Work Plan Agreement 9/11/13

Between

The Iowa Department of Natural Resources and the Environmental Protection Agency Region 7

On January 6, 2014, DNR conducted the following training:

Course Name: Federal & State Rules and Enforcement Procedures  
Contact/Instructor: Ed Tormey  
Course Description: Participants will explore the Federal and State code & laws, court decisions, and enforcement processes and calculations.  
Course Hours: 6 hours  
Attendees: Required – All Field Office Inspectors and Supervisors  
Optional – Non-Field Office Staff including but not limited to AFO Permit Writers, Communications Staff, Legal Advisory, and other Iowa DNR interested employees.

This training satisfies a portion of Objective 4, item C.2 due within 270 days of execution of the Work Plan. This training also satisfies Objective 6, item 3 due within 120 days of execution of the Work Plan. The training agenda is attached. A copy of the training power point and attendance sheets are available upon request.

Objective 4: Compliance Evaluation and Inspections

C. Resources and Training

2. The training curriculum will be completed by all existing AFO/CAFO inspectors and their supervisors within 270 days of execution of this Work Plan.

Objective 6: To implement enforcement program that ensures penalties are sought in accordance with DNR’s EMS and creates a stronger deterrent to noncompliance.

2. DNR agrees to complete any required staff training on its revised EMS and penalty calculations within 120 days of execution of this Work Plan.


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AFO Inspector Training Agenda

Legal Services Component

- Brief history of livestock regulation in Iowa (Randy)
- Clean Water Act (CWA) Basics (Ed)
  - What is the CWA?
  - Definitions from CWA.
    - Water of the United States
    - Pollutant
    - Point Source; CAFOs expressly included
    - CAFO not defined
- Brief history of EPA livestock regulation (Randy)
- 2003 Final CAFO Regulations-Duty to apply (Ed)
- 2005 Second Circuit Court Decision on CAFOs (Ed)
  - Waterkeeper Alliance et al. vs EPA
    - must be actual discharge
- 2008 Final CAFO Regulations-Propose to discharge; optional “no discharge certification” (Ed)
  - National Pork Producers Council vs. EPA Court Case-
    - again, must be actual discharge
    - most of 2008 regulations unaffected
- 2012 Final CAFO Rule to Remove 5th Circuit Court’s Vacated Elements (Ed)
- NPDES Permit Writers’ Manual for CAFOs (Randy)
- Code of Iowa
  - How established (Ed)
  - How it governs us and IAC (Ed)
  - Overview of 459, 459A and 459B (Randy)
  - Review of 445B.186 (Randy)
- Iowa Administrative Code
  - Chapter 65 – Animal Feeding Operations (Randy)
    - Definitions
    - Animal Feeding Operation Vs. Medium CAFO vs. Large CAFO
    - Separation Distances for Land Application
    - Common ownership/management
    - Manure Management Plans, Nutrient Management Plans
    - Separation Distances for Siting AFOs
    - Construction Design Statements
    - Construction Permit Process
    - Manure Applicator Certification
  - Chapter 61 – Water Quality Standards (Jon)
    - General Water Quality Criteria
• Numeric Water Quality Criteria
  o Chapter 100 – Dead Animal Disposal (Jon)
    ▪ Definitions
    ▪ General Conditions for Solid Waste Disposal
  o Chapter 105 – Composting Facilities (Jon)
    ▪ Definitions
    ▪ Specific requirement for composting of dead farm animals

• Enforcement (Kelli)
  o Review of the EMS
    ▪ Roles In Enforcement
    ▪ Enforcement Process
    ▪ Enforcement Priorities
  o Chapter 17A – Compliance/Enforcement Options
    ▪ Informal Meetings
    ▪ Letters of Inquiry
    ▪ Letters of Noncompliance
    ▪ Notice of Violation Letters
  o Referral Process
    ▪ Referral Document
    ▪ Enforcement Options
    ▪ Administrative Order
    ▪ Administrative Consent Order
    ▪ Attorney General Referral
  o Penalty Calculation
    ▪ Economic Benefit
    ▪ Gravity
    ▪ Culpability
    ▪ Other Factors
    ▪ Initial Penalty Recommendation
    ▪ Determination of Penalty Amount in Initial Offer
    ▪ Settlement Memos