone #

Chad A. Stobbe: (515) 242-5851

**DNR REGULATORY AGENDA FOR SFY 2010
FORM FOR REGULATORY ACTION DESCRIPTION**

Rule Making Authority Director
Environmental Protection Commission (EPC)
Natural Resource Commission (NRC)
Energy & Geological Resource Division

Title of Regulatory Action Sanitary Landfills: Construction and Demolition Waste

Rule Chapter(s) that may be involved IAC 567 Chapter 114

Description of Contemplated Regulatory Action

The design requirements for C&D waste landfills lack adequate protection for the environment and are not equitable when compared to the rule requirements for MSW landfills. Specific examples included the lesser design standards for C&D landfill liners, minimal groundwater monitoring requirements, and less frequent covering of waste that has been disposed of. Studies of C&D waste composition and the leachate generated by C&D waste, the liquid that leaches out of waste and into groundwater, indicate that C&D waste is similar to municipal solid waste. This is evidence that landfills designated for either of these waste streams should fall under the same set of regulations for design, construction and operation. The result of this rulemaking will be to require any new C&D landfill permit request or request to expand an existing C&D landfill to comply with the requirements in 567-Chapter 113 for MSW landfills.

Legal Basis

(Include whether action is required by statute or court order)

These rules are intended to implement Iowa Code section 455B.304.

Need for Regulatory Action

(Include if applicable how the action will reduce risk to public health, safety, or the environment)

The design requirements for C&D waste landfills lack adequate protection for the environment and are not equitable when compared to the rule requirements for MSW landfills. Specific examples included the lesser design standards for C&D landfill liners, minimal groundwater monitoring requirements, and less frequent covering of waste that has been disposed of. Studies of C&D waste composition and the leachate generated by C&D waste, the liquid that leaches out of waste and into groundwater, indicate that C&D waste is similar to municipal solid waste. This is evidence that landfills designated for either of these waste streams should fall under the same set of regulations for design, construction and operation. The result of this rulemaking will be to require any new C&D landfill permit request or request to expand an existing C&D landfill to comply with the requirements in 567-Chapter 113 for MSW landfills.

Other Affected/Interested Rule Making Authorities

None

Potential Public Groups Impacted

Four permitted C&D landfills

Schedule:

Commission informational item by: September 2009
Notice of Intended Action filed by: October 2009
Public hearings in: December 2009
Final rule to Commission by: January 2010

Staff Contact

Chad A. Stobbe: (515) 242-5851

**DNR REGULATORY AGENDA FOR SFY 2010
FORM FOR REGULATORY ACTION DESCRIPTION**

Rule Making Authority Director
Environmental Protection Commission (EPC)
Natural Resource Commission (NRC)
Energy & Geological Resource Division

Title of Regulatory Action

Cathode Ray Tube Device Recycling

Rule Chapter(s) that may be involved

IAC 567 Chapter 122

Description of Contemplated Regulatory Action

(Including, to the extent reasonable and practicable, alternatives to be considered and preliminary estimate of costs and benefits of the Action)

This rulemaking is intended to strike the permitting requirements for cathode ray tube (CRT) collection facilities, but retain the CRT recycling permitting requirements. Maintaining this permitting program is time intensive given the minimal environmental impact from collecting CRTs. There is also no designated funding for the program and requiring a CRT collection permit could deter potential CRT collectors, particularly retail take back programs.

Legal Basis

These rules are intended to implement Iowa Code sections 455D.6(7) and 455B.304(1).

Need for Regulatory Action

(Include if applicable how the action will reduce risk to public health, safety, or the environment)

Maintaining a permitting program for CRT collection facilities is excessive given the potential environmental impact from collecting CRTs and the fact that requiring collection permits may deter potential CRT collectors, particularly retail take back programs.

Other Affected/Interested Rule Making Authorities

None

Potential Public Groups Impacted

Public and private agencies that own or operate permitted CRT collection facilities.

Schedule:

Commission informational item by: September 2009
Notice of Intended Action to be filed by: October 2009
Public hearings in: December 2009
Final rule to Commission by: January 2010

Staff Contact/Phone #

Theresa Stiner: (515) 281-8646

**DNR REGULATORY AGENDA FOR SFY 2010
FORM FOR REGULATORY ACTION DESCRIPTION**

Rule Making Authority Director
Environmental Protection Commission (EPC)
Natural Resource Commission (NRC)
Energy & Geological Resource Division

Title of Regulatory Action Financial Assistance For The Collection Of Household Hazardous Materials And Hazardous Waste From Conditionally Exempt Small Quantity Generators

Rule Chapter(s) that may be involved IAC 567 Chapters 123 and 211

Description of Contemplated Regulatory Action
(Including, to the extent reasonable and practicable, alternatives to be considered and preliminary estimate of costs and benefits of the Action)

The proposed amendments will improve the efficiency of the Regional Collection Center program and provide clarification regarding funding provided by the department to offset costs associated with proper disposal of household hazardous waste through Regional Collection Centers (RCCs) and Mobile unit collection and consolidation centers (MUCCCs).

Legal Basis

Iowa Code Supplement section 455F.8A and Iowa Code section 455F.8B.

Need for Regulatory Action
(Include if applicable how the action will reduce risk to public health, safety, or the environment)

To improve the efficiency of the Regional Collection center Program and clarify that the combined spring and previous fall payments from the department shall not exceed an RCC's of MUCCC's total disposal costs for that calendar year.

Other Affected/Interested Rule Making Authorities

Department of Economic Development

Potential Public Groups Impacted

All RCCs and MUCCCs, whether they are operated by a public agency or an eligible private agency

Schedule:

Commission informational item by: August 2009
Notice of Intended Action to be filed by: September 2009
Public hearings in: November 2009
Final rule to Commission by: December 2009

Staff Contact/Phone #

Theresa Stiner: (515) 281-8646

Schedule:

EPC informational item in August, 2009
NRC and EPC for decision in September, 2009
Notice of Intended Action to be filed around October
Public hearings in:October-November.
Final rule to EPC and NRC by: December, 2009

Staff Contact/Phone #

Tamara Mullen 515-281-8934
David Wornson 515 242 5817

**DNR REGULATORY AGENDA FOR SFY 2010
FORM FOR REGULATORY ACTION DESCRIPTION**

Rule Making Authority Director
Environmental Protection Commission (EPC)
Natural Resource Commission (NRC)
Energy & Geological Resource Division

Title of Regulatory Action Rules for response to hazardous conditions

Rule Chapter(s) that may be involved IAC 567 Chapter 133

Description of Contemplated Regulatory Action

(Including, to the extent reasonable and practicable, alternatives to be considered and preliminary estimate of costs and benefits of the Action)

Chapter 133 defines the basis of the department's contaminated sites program. The department intends to conduct an internal review and re-write this chapter for the purposes of: clarification, conforming to current knowledge and experience, and achieving consistency between related chapters.

The cost of this review and update will be covered by federal grants. No additional costs to the regulated public are expected as a result of this action.

Legal Basis

(Include whether action is required by statute or court order)

Iowa Code 455B Division IV, Parts 4; Iowa Code section 455E.5(5); and Iowa Code chapter 455H.

Need for Regulatory Action

(Include if applicable how the action will reduce risk to public health, safety, or the environment)

This chapter has not been reviewed for many years. Substantive change to Chapter 133 has not been made since its enactment, while significant changes in standard practices have subsequently occurred.

**Other Affected/Interested
Rule Making Authorities**

Iowa Department of Public Health (DPH), U.S. Environmental Protection Agency (EPA), DED, DOT, Underground Storage Tank Fund Board

**Potential Public Groups
Impacted**

Water supplies, municipalities, environmental groups, business groups, developers, financial institutions, environmental consultants, etc.

Schedule:

(Actions & month/year)

Commission informational item by November 2009
Notice of Intended Action to be filed by January 2010
Public hearings by March 2010
Final rule to Commission by May 2010

Staff Contact/Phone #

Bob Drustrup (515) 281-8900

**DNR REGULATORY AGENDA FOR SFY 2010
FORM FOR REGULATORY ACTION DESCRIPTION**

Rule Making Authority Director
Environmental Protection Commission (EPC)
Natural Resource Commission (NRC)
Energy & Geological Resource Division

Title of Regulatory Action Technical Standards and Corrective Action Requirements for Owners and Operators of Underground Storage Tanks

Rule Chapter(s) that may be involved IAC 567-Chapter 135(455B)

Description of Contemplated Regulatory Action
(Including, to the extent reasonable and practicable, alternatives to be considered and preliminary estimate of costs and benefits of the Action)

Rule changes planned include:

- Update rules with new methods of leak detection and piping material and incorporate minimum steps to follow to prevent overfills.
- Incorporate the department's corrosion inspection form and requirements currently in use. Require volt and ampere meters in rectifiers on impressed current systems. Increase inspection of impressed current corrosion protection systems to yearly from every three years.
- Require UST owners/operators to visually inspect sumps for equipment leaks monthly or install containment sumps with leak detection.
- No longer allow installation of ball float valves for overflow prevention. Require drop tubes on all existing and newly installed UST systems.
- Add requirements for bringing a tank system back into use after temporary closure; permanent closure of tank system after a specified time period and conditions. Require a site check for contamination before loss of insurance coverage.
- Require notification when tank ownership or operator changes and a compliance inspection.
- Require a site check for contamination whenever the mechanism for financial responsibility for pollution liability changes or when a break in insurance coverage occurs.
- Adjust RBCA protocol for assessing risk to plastic water lines from petroleum contamination in soil and groundwater.
- Bring RBCA surface water quality standards into conformance with current 567 IAC 61 water quality standards.
- Modify RBCA monitoring requirements and criteria specific to when a site qualifies to be reclassified as 'no action require'.

Legal Basis
(Include whether action is required by statute or court order)

Iowa Code section 455B.474

Need for Regulatory Action
(Include if applicable how the action will reduce risk to public health, safety, or the environment)

To incorporate policy and reduce UST system operational problems which in turn reduces risk to public health, safety and the environment due to releases of petroleum and hazardous substances. Adjust RBCA protocol for assessing risk to plastic water lines and bring RBCA water quality standards into conformance with water quality standards.

**Other Affected/Interested
Rule Making Authorities**

State Fire Marshall; UST Fund Board, General Services Department,
Emergency Management Division, DOT, DED

**Potential Public Groups
Impacted**

Underground storage tank owners and operators, UST equipment
installers, environmental groups, groundwater professionals,
municipalities, municipal water supplies

Schedule:

(Actions & month/year)

Commission informational item by November 2009
Notice of Intended Action to be filed by December 2009
Public hearings in February 2010
Final rule to Commission by March 2010
Rule effective in May 2010

Staff Contact/Phone #

Paul Nelson – 515-281-8779

**DNR REGULATORY AGENDA FOR SFY 2010
FORM FOR REGULATORY ACTION DESCRIPTION**

Rule Making Authority Director
Environmental Protection Commission (EPC)
Natural Resource Commission (NRC)
Energy & Geological Resource Division

Title of Regulatory Action Submission of Reports under the Emergency Planning and
Community Right to Know Act

Rule Chapter(s) that may be involved IAC 567 New Chapter
(Existing Chapter 605 IAC 104)

Description of Contemplated Regulatory Action
(Including, to the extent reasonable and practicable, alternatives to be considered and preliminary estimate of costs and benefits of the Action)

The Iowa Department of Natural Resources now administers sections 311/312 of the Emergency Planning and Community Right to Know Act. Authority to administer this program was transferred from Iowa Workforce Development to the Iowa Department of Natural Resources on July 1, 2007.

The proposed rules will address electronic signatures of documents, reduce the number of entities a responsible party must send reports to, and allow exemptions to previous restrictions promulgated by previous agencies administering the program. Municipalities may now be required to submit reports.

Legal Basis
(Include whether action is required by statute or court order)

Iowa Code 30.8
The Emergency Planning and Community Right to Know Act 40 CFR 355 and 370.

Need for Regulatory Action
(Include if applicable how the action will reduce risk to public health, safety, or the environment)

Increased protection of the public and reduced reporting burden for facilities

Other Affected/Interested Rule Making Authorities Department of Public Defense, Homeland Security and Emergency
Management Division

Potential Public Groups Impacted Iowa Association of Business and Industry
Iowa Municipal Utilities
Iowa League of Cities
Agribusiness Association of Iowa
Iowa Emergency Management Association
Other farm and business associations as identified

Schedule:
(Actions & month/year)

Commission informational item by September 2009
Notice of Intended Action to be filed by October 2009
Public hearings in November 2009
Final rule to Commission by December 2009

Staff Contact/Phone # Kathy Lee 515.725.0384

**DNR REGULATORY AGENDA FOR SFY 2009
FORM FOR REGULATORY ACTION DESCRIPTION**

Rule Making Authority Director
Environmental Protection Commission (EPC)
Natural Resource Commission (NRC)
Energy & Geological Resource Division

Title of Regulatory Action Law Enforcement Volunteer Education Instructors and courses of instruction

Rule Chapter(s) that may be involved 571 IAC 12 and 571 IAC 15

Description of Contemplated Regulatory Action

(Including, to the extent reasonable and practicable, alternatives to be considered and preliminary estimate of costs and benefits of the Action)

Instructor information is currently contained in 571 IAC 15(9). These rules were modified from their original language to include other Law Enforcement education programs, i.e., ATV, snowmobile, and boats. Including these other programs by reference does not give enough specifics for the programs. Clarification is needed for the rules as they pertain to each program and rules need to be added to establish all of the education programs in rule and to add new rules to give the DNR authority to revoke or suspend a volunteer instructor's certification if the DNR determines it is prudent to do so.

The subject matter for 571 IAC 15 is general license regulation. The education programs of the LE Bureau are more congruent with 571 IAC 12 which is Conservation Education.

Legal Basis

(Include whether action is required by statute or court order)

Iowa Code Sections 321G.23, 321I.25, 462A.1, 483A.27

Need for Regulatory Action

(Include if applicable how the action will reduce risk to public health, safety, or the environment)

These rules are necessary for clarity, to ensure public understanding, to properly administer the programs, and to establish proper authority for the programs.

Other Affected/Interested Rule Making Authorities

None

Potential Public Groups Impacted

Individuals applying for certification as instructors and anyone required to possess a valid education certificate issued by the DNR.

Schedule:

(Actions & month/year)

Commission informational item by August 2009
Notice of Intended Action to be filed by September 2009
Public hearings in November 2009
Final rule to Commission by January 2010

Staff Contact/Phone #

Rhonda Fowler/515-281-3208

**DNR REGULATORY AGENDA FOR SFY 2010
FORM FOR REGULATORY ACTION DESCRIPTION**

Rule Making Authority Director
Environmental Protection Commission (EPC)
Natural Resource Commission (NRC) x
Energy & Geological Resource Division

Title of Regulatory Action

Rule Chapter(s) that may be involved

Description of Contemplated Regulatory Action

(Including, to the extent reasonable and practicable, alternatives to be considered and preliminary estimate of costs and benefits of the Action)

We will be reviewing the entire chapter this fall and winter and amend rules to account for the variety of groups/persons operating concessions and the magnitude of concession operations. We are exploring the possibility of a formal cooperative agreement with formally recognized State Park/Rec Area Friends Groups to provide concession-related services and streamline the process by which they are able to operate. The current rules do not address a large operation such as Honey Creek Resort. In addition the rules need to be adjusted to conform to the professional services contracting rules in place. The rules have not been reviewed since 1998.

Legal Basis

(Include whether action is required by statute or court order)

Iowa Code 461 A.4 and 455A

Need for Regulatory Action

(Include if applicable how the action will reduce risk to public health, safety, or the environment)

New park developments such as Storm Lake Marina and Honey Creek Resort are very large concession operations that do not necessarily fit neatly within the scope of current administrative rules. There is an increase in formally organized friends groups which benefit state parks with volunteerism and fundraising. Some groups have expressed an interest in providing concession-related services in parks where recruitment of a private, for-profit person/entity has been a challenge.

Other Affected/Interested Rule Making Authorities

None

Potential Public Groups Impacted

Park visitors, friends groups, potential concession operators

Schedule:

(Actions & month/year)

TENTATIVE
Commission informational item by February 2010
Notice of Intended Action to be filed by Feb/March 2010
Public hearings in March/April 2010
Final rule to Commission by May 2010

Staff Contact/Phone #

Sherry Arntzen 515/242-6233

**DNR REGULATORY AGENDA FOR SFY 2010
FORM FOR REGULATORY ACTION DESCRIPTION**

Rule Making Authority Director
Environmental Protection Commission (EPC)
Natural Resource Commission (NRC) **X**
Energy & Geological Resource Division

Title of Regulatory Action

Rule Chapter(s) that may be involved

General License Regulations

Description of Contemplated Regulatory Action

IAC 571 Chapter 15

(Including, to the extent reasonable and practicable, alternatives to be considered and preliminary estimate of costs and benefits of the Action)

The proposed changes establishes a clear definition of severe mental disability and severe physical disability; a means to verify low income persons, substitutes a free lifetime fishing license for a free annual fishing license; clarifies procedure in administering free fishing and hunting licenses; and permits enforcement capability in revoking licenses issued in violation of this rule.

Legal Basis

(Include whether action is required by statute or court order)

This amendment is intended to implement Iowa Code sections 321.23(2), 481A.38, 481A.134, 455A.5(6)“a” and Iowa Code chapter 483A.

Need for Regulatory Action

(Include if applicable how the action will reduce risk to public health, safety, or the environment)

Existing rule language makes it difficult for the Department to verify a person's eligibility to receive a free fishing or hunting license due to a severe or permanent disability and income status.

Other Affected/Interested Rule Making Authorities

None

Potential Public Groups Impacted

Those persons who are now receiving free licenses but are not eligible because they do not have a severe or permanent disability or are low income.

Schedule:

Commission informational item by August 13, 2009
Notice of Intended Action to be filed by August 19, 2009
Public hearings in September 29, 2009
Final rule to Commission by December 9, 2009

Staff Contact/Phone#

Martin Konrad 515/281-6976

**DNR REGULATORY AGENDA FOR SFY 2010
FORM FOR REGULATORY ACTION DESCRIPTION**

Rule Making Authority Director
Environmental Protection Commission (EPC)
Natural Resource Commission (NRC) **X**
Energy & Geological Resource Division

Title of Regulatory Action

Rule Chapter(s) that may be involved

Description of Contemplated Regulatory Action
(Including, to the extent reasonable and practicable, alternatives to be considered and preliminary estimate of costs and benefits of the Action)

Legal Basis
(Include whether action is required by statute or court order)

Need for Regulatory Action
(Include if applicable how the action will reduce risk to public health, safety, or the environment)

Other Affected/Interested Rule Making Authorities

Potential Public Groups Impacted

Schedule:

Staff Contact/Phone#

**DNR REGULATORY AGENDA FOR SFY 2010
FORM FOR REGULATORY ACTION DESCRIPTION**

Rule Making Authority Director
Environmental Protection Commission (EPC)
Natural Resource Commission (NRC)
Energy & Geological Resource Division

Title of Regulatory Action IAC 571-16: Dock Regulations

Rule Chapter(s) that may be involved IAC 571-16

Description of Contemplated Regulatory Action

IAC 571-16 needs to be amended to add language about occupied “dock houses” and “boat houses”. The structures currently existing in the “Ellis Park Boat Harbor” in Cedar Rapids are not covered by the current language and are being temporarily covered by a “waiver” to the current rules until a formal rule can be implemented.
In some places, the neighboring landowners and/or dock owners are in conflict with the size, shape, and condition of existing structures.

Legal Basis

(Include whether action is required by statute or court order)

462A.

Need for Regulatory Action

(Include if applicable how the action will reduce risk to public health, safety, or the environment)

IAC 571-16 needs to be amended to add language about “dock houses” and “boat houses”. These structures are in the “Ellis Park Boat Harbor” in Cedar Rapids and are basically a “garage on a dock” – that are used as summer/weekend homes and are inhabited by people. There are issues with structural concerns, electrical, waste water, floatation materials, and transferability of ownership that need to be addressed.
Structures such as those at Lake Panorama are simply a “boat garage” on a floating dock structure and are not occupied. These fall outside the current dock regulations.
Rules need to address structural, environmental, health and public safety concerns.

Other Affected/Interested Rule Making Authorities

City of Cedar Rapids
Lake Panorama Lake Association
Lake MacBride dock owners

Potential Public Groups Impacted

Dock house/boat house owners

Schedule:

Commission informational item by December 2009
Notice of Intended Action to be filed by February 2010
Public hearings in April 2010
Final rule to Commission by June 2010

Staff Contact/Phone #

Randy R. Edwards, Law Enforcement Bureau (515)281-5919

**DNR REGULATORY AGENDA FOR SFY 2010
FORM FOR REGULATORY ACTION DESCRIPTION**

Rule Making Authority Director
Environmental Protection Commission (EPC)
Natural Resource Commission (NRC)
Energy & Geological Resource Division

Title of Regulatory Action Leases of State-owned or Dedicated Public Property

Rule Chapter(s) that may be involved IAC 571 Chapter 18

Description of Contemplated Regulatory Action
(Including, to the extent reasonable and practicable, alternatives to be considered and preliminary estimate of costs and benefits of the Action)

The purpose of the proposed rule changes is to establish new procedures for determining lease fees that will take into account the value differences of state property that depend on location; to allow use of a license alternative for minimal unauthorized use of state property; and clarify application and appeal procedures. Less than fifty current leaseholders will be affected. Some will see rental fee decreases some will see increases. Total annual fees are \$98,000.

Legal Basis 461A.4, 461A.11, 461A.18, 461A.25

Need for Regulatory Action
(Include if applicable how the action will reduce risk to public health, safety, or the environment)

Request of Natural Resource Commission to review these rules and consider changes that will reflect the value of the leased property and allow for license alternatives for minimal unauthorized use of public property.

Other Affected/Interested Rule Making Authorities None

Potential Public Groups Impacted Owners of real property adjacent to state owned property.

Schedule:
(Actions & month/year)

Commission informational item by October 2009
Notice of Intended Action to be filed by November 2009
Final rule to Commission by February 2010

Staff Contact Gregory Jones 515-281-5806

**DNR REGULATORY AGENDA FOR SFY 2010
FORM FOR REGULATORY ACTION DESCRIPTION**

Rule Making Authority Director
Environmental Protection Commission (EPC)
Natural Resource Commission (NRC) **X**
Energy & Geological Resource Division

Title of Regulatory Action

Rule Chapter(s) that may be involved

Local Recreation Infrastructure Grants Program

Description of Contemplated Regulatory Action

IAC 571 Chapter 29

(Including, to the extent reasonable and practicable, alternatives to be considered and preliminary estimate of costs and benefits of the Action)

The proposed changes will provide a natural resources business opportunity grant program and rename the chapter.

Legal Basis

(Include whether action is required by statute or court order)

HF 722, appropriating \$250,000 to the DNR to deploy this program. This has been an annual appropriation so the DNR feels that developing rules to manage the dispersal of the money is warranted.

Need for Regulatory Action

(Include if applicable how the action will reduce risk to public health, safety, or the environment)

Provide clear parameters for how money granted under this program is dispersed and used and how funds may be recouped in the event they are used improperly by recipients.

Other Affected/Interested Rule Making Authorities

None

Potential Public Groups Impacted

Local resource conservation and development groups

Schedule:

Commission informational item by September 10, 2009
Notice of Intended Action to be filed by October 8, 2009
Public hearings in October/November, 2009
Final rule to Commission by January 2010

Staff Contact/Phone#

Mimi Habhab 515-2815034

**DNR REGULATORY AGENDA FOR SFY 2010
FORM FOR REGULATORY ACTION DESCRIPTION**

Rule Making Authority Director
Environmental Protection Commission (EPC)
Natural Resource Commission (NRC)
Energy & Geological Resource Division

Title of Regulatory Action Change of definition in IAC 571-40: "Boating Speed and Distance Zoning"

Rule Chapter(s) that may be involved IAC 571-40: "Boating Speed and Distance Zoning"

Description of Contemplated Regulatory Action
(Including, to the extent reasonable and practicable, alternatives to be considered and preliminary estimate of costs and benefits of the Action)

Throughout IAC 571-40 – we will be proposing changing the term “at a no-wake speed” TO: “a speed not greater than 5 miles per hour”. This will more clearly clarify the difference between these two terms. The current definition of “no wake” (found in Iowa Code chapter 462A.2(42) is nebulous and difficult to enforce.

Legal Basis
(Include whether action is required by statute or court order)

Iowa Code section 462A.

Need for Regulatory Action
(Include if applicable how the action will reduce risk to public health, safety, or the environment)

Will clarify the meaning of “going slow” in a boat. Currently, “no wake” is difficult to determine and define, depending on the weather conditions and size of the respective vessel. It seems more prudent to limit speed to 5 mph – since most people have a much better gauge of that speed, regardless of the water conditions or size of their vessel.

Other Affected/Interested Rule Making Authorities None

Potential Public Groups Impacted General boating public – particularly at the natural lakes areas.

Schedule:
(Actions & month/year) Commission informational item by November 2009
Notice of Intended Action to be filed by January 2010
Public hearings in March 2010
Final rule to Commission by June 2010

Staff Contact/Phone # Randy R. Edwards, Chief, Law Enforcement Bureau 515-281-5919

**DNR REGULATORY AGENDA FOR SFY 2010
FORM FOR REGULATORY ACTION DESCRIPTION**

Rule Making Authority Director
Environmental Protection Commission (EPC)
Natural Resource Commission (NRC)
Energy & Geological Resource Division

Title of Regulatory Action Snowmobile and ATV regulation amendments. Rescinding, revision and reassignment of IAC Chapter s571- 28, 46, 47 & 50

Rule Chapter(s) that may be involved IAC 571- 46 & 47 & 50 and IAC 571-28

Description of Contemplated Regulatory Action
(Including, to the extent reasonable and practicable, alternatives to be considered and preliminary estimate of costs and benefits of the Action)

We plan to revise and update language in 571- 46, 47 and 50 dealing with snowmobiles and ATV's. This includes updates and clean-up language to education, sound testing, OHV park regulations, habitual offender system, groomer education program, special event permitting, dealer regulations and bonding processes. On the advice of our legal counsel, these two chapters will be rescinded and reassigned to each respective program (snowmobiles and ATV's). The purpose is to consolidate the major regulatory provisions governing ATV's and snowmobiles into their own respective chapters in the Administrative Code. Some language in 571-50 will be taken out and split into 46 and 47 respectively, thus putting the respective topics into their own chapter. Chapter 571-28 will also be revised to add new language related to the snowmobile and ATV grant process.

Legal Basis
(Include whether action is required by statute or court order)

321G. and 321I. of the Iowa Code.

Need for Regulatory Action
(Include if applicable how the action will reduce risk to public health, safety, or the environment)

These changes will update language to accommodate current program expectations and will align snowmobile and ATV rules into their own respective chapters.

Other Affected/Interested Rule Making Authorities None

Potential Public Groups Impacted Iowa Snowmobile Association Snowmobile/ATV owners
Iowa Off-Highway Vehicle Association
Iowa Motorcycle Dealers Association

Schedule:
(Actions & month/year) Commission informational item by November 2009
Notice of Intended Action to be filed by January 2010
Public hearings in March 2010
Final rule to Commission by May 2010

Staff Contact/Phone # Randy R. Edwards, Chief, Law Enforcement Bureau 515-281-5919

**DNR REGULATORY AGENDA FOR SFY 2009
FORM FOR REGULATORY ACTION DESCRIPTION**

Rule Making Authority Director
Environmental Protection Commission (EPC)
Natural Resource Commission (NRC)
Energy & Geological Resource Division

Title of Regulatory Action Law Enforcement Bureau Special Event Permits

Rule Chapter(s) that may be involved 571 IAC 44

Description of Contemplated Regulatory Action

(Including, to the extent reasonable and practicable, alternatives to be considered and preliminary estimate of costs and benefits of the Action)

Per statutory requirement, the Law Enforcement Bureau is tasked with issuing special event permits for certain boating, snowmobile, and ATV events that take place on land and water under the jurisdiction of the Natural Resource Commission. Rules currently exist in 571 IAC 44 for boating events, but they need to be updated. New rules need to be written for snowmobile and ATV events. There is also a need to harmonize the current system with the new web-based application which will be in production by November 2009. The LE Bureau cannot include its events in the new system until rules have been adopted. There is a proposal at this time that an administrative processing fee of \$25 for each application be assessed once the web-based system can be accessed.

Legal Basis

(Include whether action is required by statute or court order)

Iowa Code Sections 321G.2, 321G.16, 321I.2, 321I.17, 462A.16

Need for Regulatory Action

(Include if applicable how the action will reduce risk to public health, safety, or the environment)

These rules are necessary for clarity, to ensure public understanding, to properly administer the programs, and to establish proper authority for the programs. Determinations as to whether an event will be approved or denied focus on the safety of the participants and spectators as well as a critical evaluation of how the event will impact the natural resources of the state.

Other Affected/Interested Rule Making Authorities

The following bureaus within the DNR have established Administrative Rules that pertain to special events: Fisheries, Wildlife, and Parks.

Potential Public Groups Impacted

Organized motorized recreation clubs – both participants and enthusiasts, individuals who wish to access the areas, law enforcement entities

Schedule:

(Actions & month/year)

Commission informational item by August 2009
Notice of Intended Action to be filed by September 2009
Public hearings in November 2009
Final rule to Commission by January 2010

Staff Contact/Phone #

Rhonda Fowler/515-281-3208

**DNR REGULATORY AGENDA FOR SFY 2010
FORM FOR REGULATORY ACTION DESCRIPTION**

Rule Making Authority

Director
Environmental Protection Commission (EPC)
Natural Resource Commission (NRC)
Energy & Geological Resource Division

Title of Regulatory Action

Amend IAC rules dealing with wildlife season setting, shooting hours, bag limits, etc.

Rule Chapter(s) that may be involved

IAC 571-Chapters 51, 52, 53, 91, 92, 94, 95, 96, 97, 98, 99, 100, 102, 105, 106, 107, 108, 110

Description of Contemplated Regulatory Action

(Including, to the extent reasonable and practicable, alternatives to be considered and preliminary estimate of costs and benefits of the Action)

DNR is the sole agency charged with managing the state's wildlife resources, including hunting and trapping seasons, establishing refuges, means and methods of take, etc.

Legal Basis

(Include whether action is required by statute or court order)

Iowa Code 456A.23, 456A.24, 481A.38, 481A.39, 481A.48

Need for Regulatory Action

(Include if applicable how the action will reduce risk to public health, safety, or the environment)

Permits DNR to change and amend the opening and closing dates of various hunting seasons, bag limits, shooting hours, etc., and management of public lands.

Other Affected/Interested Rule Making Authorities

None in Iowa. U.S. Fish and Wildlife Service has regulatory authority for Migratory birds included in Ch. 91 and Ch. 102

Potential Public Groups Impacted

Hunters, other users of public land, citizens in general

Schedule:

(Actions & month/year)

<u>CHAP TER</u>	NAME	Notice to NRC	Final to NRC	Potential Changes
51	Game Management Areas	Varies as needed	Varies as needed	Restrict access, use of blinds & decoys, etc.
52	Wildlife Refuges	Varies as needed	Varies as needed	Open/close refuges, add new refuges
53	Controlled Hunting Areas	March '10	June '10	Blind locations, access to areas
91	Waterfowl and Coot Hunting Seasons	March '10	July '10 Aug '10	Dates, seasons, bag limits, zones
92	Migratory Game Birds	March '07	May '07	Means and method of take
94	Nonresident Deer Hunting	Nov. '09	March '10	Dates, seasons, zones, legal weapons
95	Game Harvest Reporting and Landowner-Tenant Registration	March '10	June '10	Procedures for reporting kill and registering for l/t licenses
96	Pheasant, Quail and Gray Partridge Hunting Seasons	March '10	June '10	Dates, bag limits
97	Common Snipe, Virginia Rail and Sora, Woodcock and Grouse Hunting Seasons	March '10	June '10	Dates, bag limits
98	Wild Turkey Spring Hunting	March '10	June '10	Dates, license quotas, seasons, zones
99	Wild Turkey Fall Hunting	March '10	June '10	Dates, license quotas, zones
100	Crow and Pigeon Regulations	March '10	June '10	Dates
102	Falconry Regulations for Hunting Game	March '10	June '10	Dates, bag limits
105	Deer Population Management Areas	March '10	June '10	Zones, seasons, license quotas
106	Deer Hunting	March '10	June '10	Dates, seasons, legal weapons
107	Rabbit and Squirrel Hunting	March '10	June '10	Dates, bag limits
108	Mink, Muskrat, Raccoon, Badger, Opossum, Weasel, Striped Skunk, Fox (Red and Gray), Beaver, Coyote, Otter and Spotted Skunk Seasons	March '10	June '10	Dates, bag limits, means and method of take
110	Trapping Limitations	March '10	June '10	Type and locations of allowable traps

Staff Contact/Phone #

Willie Suchy, Wildlife Bureau, 515-281-8660

**DNR REGULATORY AGENDA FOR SFY 2010
FORM FOR REGULATORY ACTION DESCRIPTION**

Rule Making Authority Director
Environmental Protection Commission (EPC)
Natural Resource Commission (NRC)
Energy & Geological Resource Division

Title of Regulatory Action Restriction on Removal of Plant Life

Rule Chapter(s) that may be involved IAC 571 Chapter 54
IAC 571 Chapter 13

Description of Contemplated Regulatory Action
(Including, to the extent reasonable and practicable, alternatives to be considered and preliminary estimate of costs and benefits of the Action)

The rule in chapter 54 will be changed to include a section to allow property owners adjacent to public owned lakes to remove aquatic vegetation for the purpose of permitting boating access from their boat dock to the vegetative free portion of the lake, provided they have a permit. The sovereign lands permitting rules will be modified to allow for a permit to be issued for these activities. The rules will not allow aquatic plants to be removed using pesticides.

Legal Basis
(Include whether action is required by statute or court order)

These amendments are intended to implement Iowa Code sections 461A.41

Need for Regulatory Action
(Include if applicable how the action will reduce risk to public health, safety, or the environment)

Rooted aquatic plants have responded favorably to the Department's lake restoration efforts to improve water quality. Aquatic plants are valuable to a lake's ecosystem by removing nutrients from the water, and providing shelter for aquatic life and food for the sport fishery. However dense vegetation growth may inhibit a property owner to access a lake from his boat dock. This rule change will permit the removal of plants around boat docks to provide lake access. The rule may also allow removal for cultivation, in some instances.

Other Affected/Interested Rule Making Authorities None

Property owners adjacent to public owned lakes; Department of Agriculture

Potential Public Groups Impacted

Schedule:
(Actions & month/year)

Commission informational item by January 14, 2010
Notice of Intended Action to be filed by: (to be determined)
Public hearings in: (to be determined)
Final rule to Commission by: (to be determined)

Martin Konrad 515/281-6976

**DNR REGULATORY AGENDA FOR SFY 2010
FORM FOR REGULATORY ACTION DESCRIPTION**

Rule Making Authority Director
Environmental Protection Commission (EPC)
Natural Resource Commission (NRC) x
Energy & Geological Resource Division

Title of Regulatory Action

Rule Chapter(s) that may be involved

Description of Contemplated Regulatory Action
(Including, to the extent reasonable and practicable, alternatives to be considered and preliminary estimate of costs and benefits of the Action)

Updates to the reservation system business rules are needed include new rules and clarifications of existing rules. New features such as e-checking, online cancellations and review of reservable/nonreservable ratios need to be addressed. These changes will provide better customer service to park users. In addition, we will review other policies such as pets in cabins, damage deposits for cabin and lodge rentals as well as deposits required for keg beer permits.

Legal Basis
(Include whether action is required by statute or court order)

Need for Regulatory Action
(Include if applicable how the action will reduce risk to public health, safety, or the environment)

Other Affected/Interested Rule Making Authorities

Potential Public Groups Impacted

Schedule:
(Actions & month/year)

Staff Contact/Phone #

**DNR REGULATORY AGENDA FOR SFY 2010
FORM FOR REGULATORY ACTION DESCRIPTION**

Rule Making Authority Director
Environmental Protection Commission (EPC)
Natural Resource Commission (NRC)
Energy & Geological Resource Division

Title of Regulatory Action Amend IAC Chapter 571-78 : Ginseng Harvesting and Sale

Rule Chapter(s) that may be involved Ginseng Harvesting and Sale - IAC 571-78

Description of Contemplated Regulatory Action
(Including, to the extent reasonable and practicable, alternatives to be considered and preliminary estimate of costs and benefits of the Action)

We will be requesting to simply make several updates (corrections) of code section numbers that are referenced in the rule to bring them current. Basically just "housekeeping" items.

Legal Basis
(Include whether action is required by statute or court order)

Iowa Code chapter 456A.24

Need for Regulatory Action
(Include if applicable how the action will reduce risk to public health, safety, or the environment)

Amend IAC 571-78 to make code section reference corrections.

Other Affected/Interested Rule Making Authorities

None

Potential Public Groups Impacted

Ginseng harvesters and buyers – but these changes are only updating referenced code section numbers. No significant impact.

Schedule:
(Actions & month/year)

Commission informational item by November 2009
Notice of Intended Action to be filed by January 2010
Public hearings in March 2010
Final rule to Commission by June 2010

Staff Contact/Phone #

Randy R. Edwards, Chief, Law Enforcement Bureau – 515-281-5919

**DNR REGULATORY AGENDA FOR SFY 2010
FORM FOR REGULATORY ACTION DESCRIPTION**

Rule Making Authority Director
Environmental Protection Commission (EPC)
Natural Resource Commission (NRC)
Energy & Geological Resource Division

Title of Regulatory Action

Rule Chapter(s) that may be involved

Description of Contemplated Regulatory Action

(Including, to the extent reasonable and practicable, alternatives to be considered and preliminary estimate of costs and benefits of the Action)

The proposed changes limit anglers fishing the Mississippi River to a maximum 5/0 treble hook size when snagging paddlefish, reduces the length of the paddlefish season and establishes a maximum size limit on paddlefish.
No alternative available, not imposing more restrictive regulations will threaten the Mississippi River paddlefish population.
No additional fees are associated with these rule amendments.
The public benefit is protection and sustainability of the Mississippi River paddlefish population.

Legal Basis

(Include whether action is required by statute or court order)

These amendments are intended to implement section 456A.25 of the Code of Iowa

Need for Regulatory Action

(Include if applicable how the action will reduce risk to public health, safety, or the environment)

The public benefit is protection and sustainability of the Mississippi River paddlefish population.

Other Affected/Interested Rule Making Authorities

Potential Public Groups Impacted

Schedule:

Commission informational item by July 9, 2009
Notice of Intended Action to be filed by July 10, 2009
Public hearings in August 26, 2009
Final rule to Commission by October 8, 2009

Staff Contact

**DNR REGULATORY AGENDA FOR SFY 2010
FORM FOR REGULATORY ACTION DESCRIPTION**

Rule Making Authority Director
Environmental Protection Commission (EPC)
Natural Resource Commission (NRC)
Energy & Geological Resource Division

Title of Regulatory Action

Rule Chapter(s) that may be involved

Description of Contemplated Regulatory Action

(Including, to the extent reasonable and practicable, alternatives to be considered and preliminary estimate of costs and benefits of the Action)

The proposed changes require the electronic submission of fishing tournament applications and adjust the time period when applications shall be accepted.
The alternative is for the Department to continue to manually accept and issue paper permits. This method is not preferred because it is not efficient.
No additional fees are associated with these rule amendments
The potential benefit is a reduction of DNR staff time and allow for the efficient administration of fishing tournaments and avoidance of tournament conflicts with other water and land based special events.

Legal Basis

(Include whether action is required by statute or court order)

Need for Regulatory Action

(Include if applicable how the action will reduce risk to public health, safety, or the environment)

**Other Affected/Interested
Rule Making Authorities**

**Potential Public Groups
Impacted**

Schedule:

(Actions & month/year)

Staff Contact/Phone #

**DNR REGULATORY AGENDA FOR SFY 2010
FORM FOR REGULATORY ACTION DESCRIPTION**

Rule Making Authority Director
Environmental Protection Commission (EPC)
Natural Resource Commission (NRC)
Energy & Geological Resource Division

Title of Regulatory Action Falconry Regulations

Rule Chapter(s) that may be involved IAC 571-101 and 571-102

Description of Contemplated Regulatory Action

(Including, to the extent reasonable and practicable, alternatives to be considered and preliminary estimate of costs and benefits of the Action)

The "Falconry Regulations" (571-101) and "Falconry Regulations for Hunting Game" (571-102) will be amended to reflect recent changes in operations and in Federal law.

Legal Basis

(Include whether action is required by statute or court order)

Chapter 481A of the Iowa Code

Need for Regulatory Action

(Include if applicable how the action will reduce risk to public health, safety, or the environment)

Will update rule language to reflect current needs of program and to implement federal regulation updates.

**Other Affected/Interested
Rule Making Authorities**

None

**Potential Public Groups
Impacted**

Licensed Falconers

Schedule:

(Actions & month/year)

Commission informational item by January 2010
Notice of Intended Action to be filed by February 2010
Public hearings in April 2010
Final rule to Commission by June 2010

Staff Contact/Phone #

Steve Dermand, Executive Officer 515-281-4515

Schedule:

EPC informational item in August, 2009
NRC and EPC for decision in September, 2009
Notice of Intended Action to be filed around October
Public hearings in:October-November.
Final rule to EPC and NRC by: December, 2009

Staff Contact/Phone #

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