

Charter

IOWA DEPARTMENT OF NATURAL RESOURCES (DNR) 2017 AIR QUALITY PROGRAM FUNDING WORK GROUP

1. PURPOSE

The work group will reexamine and provide feedback on the current fees for: minor source and major source air construction permit applications; operating permit applications; Title V emissions; and asbestos notifications. Work group members will also be asked to develop and endorse specific recommendations for future changes to funding the Iowa air quality program next year and beyond. For recommendations that may require action by rulemaking, or legislation, the DNR recommends that the final recommendations be completed and submitted to the DNR no later than August 1, 2017.

Work group membership has been determined by the Administrator of the Environmental Services Division of the DNR and the Bureau Chief of the Air Quality Bureau (AQB). The work group's membership is composed of a broad selection of those who use air quality bureau services including: small and large businesses, associations, local governments, non-governmental organizations, and the general public. Non-members may attend for the purposes of observing the work group's discussions.

2. BACKGROUND

In 2014, the Iowa General Assembly (HF 2473) directed the DNR to convene a stakeholder group to study funding of the air quality programs administered by the department and to make recommendations for funding the program into the future. DNR submitted a report to the General Assembly regarding the findings and recommendations of the stakeholder group on December 1, 2014.

A recommendation from the 2014 work group was adopted into law and granted the Environmental Protection Commission (Commission) authority to establish application fees for construction and operation of air pollution emitting equipment and fees for asbestos notifications (455B.133B and 455B.133C). However, the 2014 stakeholder group also recommended that \$2,000,000 in program activities, funded by Title V fees, be funded by state General Funds. Although this proposal was supported in the Governor's budget proposal (in whole or in part) during the 2015 and 2016 legislative sessions, the state legislature chose not to support that funding. Title V fees have continued to be used to provide that funding.

The Commission adopted rules and a Fee Schedule on December 15, 2015 (567 IAC Chapter 30). The fees become effective on January 15, 2016. Data and analysis of the implementation of these fees since January 15, 2016, will be presented to the work group by DNR.

3. OBJECTIVES AND SCOPE OF ACTIVITIES

It is expected that achievement of these objectives and scope of activities will lead to the development of recommendations that will provide support and direction for the Bureau on modifications to current program funding that will lead to sustainable funding for the program. It is anticipated that the work group will:

- a) Review current and anticipated bureau revenues and expenses necessary to support the direct and indirect costs, including costs associated with the proposed eApplication system, for implementing the state air quality statutes and federal Clean Air Act programs in Iowa, including time-study data generated since the initiation of new fees in January 2016;
- b) Review similar air quality programs and fee structures administered in other states to compare fee structures and levels in those states with funding for the air quality program; and
- c) Identify possible efficiencies that can be made to better streamline processes and reduce expenses while still providing necessary services and activities required for program implementation;
- d) Develop recommendations for ongoing program funding, and provide written recommendations to DNR, by August 1, 2017. The recommendations may include but are not limited to recommendations for changes in statute or rules.

4. INVOLVEMENT BY MEMBERS AND ESTIMATED TIME COMMITMENT

To maintain continuity all work group members are asked to commit to attending all work group meetings. If a member cannot attend a meeting, a designated alternate should attend the meeting. Designated alternate work group members should have the same level of knowledge and expertise as the primary work group member and also be able to represent their organization's interests and concerns.

Work group members will be expected to represent their organization's interests and concerns. Members are responsible for consulting with their management teams to assure that the opinions they express are those of their organizations.

Work group members are encouraged to raise all of their ideas and concerns at work group meetings.

Work group meetings are currently scheduled for June 21, July 13, July 20, and July 25. Meetings will start at 10 a.m. unless noted otherwise and may typically require 4 to 5 hours (not including travel time) of group member's time. Meetings will be held at the DNR's Air Quality Bureau. Other meeting locations, dates, and times outside of those listed above will be at the discretion of the work group and the facilitator.

5. WORK GROUP FACILITATION

The DNR has selected a DNR facilitator to assist the work group in accomplishing the stated objectives. The facilitator will conduct meetings in accordance with this charter and assist in keeping the work group focused on the objectives by promoting scheduled milestones. As a neutral collaborative process provider, the facilitator will not act as an advocate on any substantive issue. However, the facilitator may propose substantive and process suggestions for the work group's consideration. The facilitator may have informal communications and perform facilitation activities with work group members and DNR staff between and during meetings in an effort to achieve agreement on recommendations

Work group members are encouraged to communicate information or concerns directly to the facilitator, and if possible, directly to the work group. The facilitator will have the authority to mediate disagreements between work group members. Unresolved work group issues will be taken to the Director of the DNR for resolution or additional direction to the work group.

As part of the agenda, technical resource persons may present information to the work group. Participation or presentations by non-work group members is at the discretion of the DNR.

All work group meetings will be open to the public. Interested persons may observe meetings.

6. AGENCY RESPONSIBLE FOR PROVIDING ADMINISTRATIVE SUPPORT

The DNR will be responsible for administrative support. Within DNR, this support will be provided by the AQB and other bureaus as needed.

7. DURATION AND TERMINATION

This charter will be in effect through August 1, 2017, at which time it is anticipated that the work group will be disbanded. On and after this date, the DNR may consult as needed on a case-by-case basis with work group members to assist in preparation of briefings, rulemakings, and legislative proposals.

8. SUBCOMMITTEES

Given the complexity of the topic there may be a need to form subcommittees of the work group members for any purpose consistent with this charter. Subcommittee meetings may occur outside of the work group meetings and will be scheduled as needed by the subcommittee members. Such subcommittees may not work independently of the chartered work group and must report their recommendations and advice to the work group for full deliberation and discussion. Subcommittees have no authority to make decisions on behalf of the chartered work group, nor can they report directly to the DNR.

9. RECORDKEEPING

The DNR will maintain records of the work group, which will include agendas, presentations, technical information posted on the DNR Website, documents and reports with recommended actions, and other materials generated by the work group, subcommittees, or individual members. Chairs for established

subcommittees will be responsible for maintaining records of their respective subcommittee meetings, or appointing another member of the subcommittee to do so, and shall provide all records to DNR at anytime upon request of DNR, and at the conclusion of the subcommittee's activities. Work group communications are not confidential and may be disclosed. However, the private documents of individual work group members and the facilitator generally are not considered public records if the DNR does not retain copies. Work group and subcommittee records will constitute public records available for public inspection.

10. RULES OF ORDER

When possible, the work group will operate relatively informally without strict adherence to formal rules of order. As long as the group can remain focused on its objectives and reach decisions while allowing everyone to participate and be heard, procedural formalities will be kept to a minimum. Except when there is conflict with this document, the rules contained in the current edition of "Robert's Rules of Order Newly Revised" will serve as an informal guide for the conduct of work group meetings in situations when formal rules of order are appropriate.