

**MINUTES OF THE
ENVIRONMENTAL PROTECTION COMMISSION
MEETING**

February 18 2020

**Wallace State Office Building Auditorium
502 East 9th Street, Des Moines, IA**

Approved by the Commission March 17, 2020

RECORD COPY

File Name Admin 1-1-1

Sender's Initials jzs

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Meeting Minutes

CALL TO ORDER

The meeting of the Environmental Protection Commission was called to order by Chairperson Ralph Lents at 10:30 a.m. on February 18, 2020 at the Wallace State Office Building in Des Moines, IA.

COMMISSIONERS PRESENT

- Lisa Gochenour
- Rebecca Guinn
- Harold Hommes
- Ralph Lents
- Bob Sinclair

COMMISSIONERS ABSENT

- Stephanie Dykshorn
- Amy Echard
- Howard Hill
- Tim Kaldenberg

APPROVAL OF AGENDA

Motion was made by Bob Sinclair to approve the agenda as presented. Seconded by Lisa Gochenour. Motion passes.

AGENDA APPROVED

APPROVAL OF MINUTES

Motion was made by Harold Hommes to approve the January 22, 2020 EPC minutes as presented. Seconded by Bob Sinclair. Motion passes.

APPROVED AS PRESENTED

MONTHLY REPORTS

- Division Administrator Ed Tormey introduced Amie Davidson, Land Quality Bureau Chief, who was hired January 10, 2020. He also provided a summary of a water withdrawal request to ship water out west by railcar, which was recently withdrawn by the applicant.
- The monthly reports have been posted on the Department’s website under the appropriate meeting month: <http://www.iowadnr.gov/About-DNR/Boards-Commissions>

INFORMATION

DIRECTOR’S REMARKS

- Director Kayla Lyon provided a summary of the legislative session including subcommittee meetings, the upcoming budget presentation, and her confirmation process. She welcomed Tamara McIntosh to the role of the Department’s Legal Counsel and thanked Kelli Book for her interim services.

INFORMATION

Chairperson Lents reflected his appreciation for Kelli Book temporarily serving as legal counsel and welcomed Tamara McIntosh.

PARKS 2020 PRESENTATION

Julie Tack provided a presentation to the Commission regarding the efforts related to the 100th anniversary of Iowa State Parks. Events across the state at state parks in 2020 are themed to celebrate, connect, and inspire attendees. Many partners are working to host local events to engage attendees.

INFORMATION

NOTICE OF INTENDED ACTION: AIR QUALITY REGULATORY CERTAINTY RULES PART 4 - CHAPTERS 20, 22, 23, 25, 30, AND 33

Christine Paulson presented a notice of intended action to begin public comments for a proposed rule making package. She summarized the rationale for each of the changes. Jim McGraw provided a handout and an update on the new online permitting system EASY Air. Customers have been providing favorable comments and responses to the new system.

Public Comments – None

Written Comments – None

Motion was made by Bob Sinclair to approve the agenda item as presented. Seconded by Rebecca Guinn. Motion passes.

APPROVED AS PRESENTED

PRESENTATION OF PROPOSED DECISION, 20DNR0010

David Scott shared with the Commission the Administrative Law Judge (ALJ) proposed decision addressing the illegal disposal of solid waste in Pleasantville, Iowa. A contested case hearing on the matter was held on December 6, 2019. The only issue appealed was whether the penalty amount was consistent with Iowa regulations. The ALJ’s decision found that the amount of the penalty (\$10,000) was authorized by DNR regulations.

Counsel for the appellant has notified DNR that they will not appeal this proposed decision. The appeal period closes on February 22, 2020.

INFORMATION

CONTRACT WITH FOTH INFRASTRUCTURE & ENVIRONMENT, LLC

Tom Anderson provided a handout and presented a contract with Foth Infrastructure & Environment. He summarized the varying decisions for products, other than end of life considerations, like reducing air emissions, increasing energy efficiency, and recycling.

Public Comments – None

Written Comments – None

Motion was made by Rebecca Guinn to approve the agenda item as presented. Seconded by Lisa Gochenour. Motion passes.

APPROVED AS PRESENTED

GENERAL DISCUSSION

- Jerah Sheets, Board Administrator, provided a summary of resources for the Commission to consider for the two-year report due at the end of June 2020.
- Jerah Sheets, Board Administrator, summarized the upcoming meeting schedule for March and April.
- Chairperson Lents reminded Commissioners to consider emails as information and to report concerns to the DNR.

ADJOURN

Chairperson Lents adjourned the Environmental Protection Commission meeting at 11:36 a.m. on February 18, 2020.

ADJOURNED



TAKE IT EASY

ONLINE AIR QUALITY PERMIT APPLICATIONS AVAILABLE



EASY Air is part of DNR's commitment to streamlining processes and providing better service while ensuring clean air for Iowans.

A faster, easier system for Air Quality permits

Iowa EASY Air—DNR's Environmental Application System—a convenient, efficient way to sail through air quality permit applications—is now available. Get started at www.iowadnr.gov/eAirServices where you can learn:

- How to gain access for the Responsible Official
 - Account Registration or
 - Submit an Electronic Signature Agreement
- How to allow staff or consultants who prepare applications to gain access
- Three ways to find detailed instructions—from setting up an account to completing an application
 - Public System User Guide
 - Eight short training webinars, including specific instructions for
 - Construction Permit applications
 - Using General Permits, Templates or Registrations
 - Title V applications
 - Built-in tips within the EASY Air application

Advantages

Less data entry. Existing emission points, emissions units and control equipment have been prefilled for applicants' convenience.

Accurate data. Guided data entry limits errors and missing data. Built-in data validation helps industries submit accurate, complete applications.

Streamlines permitting process. Accurate, complete applications cut down time spent calling and emailing between facility, consultant and DNR—speeding the permitting process. While paper applications are still accepted, DNR must enter the data and verification may involve extra steps, slowing the permit issuance.

Online fee payment. Three options available for paying online.

Saves time and money. Submitting applications online reduces the facility's internal handoffs and time spent collecting signatures.

Data sharing. When data is shared between construction permits and operating (Title V) permits, applying for or modifying a permit is easier.

Inventorying and reporting emissions will be streamlined, too, as SLEIS data is automatically updated when permits are modified or added.

Always available. "There's no reason for not using EASY Air," says a DNR permit engineer. "We're not always open, but EASY Air is—24/7."

Personal assistance

DNR staff are here to help. For software questions, contact easyair@dnr.iowa.gov, or Kevin Connolly at 515-725-9569 or Jason Dowie at 515-725-9523. For questions on construction permits, contact [iowadnr.gov/airconstruction](http://www.iowadnr.gov/airconstruction) or call the helpline at 877-AIR-Iowa

Stay updated. Sign up for the Air Quality Technical newsletter at [iowadnr.gov/socialmedia](http://www.iowadnr.gov/socialmedia).



EVENTS

100 Days of Events in 2020

Five Themes:

- Nature’s Wonders
- A Welcoming Place for Everyone
- Volunteerism/Lend a Hand
- Historical and Cultural Connections
- Healthy Lifestyles



NATURE'S
WONDERS



WELCOME
PLACE



LEND
A HAND



HISTORY &
CULTURE



HEALTHY
LIFESTYLES

EVENTS

Four Events at Every Park:

- **First Day Hikes** (January 1)
- **Camping Kick-Off** (May 1-3)
- **Statewide Volunteer Day** (September 26)
- At least **one additional** Parks 2020-related event (and probably more!)



EVENTS



First Day Hikes:

- January 1, 2020
- **49** state parks hosted hikes
- **4,358** attendees
- Goal was to double previous participation record, from 1,400 to 2,800 – almost 4 times higher!



EVENTS

Signature Events for State of Iowa

- **Day at the Capitol** – Iowa communities and Friends Groups in attendance
 - March 25, 2020
- **Celebratory Event** at Backbone
 - May 28, 2020
- **Iowa State Fair**
 - August 13 – 23, 2020



LOCAL EVENTS & PARTNERSHIPS

Park Staff

- Interpretive programs, hikes, races, etc.

Friends Groups

- Annual events, pancake breakfasts, tours, etc.

Community Partners – CVBs, RC&Ds, Local Tourism

- Festivals, parades, concerts, etc.
- Event planning and overall support



PARTNERSHIPS

Travel Iowa/IEDA

- Iowa **Travel Guide**
- Sharing of **content** for several parks and overall tourism promotions

Department of Cultural Affairs and Iowa State University

- 20 Artists, 20 Parks
- Traveling exhibit in 2020 (Des Moines, Dubuque, Clarinda and Sioux City)
- Artist demonstrations in parks during 2020



PARTNERSHIPS

Iowa Public Television

- March 4, 2020 special edition of Iowa Outdoors dedicated to 100th anniversary

Iowa Department of Transportation

- 2019-2020 Iowa transportation map featuring state parks

The University of Iowa

- Wildlife Camps – 20 parks in 2020

The University of Northern Iowa

- 360-degree photography of park highlights



PARTNERSHIPS

Bozzprints

- Print series

Our Iowa Magazine

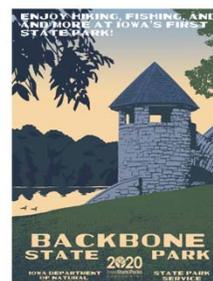
- Scavenger hunt in Nov/Dec 2019

Iowa Walking Club

- 20 Parks with 5K and 10K routes mapped
- Spring and fall guided hike events (3/weekend)

Iowa Parks Foundation

- Coffee table book



PARTNERSHIPS

DNR Forestry Partnership

- 100 trees in every state park in 2020 (grants)

Other Partners

- Iowa State Fair
- Iowa Department of Public Health
- Healthiest State Initiative
- Iowa Trail Run Series
- REI
- Iowa Brewers Guild

Promoting the Centennial



- **Parks 2020 web page:** www.iowadnr.gov/Parks2020
 - 250,000 average for monthly unique web visitors to DNR website
- **Monthly email blasts:** sign up on web page
 - 95,000+ recipients
- **Social media**
 - Facebook (124,000 followers), Twitter (23,000 followers), Instagram (18,000 followers)
 - Blogs, interesting facts, photography, contests and more!
 - Hashtag = #IowaStateParks100
- **Iowa Outdoors magazine**
 - 36,000+ subscribers, 100,000 readers, every library in Iowa



IOWA DEPARTMENT OF NATURAL RESOURCES

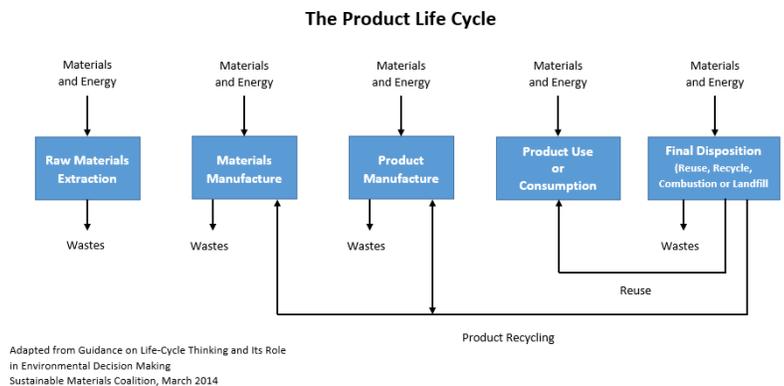
www.iowadnr.gov

The Environmental Communications Plan is Key Solid Waste Initiatives

The two-year Communications Plan project will provide the Department a planned, systematic approach to provide general citizen awareness, as required by Iowa Code, of solid waste management operations and issues and to inform and promote solid waste related initiatives currently underway. The Communications Plan will provide consistency in message development and delivery and help ensure that messages will build a better understanding by Iowa citizens that purchasing decisions and disposal decisions have a profound environmental impact.

The Communications Plan project was developed to provide on-going awareness and support of the following Financial and Business Assistance Section initiatives:

- Citizen Awareness and Opinion Survey:** The citizen survey was developed to help identify the level of understanding Iowans have of solid waste management. The Communications Plan will utilize the information gathered and analyzed from this solid waste management survey to increase citizen awareness of how trash and recyclables are managed once leaving the curb, modify behavior and opinions as it relates to solid waste management and improved environmental protection.
- Sustainable Materials Management:** The Communications Plan will be used to introduce and increase understanding of sustainable materials management as the next progression in solid waste management. Iowa's current solid waste system is based on end-of-life disposal options; reuse, recycle, compost, incineration and landfill. However, most environmental impacts of materials and products occur prior to end-of-life disposal decisions. Sustainable materials management (SMM) calls for consideration of multiple environmental benefits when developing materials management strategies throughout the life of materials and products. Understanding SMM concepts can lead Iowans to make better purchasing decisions and disposal decisions, a goal the Communications Plan will help realize.



- Phase I Sustainable Materials Management – Vision for Iowa:** The contract for this initiative was brought to the Commission approximately one year ago. Its purpose was to initiate a stakeholder led process to develop a preferred future for Iowa, based on SMM principles. Over 60 stakeholders were engaged in the process and identified a series of alternative actions for consideration. The Communications Plan will provide greater exposure and understanding of the Phase I initiative and highlight findings of the stakeholder led initiative.
- Phase II Sustainable Materials Management – Vision for Iowa:** A request for proposals to advance the outcomes of Phase I is planned for release in the next month or so and a resulting contract brought to the Commission for approval. Phase II is expected to be a multi-year effort and structured for continued stakeholder driven findings and recommendations. Phase II will further evaluate Phase I alternatives, evaluate existing solid waste programs, fee structure and how environmental benefits are measured, etc. Phase II will identify priorities and develop strategies and recommendations to improve environmental quality in the state. The Communications Plan will provide continuing public awareness as Phase II progresses.

The Environmental Communications Plan is Key Solid Waste Public Awareness

The two-year Communications Plan project will provide the Department a planned, systematic approach to provide Iowa Code required citizen awareness of solid waste management systems and the environmental impacts of individual behavior choices. Over the next two years, the Communications Plan will provide consistency in message development and planned delivery to ensure that messages will build a better understanding by Iowa citizens.

General Solid Waste Management: Results of the Citizen Awareness and Opinion Survey will provide insight into specific types of solid waste messages most needed to increase public awareness, knowledge, participation and to influence behavior. The Communications Plan can provide citizens basic awareness and understanding of the process materials go through to be put back into the manufacturing stream. The Plan will be able to target specific messages to specific demographic groups and how solid waste and recycling behaviors impact the environment.

Purchasing Decisions

Iowa's current solid waste management policy follows the solid waste hierarchy where management decisions are solely based on end-of-life disposal. Following the solid waste hierarchy, the recommended purchasing decision in the example here is to purchase coffee in the steel can or the plastic container. Both packaging options are recyclable in community programs. From a sustainable materials management perspective, the flexible pouch could be the recommended purchase choice. Throughout the flexible pouch's life energy consumption, greenhouse gas emissions and waste generation are all considerably less with the flexible pouch, even though the flexible pouch is not recyclable. Generally, the largest environmental impacts take place long before the disposal stage. The Communications Plan will be used to increase awareness of sustainable materials management and how specific consumer and citizen behaviors impact the environment differently and why.

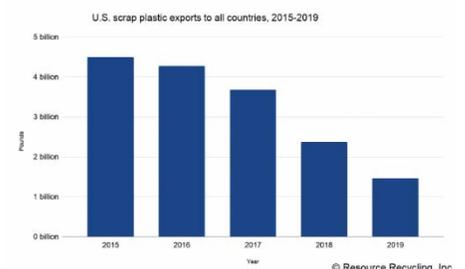
Coffee Packaging (11.5 oz product)	Recyclable postconsumer?	Energy Consumption (MJ/11.5 oz.)	CO2 eq Emissions (lbs/11.5 oz.)	MSW Waste Generated (lbs./ 100,000 oz. of product)
	Steel can – yes Plastic lid – no	4.21	0.33	1,305
	Plastic container – yes Plastic lid - no	5.18	0.17	847
	Flexible pouch - no	1.14	0.04	176

Purchasing decisions based on product label claims that a product is recyclable or compostable can also be confusing. While technically these claims may be true, they are only true when the consumer's local recycling program accepts the material. The same holds true for claims of compostability. A material may be compostable but only at large scale composting facilities and not in backyard composters or community yard waste composting operations.

Recycling and Contamination

The Communications Plan can be used to encourage greater participation in local recycling programs and increase public awareness and understanding of the economic and environmental benefits recycling provides. While Iowa does not track recycling rates, EPA released national recycling and composting rates that show a slight overall increase to 35%. However, the recycling rate for typical curbside and drop-off program materials (paper, plastic, metal, and glass) have actually decreased.

The Communications Plan can be used to highlight the importance of proper recycling by putting only those materials known to be accepted in curbside carts or drop-off containers, thereby reducing contamination and the associated costs. The value of curbside materials dropped 66% in the past two years, due in large part to contamination. Chief importers of US recyclables have enacted strict quality standards effectively closing their doors to most US recyclables causing a glut of available recyclables. While US infrastructure to process and use recyclables increases, manufacturers are only interested in a steady stream of clean recyclables to incorporate into new products.



Agenda

Environmental Protection Commission

Tuesday, February 18, 2020
Wallace State Office Building
Auditorium
502 East 9th Street
Des Moines, IA

Tuesday, February 18, 2020

10:30 AM – EPC Business Meeting – Wallace Auditorium

If you are unable to attend the business meeting, comments may be submitted to Jerah Sheets at Jerah.Sheets@dnr.iowa.gov or 502 East 9th St, Des Moines IA 50319 up to one day prior to the business meeting for the public record.

1	Approval of Agenda	
2	Approval of the Minutes	
3	Monthly Reports	Ed Tormey (Information)
4	Director's Remarks	Kayla Lyon (Information)
5	Parks 2020 Presentation	Julie Tack (Information)
6	Notice of Intended Action: Air Quality Regulatory Certainty Rules Part 4 - Chapters 20, 22, 23, 25, 30, and 33	Christine Paulson (Decision)
7	Presentation of Proposed Decision, 20DNR0010	David Scott (Information)
8	Contract with Foth Infrastructure & Environment, LLC	Tom Anderson (Decision)
9	General Discussion <ul style="list-style-type: none">• Biennial EPC Report	
10	Items for Next Month's Meeting <ul style="list-style-type: none">• Tuesday, March 17, 2020 at 10:30 AM – EPC Business Meeting – Polk County –• Monday, April 20, 2020 at 12:30 PM – EPC Education Tour – Hamilton/Hardin County• Tuesday, April 21, 2020 at 10:30 AM – EPC Business Meeting – Polk County	SHL Laboratory

For details on the EPC meeting schedule, visit <http://www.iowadnr.gov/About-DNR/Boards-Commissions>

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

Any person attending the public meeting and has special requirements such as those related to mobility or hearing impairments should contact the DNR or ADA Coordinator at 515-725-8200, Relay Iowa TTY Service 800-735-7942, or Webmaster@dnr.iowa.gov, and advise of specific needs.

**MINUTES OF THE
ENVIRONMENTAL PROTECTION COMMISSION
MEETING**

January 22, 2020

**Wallace State Office Building Auditorium
502 East 9th Street, Des Moines, IA**

Approved by the Commission **DATE**

DRAFT

RECORD COPY

File Name Admin 1-1-1

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DRAFT

Meeting Minutes

CALL TO ORDER

The meeting of the Environmental Protection Commission was called to order by Chairperson Ralph Lents at 1:10 p.m. on January 22, 2020 at the Wallace State Office Building in Des Moines, IA.

COMMISSIONERS PRESENT

- Stephanie Dykshorn
- Amy Echard
- Lisa Gochenour
- Rebecca Guinn
- Howard Hill
- Harold Hommes
- Ralph Lents

COMMISSIONERS ABSENT

- Bob Sinclair
- Lisa Gochenour
- Tim Kaldenberg

APPROVAL OF AGENDA

Motion was made by Amy Echard to approve the agenda as presented. Seconded by Harold Hommes. Motion passes.

AGENDA APPROVED

APPROVAL OF MINUTES

Motion was made by Rebecca Guinn to approve the December 17, 2019 EPC minutes as presented. Seconded by Stephanie Dykshorn. Motion passes.

APPROVED AS PRESENTED

MONTHLY REPORTS

- Division Administrator Ed Tormey shared with the Commission an update on the hiring of Amie Davidson for the Land Quality Bureau Chief and Lori McDaniel for the Water Quality Bureau Chief. He provided brief summaries of their career experiences.
- The monthly reports have been posted on the Department’s website under the appropriate meeting month: <http://www.iowadnr.gov/About-DNR/Boards-Commissions>

INFORMATION

DIRECTOR’S REMARKS

- Director Kayla Lyon was absent and attending the Natural Resource Commission meeting. Deputy Director Alex Moon had no report.

INFORMATION

CONTRACT WITH IOWA STATE UNIVERSITY

Jason Palmer presented a contact with Iowa State University (ISU). He provided clarification on the contract history with ISU and special research projects.

Public Comments – None

Written Comments – None

Motion was made by Rebecca Guinn to approve the agenda item as presented. Seconded by Howard Hill. Motion passes.

APPROVED AS PRESENTED

CONTRACT WITH DES MOINES SOIL AND WATER CONSERVATION DISTRICT

Jennifer Kurth presented a contract with the Des Moines Soil and Water Conservation District.

Public Comments – None

Written Comments – None

Motion was made by Harold Hommes to approve the agenda item as presented. Seconded by Stephanie Dykshorn. Motion passes.

APPROVED AS PRESENTED

Chairperson Lents requested the Department to present Advancing the Department Mission with Social Media which was not covered during the morning session of the Joint NRC/EPC meeting.

ADVANCING THE DNR MISSION WITH SOCIAL MEDIA

Jessie Brown, Department Communication Bureau, presented information on the Department’s social media strategy. During her presentation, she explained the goals of the strategy, the platforms of social media presence, the successes achieved, and the plans for continuing to move forward with enhancing the Department’s social media presence. Ultimately, building relationships through social media gets people involved with the natural resources.

INFORMATION

CONTRACT WITH PROJECT 7 DESIGN, INC.

Jennifer Wright presented a contract with Project 7 Design, Inc. She also provided a summary of the household hazardous materials program’s state-wide collection network, counties covered by the program, and plans for main, satellite, and mobile collection centers.

Public Comments – None

Written Comments – None

Motion was made by Harold Hommes to approve the agenda item as presented. Seconded by Rebecca Guinn. Motion passes.

APPROVED AS PRESENTED

NOTICE OF INTENDED ACTION: CHAPTERS 9 AND 50

Mark Moeller presented the rule making notice of intended action. He summarized the process for delegating permitting authority and who is eligible to be delegated the authority. He summarized the types of permitting where authority has been delegated. Stakeholders have historically had two delegated authority options. Stakeholders worked with the legislature to add a third delegated authority option which is being drafted in rule for notice of intended action.

Public Comments – None

Written Comments – None

Motion was made by Harold Hommes to approve the agenda item as presented. Seconded by Rebecca Guinn. Motion passes.

APPROVED AS PRESENTED

GENERAL DISCUSSION

- Jerah Sheets, Board Administrator, provided past EPC Annual Reports as examples for Commissioners to reference. Secretary, Bob Sinclair will be requesting 2-3 Commissioners to aid him with drafting the biennial report due June 2020.
- Jerah Sheets, Board Administrator, summarized the upcoming meeting schedule for February and March.

ADJOURN

Chairperson Lents adjourned the Environmental Protection Commission meeting at 1:45 p.m. on January 22, 2020.

Motion was made by Stephanie Dykshorn to adjourn. Seconded by Rebecca Guinn. Motion passes.

ADJOURNED

Monthly Variance Report January 2020							
Item #	DNR Reviewer	Facility/City	Program	Subject	Decision	Date	Agency
1	Mark Fields	Grain Processing Corporation	Air Quality	Request to extend stacktest deadline 7 months to allow construction permits to be issued. Permits currently drafted waiting to be placed on public comment.	approved	1/2/20	20aqv001
2	Ashley Dvorak	Absolute Energy	Air Quality Construction Permits	Waiver of Initial Stack Test Requirement for EP-22 only.	approved	1/2/20	20aqv002
3	Nate Tatar	Bauer Built Manufacturing	Air Quality Construction Permits	Waiver of Initial Stack Test Requirement for two stacks from a new paint booth.	approved	1/2/20	20aqv003
4	Chris Roling	The University of Iowa - Water Plant	Air Quality Construction Permits	Waiver of Initial Stack Test Requirement.	approved	1/6/20	20aqv004
5	Michael Hermsen	FiveStar Cooperative	Air Quality Construction Permits	Waiver of Initial Stack Test Requirement.	approved	1/8/20	20aqv005
6	Jim Oppelt	Tipton	Wastewater	The City of Tipton is requesting variance from chapter 13 - Wastewater Pumping Stations and Force Mains - 13.4.3 (Pump Openings) for installing a submersible pump that does not have the capability to pass a 3-inch spherical solid.	approved	1/9/20	20cpv006
7	Danjin Zulic	Green Products Company	Air Quality Construction Permits	Waiver of Initial Stack Test Requirement.	approved	1/1/20	20aqv007
8	Ashley Dvorak	The Andersons Marathon Holdings LLC	Air Quality Construction Permits	Waiver of Initial Stack Test Requirement for Grain Receiving (EP-S19a) only.	approved	1/13/20	20aqv008
9	Danjin Zulic	Cargill, Inc. - Eddyville	Air Quality Construction Permits	Waiver of Initial Stack Test Requirement.	approved	1/13/20	20aqv009
10	Nicole Barbee	Des Moines WRF (Ankeny)	Wastewater	The City of Ankeny is requesting variance from the Iowa Wastewater Facilities Design Standards Chapter 12 - Iowa Standards for Sewer Systems - 12.6 (Details of Construction) for the installation of a gravity sewer by directional drilling	approved	1/10/20	20cpv010
11	Nicole Barbee	Keokuk	Wastewater	The City of Keokuk is requesting a variance from the Iowa Wastewater Facilities Design Standards Chapter - 13 Wastewater Pumping Stations and Force Mains - 13.4.3 (Pump Openings) for use of a pump that can not pass a 3 inch solid sphere	approved	1/10/20	20cpv011
12	Nicole Barbee	Huxley	Wastewater	The City of Huxley is requesting a variance from the Iowa Wastewater Facilities Design Standards Chapter - 13 Wastewater Pumping Stations and Force Mains - 13.4.3 (Pump Openings) for use of a pump that can not pass a 3 inch solid sphere	approved	1/14/20	20cpv012
13	Casey Welty	I-80 Bridge Replacement	Flood Plain Management and Dam Safety	Iowa DOT is requesting low damage potential Q100 backwater criteria variance to 567 IAC 72.1(1)(a).	approved	1/13/20	20fpv013
14	Skipp Slattenow	Ankeny	Water Supply Construction	Construct water main under/near existing storm sewers without replacing the sewers with water main pipe at the crossings.	approved	1/15/20	20wcv014
15	Danjin Zulic	Stellar Industries, Inc. - Garner Plant	Air Quality Construction Permits	Waiver of Initial Stack Test Requirement.	approved	1/16/20	20aqv015
16	Marty Jacobs	South Squaw Valley Subdivision	Wastewater	South Squaw Valley Association is requesting variance from the Iowa Design Standards Ch 17 - Sludge Handling and Disposal - 17.3.4.3 (Mixing and Air Requirements) for the installation of 2 sludge holding tanks without installation of aeration mixing.	approved	1/21/20	20cpv016
17	Tara Naber	Cedar Rapids Water Department	Water Supply Construction	Construct water main of DIP w/ nitrile gaskets and storm sewer of RCP with O-ring gaskets meeting ASTM C-443 and ASTM C-1969 instead of constructing the storm sewer of water main material where there is less than 10 feet of horizontal separation.	approved	1/21/20	20wcv017
18	Nate Tatar	Clow Valve Company - Foundry Operations	Air Quality Construction Permits	Waiver of Initial Stack Test Requirement.	approved	1/22/20	20aqv018
19	Danjin Zulic	POET Biorefining - Jewell, LLC	Air Quality Construction Permits	Waiver of Initial Stack Test Requirement.	approved	1/24/20	20aqv019

**IOWA DEPARTMENT OF NATURAL RESOURCES
LEGAL SERVICES BUREAU**

DATE: February 2020
TO: Environmental Protection Commission
FROM: Tamara McIntosh
SUBJECT: Attorney General Referrals (October 28, 2019 – January 24, 2020)

Name, Location and Region Number	Program	Alleged Violation	DNR Action	Status	Date
Abatement Specialties, LLC Cedar Rapids (1)	Air Quality	Asbestos	Referred to Attorney General	Referred Petition Filed Discovery Requests Served on AS	2/16/16 7/18/19 10/16/19
City of Sioux City (3)	Wastewater		Referred to Attorney General	Referred	6/27/16
Recycletronics (Aaron Rochester) (3)	Solid Waste	Illegal management and storage of CRTs and other electronic waste; SWAP Agreement Violations	Referred to Attorney General	Referred Petition Filed Defendants served Aaron Rochester filed chpt 7 bankruptcy Woodbury Co. District Court- Order holding case in temporary abeyance Bankruptcy Court-Order lifting automatic stay from Iowa enforcement action Woodbury Co. Court Order lifting stay in district court case Discovery Requests issued Trial set for 1/14/20 Consent Decree Approved Requires clean-up of remaining waste at properties -Enjoined from further violations	8/15/17 1/9/18 1/17/18 2/23/18 3/15/18 4/13/18 7/27/18 9/24/18 5/1/19 12/3/19
Thys Automotive Group Belle Plaine (6)	Air Quality Solid Waste	Asbestos; open dumping; open burning	Referred to Attorney General	Referred Petition Filed Defendant Served Answer – Thys Resistance to Demand for Jury Defendant Brief in Support of Jury Demand Rely to Defendant Brief Judicial Decision Denying Right to Jury Trial set for 12/17/2019 Discovery Requests issued Motion to Compel Financial Records Motion for Summary Judgment Filed Order granting consent decree requiring Thys payment of \$35,000 and court costs.	9/18/17 11/02/18 11/02/18 11/21/18 12/03/18 12/13/18 12/20/18 2/01/19 2/11/19 3/29/19 9/30/19 10/17/19 1/8/2020

Name, Location and Region Number	Program	Alleged Violation	DNR Action	Status	Date
61 Park LLC Muscatine (6)	Wastewater Solid Waste	NPDES violations; Open Dumping	Referred to Attorney General	Referred	3/20/18
Jason & David Wright d/b/a Recycling Serv's Atlantic (4)	Wastewater Solid Waste Haz. Cond.	NPDES violations; contaminated soil; illegal disposal of solid waste	Referred to Attorney General	Referred Petition Filed Defendants Jason Wright (JW) and Recycling Serv's (RS) Served Defendant David Wright (DW) Served Answer and Motion to Dismiss-JW Resistance to Motion to Dismiss- JW Motion for Default against RS Default Granted against RS Answer and Motion to Dismiss-DW Motion for Default Judgment against RS Resistance to Motion to Dismiss- DW Order for Judgment against RS (\$100,000 civil penalty; \$7,000 administrative penalty; injunctive relief) Trial Set for 2/5/20 Defendants' Motions to Dismiss Denied Discovery Requests served on Defendants Motion for Partial Summary Judgment filed against Jason Wright Order granting motion for partial summary judgment (DNR Administrative Order including \$7,000 penalty enforced against Jason Wright) David Wright Voluntarily Dismissed State Motion to Compel Discovery Order Granting Motion to Compel Motion for Sanctions against JW Order Granting Sanctions	5/15/18 2/1/19 3/14/19 4/2/19 4/5/19 4/8/19 4/22/19 4/23/19 4/23/19 4/23/19 4/23/19 4/23/19 4/24/19 5/13/19 5/13/19 6/12/19 7/31/19 10/3/19 10/7/19 10/21/19 11/22/19 12/09/19 1/13/20
JB2 and Phoenix Newton (5)	Air Quality	Asbestos	Referred to Attorney General	Referred	2/19/19
Steven Kerns Clearfield (4)	Animal Feeding Operation	Manure release; Composting dead animals	Referred to Attorney General	Referred	10/15/19

**IOWA DEPARTMENT OF NATURAL RESOURCES
LEGAL SERVICES BUREAU**

DATE: February 2020
TO: Environmental Protection Commission
FROM: Tamara McIntosh
SUBJECT: Contested Cases (October 28, 2019 – January 24, 2020)

Date Received	Name Of Case	Action Appealed	Program	Assigned Attorney	Status
6/10/13	Mike Jahnke	Dam Application	FP	Schoenebaum	<p>Hearing held 7/30/14. ALJ upheld the permit issued by the Department. Mr. Jahnke appealed but on 11/3/14 he asked that his appeal be put on hold until April, 2015. For various reasons has asked that the appeal be postponed.</p> <p>Sept. 2017 – Mr. Jahnke called and asked that his appeal be put on hold until Spring 2018. September 2018 Mr. Jahnke called and asked that the matter be postponed to Spring '19. Jan. 2019 no changes, matter was postponed to Spring 2019. April 2019 – no change; matter postponed to Spring 2019. July 2019 – No changes. 10/25/19 – Mr Jahnke has called many times to discuss his ongoing medical problems and his families' each time he asks for the matter not to be placed on the agenda and asks for a delay. He again asked for a delay until Spring.</p> <p>1/24/20 – Mr. Jahnke called again and explain ongoing medical problems and that he cannot be present for a winter meeting and asked that the matter continue to be delayed.</p>
6/27/16	Plum River Fault Line Golf Inc.; Meadowcrest Farms, Ltd.	Order/Penalty	WS	Schoenebaum	<p>Assigned to new attorney. negotiating. August 2017 - Settlement offers mailed.</p> <p>April 2018 – Dept sent an updated settlement offer.</p> <p>July 2019 – No changes</p> <p>10/25/19 – No change</p> <p>1/24/20 – No change</p>

Date Received	Name Of Case	Action Appealed	Program	Assigned Attorney	Status
4/27/16	City of Waterloo	Permit Issuance	WW	Poppelreiter (Crotty)	<p>Disputed permit limits were stayed on 5/18/16. DNR and city have agreed to delay setting a hearing while city completes facility improvements. Improvements expected to be completed 9/18. Then will re-evaluate if hearing is needed. DNR has agreed to postpone setting a hearing date until Waterloo has completed facility repairs which it believes will resolve the appeal. Repairs are expected to be complete by Spring 2019. Jan. 2019 - DNR agreed to postpone setting a hearing date .April 2019 – Facility repairs are complete, facility will evaluate efficacy of repairs in summer 2019, with a new permit to be issued. 10/25/19 – City completed repairs and conducted hydrological testing. Internal DNR review of the testing will result. Will discuss with Waterloo’s attorney after DNR review.</p> <p>1/24/20 – Meeting between DNR and the City scheduled for February 4, 2020 to discuss their progress.</p>
11/9/17	IA Regional Utilities Association	Permit Issuance	WW	Poppelreiter (Crotty)	<p>10/25/18 –Negotiating before setting a hearing date. A final meeting with facility’s new director is expected before the end of 2018.</p> <p>01/24/19 –Negotiating before setting a hearing date. Meeting with permittee 1/24/19. Permittee must discuss options with Board. Decision from Permittee on whether to withdraw appeal or move forward with hearing is expected in Spring 2019. April 2019 – Waiting on permittee to decide whether to set a hearing or withdraw appeal. 10/25/19 – Permittee and DNR still in negotiations re: engineering proposals at the facility. No change in the appeal status.</p> <p>1/24/20 – Finalizing the report on the progress they have made and will meet with DNR’s Wastewater staff in February to discuss settlement options.</p>

Date Received	Name Of Case	Action Appealed	Program	Assigned Attorney	Status
4/16/18	Global Masters Investments LLC dba Johnson's Dry Cleaners	Order/Penalty	AQ	Book	<p>10/25/18 Settlement negotiations still taking place. Jan. 2019 Continued negotiations. April 2019 – Continued negotiations (entity is out of country). July 2019 – Entity no longer operates the facility and does not live in the country. Attorney working on a settlement. 10/25/19 - Settlement offer sent to former responsible party August 2019, awaiting response</p> <p>1/24/20 – No change, unable to locate responsible party.</p>
8/13/18	Troy Budde	Order/Penalty	UT	Scott	<p>10/25/18 - Negotiating and trying to reach settlement prior to hearing. Jan. 2019 - Compliance plan entered into. Appeal is still pending but will likely be withdrawn per the settlement. 4/29/19 – Rescission order drafted based on settlement agreement; awaiting site closure prior to rescission. July 2019 – Still open pending Mr. Budde entering an environmental covenant to close the matter. Once completed, the order will be rescinded and appeal withdrawn. 10/25/19 – LUST program staff are continuing to monitor compliance at the site. Rescission of the appealed order is likely the next step if Mr. Budde remains in compliance with LUST rules through the remainder of 2019.</p> <p>1/24/20 – DNR LUST staff requested additional 6 month extension to work thru settlement with Mr. Budde. Decision to move forward with a hearing or to withdraw the order will be mad then.</p>
4/29/19	Peeters Development CO. INC dba Mt Joy Mobile Home Park	Permit Condition	WS	Schoenebaum	<p>New Appeal received by attorney, no action yet. July 2019 – No changes. 10/25/19 – permit resolution pending a settlement with the Attorney General's Office.</p> <p>10/31/19 – Appeal withdrawn (will remove next report)</p>

Date Received	Name Of Case	Action Appealed	Program	Assigned Attorney	Status
4/29/19	Clint Stencil dba Stencil Construction	Order/Penalty	AQ	Book	<p>New Appeal received by attorney, no action yet. July 2019 – Negotiations before filing. 10/25/19 - Settled, settlement document to Company October 2019</p> <p>12/2/19 – Order Amended; Appeal withdrawn (will remove next report)</p>
7/1/19	Vitalix Inc	Order/Penalty	WW	Poppelreiter	<p>July 2019 – Currently informal negotiations with Vitalix’s attorney. Agreed to an arbitrary deadline of September 1 to conclude negotiations, after which will set for hearing. 10/25/19 – Opened a second referral against Vitalix for the same facility, also for wastewater discharges. Appeal on hold pending Vitalix’s review of both cases.</p> <p>1/24/20 – Reopened negotiations due to a second case against them. Negotiations have stalled and both cases will proceed as soon as the unilateral order for the second case is finalized.</p>
7/12/19	Carl DeJoode	Order/Penalty	SW	Scott	<p>July 2019 – Settlement negotiations commenced. Parties will reassess property on or about August 30 to determine if hearing is necessary or if Order can be rescinded due to substantial compliance. 10/25/19 – Contested case hearing set for 12/6/19.</p> <p>1/24/20 – Hearing occurred 12/6/19. Post-hearing completed – awaiting proposed decision.</p>
9/17/19	Richard and Dorothy Tompkins	Order/Penalty	AQ/SW	Scott	<p>10/25/19 – appeal date of 9/17/19; Contested case hearing set for 12/17/19</p> <p>1/24/20 – settled; appeal withdrawn (remove from list next report)</p>
12/3/19	Dennis Grimm	Order/Penalty	AQ/SW	Scott	<p>Appeal received – 12/3/19</p> <p>1/24/20 – Hearing set for March. Working on settlement terms, but settlement appears unlikely at this point.</p>

**IOWA DEPARTMENT OF NATURAL RESOURCES
LEGAL SERVICES BUREAU**

DATE: February 2020
TO: Environmental Protection Commission
FROM: Tamara McIntosh
SUBJECT: Enforcement Report Update (October 28, 2019 – January 24, 2020)

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

Individual/Entity (County)	Program	Alleged Violation	Type of Order/Action	Penalty Amount Due	Date
Dave Van Beek	Animal Feeding Operation	prohibited discharge - open lot	Consent	\$ 5,000.00	10/28/2019
Triple G Feedlot, Inc and G & G Farms, Inc	Animal Feeding Operation	prohibited discharge - open lot	Consent	\$ 6,000.00	10/31/2019
Brauns Excavating	Air Quality; Solid Waste	open burning/illegal disposal	Consent	\$ 3,370.00	11/8/2019
Roger Engstrom	Air Quality; Solid Waste	open burning/illegal disposal	Consent	\$ 3,000.00	11/8/2019
Massey Properties, LLC dba The Wharf	Water Supply	rescind the penalty in the order	Amendment to Administrative Order	\$ 0.00	11/15/2012
Clint Stencil dba Stencil Construction, Inc	Air Quality	resolve appeal and decrease penalty with established pay plan	Amendment to Consent Order	\$ 5,000.00	11/20/2019
I&R Properties, Inc; Timberline Estates CO dba Echo Valley MHP #2	Wastewater	pollution prevention plan violation	Consent	\$ 7,000.00	11/22/19
Kendra Kisling	Water Supply	Licensee Discipline	Consent	\$ 0.00	11/25/2019
Star Real Estate Holdings, LLC	Underground Storage Tanks	various tank violations - registration, leak detection, system deficiencies, site check and financial responsibility	Consent	\$ 7,500.00	12/3/2019
New Heaven Chemicals Iowa, LLC	Air Quality	Permit violations	Consent	\$ 0.00	12/3/2019
Duane Magnussen	Air Quality; Solid Waste	open burning/illegal disposal	Consent	\$ 3,156.00	12/12/2019

Individual/Entity (County)	Program	Alleged Violation	Type of Order/Action	Penalty Amount Due	Date
JS Properties LLC and Terry Anderson	Air Quality	decrease administrative penalty to \$3,500(was 10,000)	Amendment to Administrative Order	\$ 3,500.00	12/16/19
Buchanan County Fair Association	Air Quality; Solid Waste	open burning/illegal disposal	Consent	\$ 4,500.00	12/20/2019
CHS, Inc.	Air Quality	Failure to submit minor source inventory	Administrative	\$ 6,000.00	12/27/2019
Eric and Hannah Heiman	Animal Feeding Operation	failure to submit; failure to update plan	Consent	\$ 1,500.00	12/27/2019
City of Osceola	Waste water	prohibited discharge	Consent	\$ 3,000.00	1/10/2020
Dennis Kuehl	Animal Feeding Operation	Water quality discharge	Consent	\$ 6,000.00	1/24/2020
Roland and Mary Weirather	Animal Feeding Operation	Water quality discharge	Consent	\$ 3,000.00	1/24/2020
Grand Total				\$67,526.00	

**IOWA DEPARTMENT OF NATURAL RESOURCES
LEGAL SERVICES BUREAU**

DATE: February 2020 (October 25, 2019 – January 24, 2020)

TO: Environmental Protection Commission

FROM: Tamara McIntosh

SUBJECT: Rulemaking Status Report

Proposal	Sent for Governor's Pre-Approval (Job Impact Statement)	Received Governor's Pre-Approval	Notice to EPC	Notice Published	ARRC No.	ARRC Mtg.	Hearing Date(s)	Comment Period	Final Summary to EPC	Rules Adopted	Rules Published	ARRC No.	ARRC Mtg	Rules Effective
Ch 61 – Use Attainability Analysis	7/31/18	12/2/18	12/18/18	1/16/19	4227C	2/8/19	2/12/19, 2/13/19, 2/14/19	2/22/19	5/21/19	5/21/19	6/19/19	4514C	7/9/19	7/24/19
Ch 20, 22, 23 and 25 – AQ Regulatory Certainty 3	9/11/18	10/17/18	11/20/18	12/19/18	4178C	1/8/19	AMENDED NOIA replaces rest of this							
Amended NOIA Ch 20, 22, 23 and 25 – AQ Reg Cert 3				1/2/19	4221C	1/8/19	1/22/19	1/22/19	2/19/19	2/19/19	3/13/19	4335C	None	4/17/19
Ch 50, 51, 53, 65, 72, 82, 137 – DNR ESD Legislative Changes	10/1/18	10/29/18	12/18/19	2/13/19	4277C	3/8/19	3/5/19	3/5/19	4/16/19	4/16/19	5/8/19	4226C	6/11/19	6/12/19
Ch 64 – General Permit 6	11/2/18	12/2/18	4/16/19	5/8/19	4421C	6/11/19	5/28/19	6/7/19	7/16/19	7/16/19	7/26/19	4609C	9/10/19	9/18/19
Ch 65 – Chapter Update (IPPA Rule Petition)	8/16/19	8/20/19	9/17/19	10/9/19	4689C	11/12/19	10/29/19	10/29/19	12/16/19	12/16/19	1/15/20	4871C	2/7/20	2/19/20
AQ Regulatory Certainty 4	10/18/19	1/14/20	2/18/20											
Ch 9 and 50 – SF 409	11/6/19	1/14/20	1/22/20											
Ch 64 – General Permit 5	12/3/19	12/20/19												
Ch 64 – General Permit 7	12/3/19	12/20/19												
Ch 61 – Water Metals Criteria	11/19/19	1/14/20												

**Iowa Department of Natural Resources
Environmental Services Division
Fourth Quarter 2019 Report of Wastewater By-passes**

During the period October 1, 2019 through December 31, 2019, 39 reports of a wastewater by-pass were received. A general summary and count by field office is presented below. This does not include by-passes resulting from precipitation events (including flood water infiltration) or by-passes resulting in basement backups.

Quarter	Total	Avg. Length (days)	Avg. Volume (MGD)	Sampling Required	Fish Kill
1 ST Quarter '19	52 (52)	0.704	0.402	6	0(0)
2 ND Quarter '19	74 (59)	4.531	8.414	14	0(0)
3 RD Quarter '19	46 (57)	2.438	0.825	11	1(0)
4 TH Quarter '19	39 (70)	0.520	0.470	4	0(0)

(numbers in parentheses are for same period last year)

Total Number of Incidents per Field Office This Quarter:

Field Office	1	2	3	4	5	6
Reports	13	5	3	8	2	8



**Iowa Department of Natural Resources
Environmental Services Division
Fourth Quarter Report of Manure Releases**

During the period October 1, 2019, through December 31, 2019, 13 reports of manure releases were forwarded to the central office. A general summary and count by field office is presented below.

		Total Incidents		Surface Water Impacts		Feedlot		Confinement		Land Application		Transport		Hog		Cattle		Poultry		Other	
Month	Year	Cur	Yr Ago	Cur	Yr Ago	Cur	Yr Ago	Cur	Yr Ago	Cur	Yr Ago	Cur	Yr Ago	Cur	Yr Ago	Cur	Yr Ago	Cur	Yr Ago	Cur	Yr Ago
Jan	2019	1	0	1	0	0	0	1	0	0	0	0	0	1	0	0	0	0	0	0	0
Feb	2019	1	1	0	0	1	0	0	1	0	0	0	0	0	0	1	1	0	0	0	0
Mar	2019	5	1	1	0	3	0	2	1	0	0	0	0	1	0	3	1	1	0	0	0
Apr	2019	6	2	6	0	3	0	1	1	2	0	0	1	2	1	4	0	0	1	0	0
May	2019	5	0	2	0	3	0	2	0	0	0	0	0	2	0	3	0	0	0	0	0
Jun	2019	1	1	0	1	0	0	1	1	0	0	0	0	1	0	0	1	0	0	0	0
Jul	2019	1	2	0	0	0	1	0	1	0	0	1	0	1	1	0	1	0	0	0	0
Aug	2019	3	0	0	0	0	0	3	0	0	0	0	0	2	0	0	0	1	0	0	0
Sep	2019	3	6	0	4	0	0	1	3	1	2	1	1	2	3	1	2	0	1	0	0
Oct	2019	4	7	2	0	0	1	1	6	1	0	2	0	4	4	0	3	0	0	0	0
Nov	2019	7	3	2	2	0	0	4	1	2	2	1	0	6	2	0	0	1	0	0	1
Dec	2019	2	4	1	1	0	0	1	3	0	0	1	1	2	3	0	1	0	0	0	0
Total		39	27	15	8	10	2	17	18	6	4	6	3	24	14	12	10	3	2	0	1

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



Iowa Department of Natural Resources
Environmental Services Division
Fourth Quarter Report of Hazardous Conditions

During the period October 1, 2019, through December 31, 2019, 125 reports of hazardous conditions were forwarded to the central office. A general summary and count by field office is presented below. This does not include releases from underground storage tanks, which are reported separately.

		Substance								Mode													
		Total Incidents		Agrichemical		Petroleum Products		Other Chemicals		Transport		Fixed Facility		Pipeline		Railroad		Fire		Other*		CR-ERNS	
Month	Year	Cur	Yr Ago	Cur	Yr Ago	Cur	Yr Ago	Cur	Yr Ago	Cur	Yr Ago	Cur	Yr Ago	Cur	Yr Ago	Cur	Yr Ago	Cur	Yr Ago	Cur	Yr Ago	Cur	Yr Ago
Jan	2019	43	18	0	0	31	13	13	5	12	9	18	8	1	0	4	1	0	0	2	0	6	1
Feb	2019	53	38	4	0	34	30	15	8	15	16	26	20	0	0	5	1	1	0	1	1	5	0
Mar	2019	57	28	6	2	41	21	10	5	21	12	29	12	0	0	3	1	0	0	3	1	1	4
Apr	2019	57	50	17	9	33	39	10	9	25	23	28	27	0	1	1	2	0	0	1	3	2	11
May	2019	69	51	19	21	41	30	16	12	29	17	31	36	0	1	1	2	0	0	6	2	2	2
Jun	2019	57	45	13	14	40	31	6	12	25	23	25	25	0	0	2	4	1	0	4	2	0	1
Jul	2019	59	40	6	5	45	27	11	10	15	11	41	26	0	0	1	3	0	0	2	1	0	0
Aug	2019	45	45	3	3	32	34	10	11	13	16	22	29	1	1	1	2	0	0	7	0	1	3
Sep	2019	48	28	9	2	32	22	7	5	11	9	26	16	0	1	1	2	2	0	7	1	1	0
Oct	2019	42	46	10	3	26	38	8	8	12	24	18	22	0	0	3	3	0	0	7	0	2	3
Nov	2019	40	32	7	2	25	21	9	11	18	10	14	18	1	1	1	1	0	0	4	3	2	2
Dec	2019	43	34	7	3	27	26	9	8	14	12	19	21	0	1	0	1	0	0	1	1	9	6
Total		613	519	101	64	407	332	119	104	210	182	297	260	3	6	23	23	4	0	45	15	31	33

* Other includes dumping, theft, vandalism and unknown
 ** CR-ERNS incidents are ongoing releases as defined by Federal regulations.

Total Number of Incidents per Field Office This Selected Period	Field Office 1		Field Office 2		Field Office 3		Field Office 4		Field Office 5		Field Office 6	
	Current	Year Ago										
Total	6	5	0	6	0	4	18	6	12	14	7	7

**IOWA DEPARTMENT OF NATURAL RESOURCES
LEGAL SERVICES BUREAU**

DATE: February 2020
TO: Environmental Protection Commission
FROM: Tamara McIntosh
SUBJECT: Summary of Administrative Penalties (October 28, 2019 – January 24, 2020)

The following administrative penalties are being collected by DRF:

NAME/LOCATION	PROGRAM	AMOUNT (remaining)
Jon Knabel (Clinton Co.)	AQ/SW	1,408.98
Millard Elston III; The Earthman (Jefferson Co.)	AQ/SW	1,515.00
Randy Wise; Wise Construction (Buena Vista Co.)	AQ/SW	2,081.32
Annie's LLC; Togie Pub (Lime Springs)	WS	360.00
Gary Eggers (Stacyville)	SW/WW	10,000.00
Dennis R. Phillips; Marty's Convenience Mart (Riverton)	UT	9,954.53
Frank Robak (Little Sioux)	UT	10,000.00
Kenneth Grandstaff (Clay co)	AQ/SW	3,000.00
Mary Jo Engle; Doug Engle; Jo's Longbranch Bar (Cresco)	WS	3,884.77
City of Dedham	WW	1,000.00
Jerry Passehl	HC/WW/SW	473.00
Randy Cates	AQ/SW	10,000.00
JS Properties LLC (Terry Anderson)	AQ	6,500.00
Jeff Gray dba Grayz Metal Recycling	AQ/SW	970.53
Keaven Faber	AQ/AFO	3,250.00
Michael Matthews	AFO	1,805.00
Terry McMurray; Virginia McMurray	AQ/SW	235.00
Travis Erwin	AQ/SW	1,600.00
Jayson Schlafke	AFO	3,000.00
Jason Wernimont	AFO	1,500.00
Grand Total		\$72,488.13

The following administrative penalties are DUE (and being collected by DNR):

NAME/LOCATION	PROGRAM	AMOUNT (remaining)
Sport Wade, Inc. (Decatur Co)	UT	10,000.00
Recycling Services	WW/HC/SW	7,000.00
Vitalix, Inc*	WW	5,500.00
Carl DeJoode*	SW	10,000.00
Michael Pearson	WW	5,000.00
Lu Jen Farms	AFO	5,000.00
Strickler Farms	AFO	4,000.00
Blue Hyll Dairy Farm, LLC	AFO	6,500.00
Michael Matthews	AQ	4,630.00
Richard & Dorothy Tompkins*	AQ/SW	10,000.00
Bar K Cattle, LLC	AFO	5,000.00
Dennis Grimm*	UT	9,000.00
CHS, Inc	AQ	5,000.00
Grand Total		\$86,630.00

*contested penalty – not due at this time

The following administrative penalties have been COLLECTED:

NAME/LOCATION	PROGRAM	AMOUNT (Collected)
Sheryl Sovereign (Togie Pub)	WS	75.00
Terry McMurray	AQ/SW	200.00
Jerry Passehl	SW/HC/WW	50.00
James Bockoven	UT	150.00
Michael Matthews	AFO	4,195.00
Rick Renken	AFO	617.33
Wisecup Trucking, LLC	AQ/SW	1,000.00
Matt McCollum	SW	100.00
Kenneth Kline	AFO	3,332.00
Timberline Estates LTD	WW	7,000.00
William & Kristi Wollesen (Iowa Plains Farms)	AQ	1,250.00
RAM Development LLC	AQ	2,000.00
Chad Hansmann	AFO	750.00
Tukker Dairies, LLC	AFO	3,000.00
Barry Anderson	AFO	500.00
Max Waldo, Inc	AFO	2,000.00
Oleg Sharpelyuk	AQ/SW	1,000.00
Pretty Perry Properties	SW/AQ	250.00
Magnussen Bros, Inc	AQ/SW	3,156.00
Kerns Farms Corp	AFO	2,000.00
Millard Elston III	AQ/SW	50.00
Fink Electric	AQ	585.00
MDVB Farms (Dave Van Beek)	AFO	5,000.00
Triple G Feedlot Inc (G & G Farms)	AFO	6,000.00
LCNJ Farms	AFO	870.00
Brauns Excavating	AQ/SW	3,370.00
Jansma Cattle Company	AFO	5,000.00
Clint Stencil Inc	AQ	1,000.00
Roger Engstrom	AQ/SW	3,000.00
Star Holdings	UT	7,500.00
Central States Coating	WW	1,875.00
Eric Heiman	AFO	1,500.00
Buchanan County Fair Association	AQ/SW	4,500.00
Roland and Mary Weirather	AFO	3,000.00
Grand Total		\$75,875.33



Parks 2020 Overview

Background

Iowa's state park system began nearly 100 years ago when Backbone State Park in northeast Iowa was dedicated on May 28, 1920. Iowa is planning a yearlong celebration to celebrate the centennial of the parks system with the following goals:

- **Celebrate** the importance of state parks to Iowa's history, culture and quality of life;
- **Connect** Iowans to natural resources in a personal and passionate way; and
- **Inspire** a high level of appreciation and stewardship of the Iowa state park system for the future.

Explanation

The Department of Natural Resources has created a strategic plan for Parks 2020 that includes:

- **Communications** – www.iowadnr.gov/parks2020 is the hub for the Centennial Celebration, including a calendar, latest news, email sign-up and more. Additional communication efforts include regular email blasts, social media promotions, posters, banners, a special edition of Iowa Outdoors magazine and more.
- **New state park signage** – the DNR has developed a new master plan for Iowa park signs to improve readability and accessibility, while creating a welcoming, consistent face for Iowa state parks. State parks will introduce the signage plan during 2020.
- **Signature events** – key events will have statewide promotions of the centennial, including:
 - First Day Hikes – January 1, 2020
 - State Parks at the Capitol – February
 - Camping Kick-Off – early May
 - 100th Anniversary Celebration at Backbone State Park – May 28 – May 30, 2020
 - Iowa State Fair – August 13 – 23, 2020
 - Volunteer Day – September 26, 2020
 - Take It Outside – November 27, 2020
- **100 Days of Events** – State parks will host events on at least 100 days in the calendar year. Events will include healthy walks, nature programs, festivals, art demonstrations and much more, focusing on five main themes:
 - Healthy Lifestyles
 - A Welcoming Place for Everyone (celebrating accessibility and diversity)
 - Volunteerism
 - Nature's Wonders
 - Historical and Cultural Connections





Partners

Numerous organizations, especially state agencies, have helped create outreach strategies that will connect Iowans to state parks and how they benefit them. Examples include:

- **Iowa Economic Development Authority/Iowa Tourism Office** – partnering on special promotions in 2020, creating content such as photography, travel stories, and videos, featuring state parks in the 2020 Travel Guide, and more.
- **Iowa Department of Cultural Affairs** – spearheaded 20 Artists, 20 Parks grant program, where 20 Iowa State University artists will create art projects at state parks, which will then be featured in a traveling exhibit in 2020.
- **Iowa Department of Transportation** – featured Iowa state parks and the centennial logo on the cover of the 2019/2020 state road map, along with a Governor’s message promoting state parks.
- **University of Iowa** – expanding current wildlife camp program that brings outdoor education to elementary students to 20 parks in 2020. Currently nearly 700 students participate.
- **Department of Public Health** – providing scholarships for the Iowa wildlife camps as part of its 5210 grant program encouraging healthy lifestyles in youth.
- **Healthiest State Initiative** – promoting state parks and outdoor activities as part of a healthy lifestyle. Parks 2020 will host walks in parks during the statewide walking event in October.
- **Iowa Public Television** – creating television segments featuring Iowa state parks to be broadcast in 2020.
- **Iowa State Fair** – looking for opportunities to promote state parks during the 2020 fair. The DNR fair building will have a strong state park/centennial message in its activities and displays.
- **State Park Friends Groups and Communities** – key coordinators at the local level to plan events and make Parks 2020 successful.
- **Iowa Parks Foundation** – a committee within the foundation has created a coffee table book featuring Iowa state parks, along with supporting events and partnerships across the state.

Takeaway Messages about Iowa State Parks

- The year 2020 marks the 100th anniversary of the Iowa state park system.
- Iowa is home to 68 state parks and four state forests.
- More than 15 million people visit state parks every year, which can be found along the banks of the Missouri River, the bluffs of the Mississippi, and at dozens of peaceful, gorgeous destinations along the way. Each state park has a unique story about what makes it special.
- State parks are home to some of the state’s most precious natural and cultural resources, including native artifacts, historical landmarks, geological formations, rare plants and wildlife, and more.
- Iowa state parks are outdoor recreation destinations, offering hundreds of miles of hiking and biking trails, lake recreation like boating and fishing, camping, and much more.
- Iowa state parks are great points of pride that will continue to evolve to meet the needs of Iowans.
- We invite Iowans to help celebrate 100 years by planning a visit to an Iowa state park in the near future.

Learn more at www.iowadnr.gov/parks2020



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

ITEM

6

DECISION

TOPIC Notice of Intended Action: Air Quality Regulatory Certainty Rules Part 4 - Chapters 20, 22, 23, 25, 30, and 33

The Department is requesting permission from the Commission to proceed with the rule making process and publish a Notice of Intended Action to amend Chapter 20, “Scope of Title—Definitions—Forms—Rules of Practice,” Chapter 22 “Controlling Pollution,” Chapter 23, “Emission Standards for Contaminants,” Chapter 25, “Measurement of Emissions,” Chapter 30, “Fees,” and Chapter 33, “Special Regulations and Construction Permit Requirements for Major Sources—Prevention of Significant Deterioration (PSD) of Air Quality,” of the Iowa Administrative Code.

Reason for Rule Changes

Affected businesses and the public benefit from up-to-date air quality requirements and increased effectiveness.

The proposed changes to air quality rules:

1) Reduce the cost of government, while providing streamlined services to the public and regulated community.

2) Update rules to provide regulatory certainty and flexibility. The proposed changes will implement a portion of the Department’s 5-year rules review plan to accomplish the requirements of Iowa Code section 17A.7(2).

3) Offer uniform rules by making changes that match federal regulations and eliminating inconsistency between federal and state rules. By adopting federal updates into state administrative rules, the Department is ensuring that Iowa’s air quality rules are no more stringent than federal regulations. Additionally, the updates allow the Department, rather than the EPA, to be the primary agency to implement the air quality requirements in Iowa, thereby allowing the Department to provide compliance assistance and outreach to affected facilities.

Summary of Proposed Rule Changes

The proposed changes continue previous efforts to improve rules for air quality programs. Affected facilities and other stakeholders benefit from clear and up-to-date air quality rules.

Facilitate Electronic Reporting for EASY Air

The proposed changes add new definitions to facilitate the Department’s launch of the Iowa Environmental Application System - EASY Air. EASY Air is a new online electronic method for submitting air quality permit applications. EASY Air is expected to make application preparation

easier, improve customer service, and speed the Department's ability to issue permits while increasing data accuracy and cutting costs. Additionally, EASY Air allows online submittal of streamlined alternatives to traditional applications, such as registrations, notifications, and template applications. EASY Air launched for permit application submittal on December 5, 2019.

Clarify Requirements for Industrial Anaerobic Lagoons

The proposed change to the definition of "anaerobic lagoon" clarifies that this definition is applicable to only the air quality requirements. The clarification is necessary because other Department regulations, such as those for wastewater, may have different meanings for the term "anaerobic lagoon" that are specific to permitting or other requirements for that particular environmental program area.

The proposed changes also revise the requirements for industrial anaerobic lagoons by removing obsolete provisions and adding provisions to reflect Iowa Code section 455B.134. Specifically, the proposed changes remove two operating limits for industrial anaerobic lagoons, add the siting requirement that is in Iowa Code section 455B.134, and makes clear that industrial anaerobic lagoons also are subject to the applicable wastewater requirements specified in 567 IAC Chapter 64.

Ensure Consistency with Federal Regulations

The proposed changes adopt amendments to federal air quality regulations, including the most current EPA methods for measuring air pollutant emissions (stack testing and continuous monitoring), the revised definition of "volatile organic compounds" (VOC), and updated federal modeling guidelines used for the Prevention of Significant Deterioration (PSD) program. The proposal also includes adoption of revisions to federal new source performance standards (NSPS) and air toxics standards (also known as National Emissions Standard for Hazardous Air Pollutants or NESHAP). Adopting EPA's amendments allows state rules to be consistent with federal regulations and provides certainty to affected businesses and other interested stakeholders.

Stakeholder Involvement

The draft rule making package was prepared and informal public input took place between August 16, 2019 and September 3, 2019. The Department announced the public input period through the air quality e-newsletter (through GovDelivery) and posted the draft proposal on its air quality public input page (<http://www.iowadnr.gov/airpublicinput>). The Department's air quality newsletter currently reaches 15,000 subscribers, which includes industry, businesses associations, trade groups, small businesses, state and federal agencies and many other organizations and individuals. One comment was received during the informal input period, but was not within the scope of the proposed rule making.

Public Comments and Public Hearing

If the Commission approves the proposed rulemaking, the Department will hold a public hearing on Monday, April 13, 2020, at 1:00 p.m. at the DNR offices in the Wallace State Office Building, 502 East 9th Street, Des Moines, Iowa. The Department will accept written public comments until 4:30 p.m. on Monday, April 13, 2020.

Christine Paulson, Environmental Specialist Senior
Program Development Section, Air Quality Bureau
Environment Services Division
Memo date: February 18 , 2020

ENVIRONMENTAL PROTECTION COMMISSION [567]

Notice of Intended Action

The Environmental Protection Commission (Commission) hereby proposes to amend Chapter 20, “Scope of Title—Definitions,” Chapter 22, “Controlling Pollution,” Chapter 23, “Emission Standards for Contaminants,” Chapter 25, “Measurement of Emissions,” Chapter 30, “Fees,” and Chapter 33, “Special Regulations and Construction Permit Requirements for Major Sources—Prevention of Significant Deterioration (PSD) of Air Quality,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code sections 455B.133 and 455B.134.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code sections 455B.133 and 455B.134.

Purpose and Summary

The purposes of this rule making are to:

1. Reduce the cost of government while providing streamlined services to the public and the regulated community.
2. Update rules to provide regulatory certainty and flexibility. The amendments implement a portion of the Department of Natural Resources’ (Department’s) five-year review of rules plan to accomplish the requirements of Iowa Code section 17A.7(2).
3. Offer uniform rules by making changes that match federal regulations and eliminate

inconsistencies between federal regulations and state administrative rules. By adopting federal updates into state administrative rules, the Commission is ensuring that Iowa's air quality rules are no more stringent than federal regulations. Additionally, the updates allow the Department, rather than the U.S. Environmental Protection Agency (EPA), to be the primary agency to implement the air quality requirements in Iowa, thereby allowing the Department to provide compliance assistance and outreach to affected facilities.

Item 1 amends rule 567—20.2(455B), the definition of “Anaerobic lagoon,” to further clarify that this definition is applicable to only the air quality requirements as specified in 567—Chapters 20 through 35. The Commission is clarifying the definition because other Department regulations, such as those for wastewater, may have different meanings for the term “anaerobic lagoon” that are specific to permitting or other requirements for that particular environmental program area.

Item 1 also amends the definition of “EPA reference method,” to adopt the most current EPA methods for measuring air pollutant emissions, performance testing (sometimes called “stack testing”), and continuous monitoring. On November 14, 2018, EPA revised the reference methods in 40 Code of Federal Regulations (CFR) Parts 51, 60, and 63 to eliminate outdated procedures, add alternative testing methods, make technical corrections, and correct typographical and grammatical errors. EPA states that its revisions will improve the quality of data and provide flexibility in the use of approved alternative procedures, while not imposing any new substantive requirements on source owners or operators.

The amendments in **Items 4, 8, 9, and 11** are adopted concurrently with the amendment in Item 1 to similarly reflect updates to EPA testing and monitoring methods as the methods apply to specific air quality requirements. Item 4 updates the definition of “EPA reference method” for the

Title V Operating Permit rules in Chapter 22 in the same manner as the definition is amended in Item 1. Items 8 and 9 adopt by reference the federal updates into the regulations for New Source Performance Standards (NSPS) and National Emissions Standards for Hazardous Air Pollutants (NESHAP) in Chapter 23, as explained below. Item 11 adopts the federal updates by reference into the performance testing and continuous monitoring requirements in Chapter 25. Adopting EPA's updates ensures that state reference testing methods match current federal reference methods and are no more stringent than the federal methods.

Additionally, Item 1 updates the definition of "volatile organic compounds" (VOC) to reflect changes that EPA made to the federal definition of VOC. On November 28, 2018, a final regulation was published in the Federal Register to exclude the compound *cis*-1,1,1,4,4,4-hexafluorobut-2-ene (also known as HFO-1336mzz-Z) from the federal definition because this compound makes a negligible contribution to tropospheric ozone formation. In Item 13, an amendment to subrule 33.3(1) is adopted concurrently with the amendment in Item 1 to similarly update the definition of "volatile organic compounds" for the Prevention of Significant Deterioration (PSD) rules in Chapter 33.

Items **2, 4, 5, 6, and 12** add new definitions for "Electronic format," "Electronic submittal," and "Electronic submittal format" to facilitate the Department's launch of the Iowa Environmental Application System - EASY Air. EASY Air is a new online electronic method for submitting air quality permit applications. EASY Air is expected to make application preparation easier, improve customer service, and speed the Department's ability to issue permits while increasing data accuracy and cutting costs. Additionally, EASY Air allows online submittal of streamlined alternatives to traditional applications, such as registrations, notifications, and template applications. EASY Air launched for permit application submittal on December 5, 2019.

Items 3 and 7 amend rules to enable electronic submittal. Item 3 updates the construction permit application provisions to specify the types of submittals that may include an electronic submittal option. Item 7 revises the requirements for Acid Rain Permit applications to specify that only one copy of an application is required to be submitted if paper forms are used or alternatively, the application may be submitted through the electronic submittal method specified by the Department.

Items 8 and 9 adopt changes to New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAP), respectively. The U.S. Clean Air Act (CAA) obligates the EPA to issue standards to control air pollution. The NSPS and NESHAP set federal standards and deadlines for industrial, commercial or institutional facilities to meet uniform standards for equipment operation and air pollutant emissions.

NESHAP requirements differ depending on whether a facility is a “major source” or an “area source.” Major sources are typically larger facilities and have potential emissions of 10 tons or more per year of any single hazardous air pollutant (also known as HAP or air toxics) or 25 tons or more of any combination of HAPs. Area sources have potential air toxics emissions at less than the major source thresholds. Although area sources generally emit less air toxics than major sources, area sources are more numerous and may collectively cause adverse impacts to public health.

Because the NSPS and NESHAP adopted by reference are federal regulations, affected sources are subject to the federal requirements regardless of whether the Commission adopts the standards into state rules. However, the CAA allows a state or local agency to implement NSPS and NESHAP as a delegated authority. Upon state adoption of the standards, the Department

becomes the delegated authority for the specific NSPS or NESHAP and is the primary implementation agency in Iowa. Two local agencies, Polk County and Linn County, implement these standards within their counties. Iowa's rules, including all compliance deadlines, are identical to the federal NSPS and NESHAP as of a specific federal publication date. With delegation authority and adoption into Iowa and county rules, the state and local agencies have the ability to make applicability determinations for facilities, rather than referring these decisions to EPA.

Stakeholders affected by NSPS and NESHAP typically prefer for the Department, rather than the EPA, to be the primary implementation agency in Iowa. Upon adoption of the new and amended standards, the Department will work with affected facilities to provide compliance assistance, as needed. Additionally, affected area sources that are small businesses are eligible for free assistance from the small business technical assistance program.

Item 8 amends subrule 23.1(2) to adopt by reference revised NSPS published in 40 Code of Federal Regulations (CFR) Part 60. The amendment adopts the changes EPA made to the NSPS test methods, as explained above for Item 1, through revision of the adoption date specified in the introductory paragraph of subrule 23.1(2).

Item 9 amends subrule 23.1(4) to adopt federal amendments to the NESHAP for source categories published in 40 CFR Part 63, as described below. The federal amendments are adopted by reference through revision of the adoption date specified in the introductory paragraph of subrule 23.1(4). The text in parentheses in each section heading below indicates the applicable subpart in 40 CFR Part 63 and the corresponding paragraph in subrule 23.1(4).

Surface Coating of Large Appliances (Subpart NNNN; paragraph “cn”); Printing, Coating, and Dyeing of Fabrics and Other Textiles (Subpart OOOO; paragraph “co”); and Surface Coating of Metal Furniture (Subpart RRRR; paragraph “cr”)

On March 15, 2019, EPA’s amendments to Part 63 for three NESHAP (Surface Coating of Large Appliances; Printing, Coating, and Dyeing of Fabrics and Other Textiles; and Surface Coating of Metal Furniture) were published in the Federal Register. The final regulations include provisions related to emissions during startup, shutdown and malfunction (SSM); electronic reporting for performance test results and compliance reports; the addition of EPA Method 18 and updates to several measurement methods; and the addition of requirements for periodic performance testing.

All three of these NESHAP apply only to major sources of HAP. Currently, one facility is affected by the amendments to Subpart OOOO and two facilities are potentially affected by the amendments to Subpart RRRR. At this time, no facilities in Iowa are affected by Subpart NNNN. However, existing facilities that are area sources for HAP that increase their production to become major sources could be subject to Subpart NNNN. Additionally, new facilities that locate to Iowa, or existing facilities that change their operations to include processes covered by Subpart NNNN would also be affected.

Surface Coating of Wood Building Products (Subpart QQQQ; paragraph “cq”)

EPA published in the Federal Register the final amendments for the Surface Coating of Wood Building Products on March 4, 2019. The final rule includes amendments intended to enhance the effectiveness of the existing standards and requirements for periods of SSM to be

consistent with recent court decisions. This NESHAP applies only to major sources of HAP. At this time, four facilities are potentially affected by the NESHAP amendments.

Wet-Formed Fiberglass Mat Production (Subpart HHHH; paragraph “ch”)

On February 28, 2019, EPA published in the Federal Register the final amendments for the NESHAP for Wet-Formed Fiberglass Mat Production. The final amendments address emissions during periods of SSM; add electronic reporting; revise certain monitoring, recordkeeping, and reporting requirements; and include other miscellaneous technical and editorial changes.

This NESHAP affects only major sources of HAP. At this time, no facilities in Iowa are affected by this NESHAP. However, existing facilities that are area sources for HAP that increase their production to become major sources could be subject to this NESHAP. Additionally, new facilities that locate to Iowa, or existing facilities that change their operations to include processes covered by this NESHAP would also be affected.

Leather Finishing Operations (Subpart TTTT; paragraph “ct”)

Final amendments for Leather Finishing Operations were published in the Federal Register on February 12, 2019. The final amendments address emissions during periods of SSM and provide clarifications to monitoring, recordkeeping and reporting requirements for control equipment.

This NESHAP affects only major sources of HAP. At this time, no facilities in Iowa are affected by this NESHAP. However, existing facilities that are area sources for HAP that increase their production to become major sources could be subject to this NESHAP.

Additionally, new facilities that locate to Iowa, or existing facilities that change their operations to include processes covered by this NESHAP would also be affected.

Friction Materials Manufacturing (Subpart QQQQQ; paragraph “dq”)

Final amendments to the NESHAP for Friction Materials Manufacturing were published in the Federal Register on February 8, 2019. EPA finalized minor amendments to the existing regulation, as well as clarifying that the standards are applicable during periods of SSM. EPA also revised the deviation reporting requirements.

This NESHAP affects only major sources of HAP. At this time, no facilities in Iowa are affected by this NESHAP. However, existing facilities that are area sources for HAP that increase their production to become major sources could be subject to this NESHAP.

Additionally, new facilities that locate to Iowa, or existing facilities that change their operations to include processes covered this NESHAP would also be affected.

Manufacture of Amino/Phenolic Resins (Subpart OOO; IAC paragraph “bo”)

EPA published final amendments to the NESHAP for Amino/Phenolic Resins on October 15, 2018. In this action, EPA revised the maximum achievable control technology (MACT) standard for continuous process vents (CPVs) at existing affected sources. In addition, EPA extended the compliance date for CPVs at existing sources. EPA also revised the requirements for storage vessels at new and existing sources during periods when an emission control system used to control vents on fixed roof storage vessels is undergoing planned routine maintenance. To improve the clarity of the NESHAP, EPA also finalized five minor technical rule corrections.

This NESHAP affects only major sources of HAP. At this time, no facilities in Iowa are affected by this NESHAP. However, existing facilities that are area sources for HAP that increase their production to become major sources could be subject to this NESHAP. Additionally, new facilities that locate to Iowa, or existing facilities that change their operations to include processes covered by this NESHAP would also be affected.

The amendment in Item 9 also adopts the changes EPA made to the NESHAP test methods, as explained above for Item 1. The amendments to the NESHAP are adopted by reference through revision of the adoption date specified in the introductory paragraph of subrule 23.1(4).

Item 10 amends 567—23.5(455B), provisions for anaerobic lagoons, to update the requirements for industrial anaerobic lagoons.

Industrial anaerobic lagoons are used to treat wastewater that can contain significant organic loading. These lagoons are usually found at industries such as food processing plants or animal slaughter facilities and act as wastewater pre-treatment systems. The Department established the sulfate content limit and the biochemical oxygen demand (BOD) loading rate limit in the 1970s based on the information available at that time on the operating conditions that would ensure that an industrial anaerobic lagoon operated properly and minimized the release of air contaminants. The sulfate content standard applies to industrial lagoons constructed after February 22, 1979. The BOD standard applies to all industrial lagoons.

Because of advances in the design of anaerobic lagoons, higher BOD loading rates are now achievable and are allowed under wastewater construction permitting. The design of an industrial anaerobic lagoon will vary depending on the industry that is the source of the

wastewater. There are other parameters besides sulfate content and BOD that can affect the proper operation of the lagoon, including water temperature, water pH, and retention time. It is more appropriate that the operating limits for a lagoon be established by the Department's Water Quality Bureau during its review for a wastewater construction permit rather than have the operating limits established by subrule 23.5(2). Therefore, the Commission is proposing to remove the sulfate content limits and the BOD design loading limits that apply to industrial anaerobic lagoons. The Commission is also proposing to clarify that industrial anaerobic lagoons are subject to the applicable wastewater requirements specified in Chapter 64.

Additionally, the Commission is proposing to add the siting requirements that apply to industrial anaerobic lagoons and that are currently set forth in Iowa Code section 455.134(3)(e)(1)(b). This siting requirement was added to the Iowa Code in 1982, and applies to industrial anaerobic lagoons that were built or expanded on or after July 1, 1982. The statutory requirements established in Iowa Code in 1982 have applied since that time and have been implemented by the Department. However, for ease of air construction permit review and to provide clarity and transparency for owners and operators of industrial anaerobic lagoons and the public, the Commission is recommending that these statutory provisions also be adopted into the administrative rules. The Commission is proposing to adopt the siting requirements from Iowa Code into subrule 23.5(2).

Item 11 amends subrule 25.1(9) to adopt the changes EPA made to the federal test methods for measuring emissions, as explained above for Item 1.

Item 12 amends subrule 30.1(1) to add new definitions for "Electronic format," "Electronic submittal," and "Electronic submittal format," as explained above.

Items 13 and **14** amend provisions in 567—Chapter 33 applicable to Prevention of Significant Deterioration (PSD).

The goals of the PSD program as set forth under the federal CAA are to protect human health and welfare while ensuring that economic growth can continue. Before construction, new major stationary sources and major modifications to existing major stationary sources are required to obtain a construction permit under the federal New Source Review (NSR) provisions of the CAA. In attainment and unclassifiable areas of the state, the relevant federal NSR program is the PSD program. The DNR operates the PSD program in Iowa through an EPA-approved State Implementation Plan, which includes the administrative rules in Chapter 33.

Item 13 amends subrule 33.3(1) to update the definition of “volatile organic compounds” for the PSD rules, as described above for Item 1.

Item 14 proposes to adopt in subrule 33.3(2) the federal amendments to 40 CFR Part 51, Appendix W, Guidelines for Air Quality Models, applicable to the PSD program set forth in 567 IAC Chapter 33. On January 17, 2017, EPA’s amendments to the Guidelines were published in the Federal Register. These amendments are expected to increase the efficiency and accuracy of regulatory air quality modeling demonstrations, while also providing regulatory flexibility for affected entities. The changes eliminate the need for PSD permit applicants to request approval to use certain features of EPA’s regulatory air quality model, AERMOD. The revisions also increase the accuracy of model estimates in certain situations where it has been shown to over-predict pollutant concentrations. Additionally, the revisions allow for a screening approach to evaluating the impact of secondary formation of ozone and PM_{2.5}, which has historically only been possible using highly sophisticated and expensive photochemical modeling.

The Commission did not adopt the federal amendments to Appendix W earlier because of potential legal challenges to the federal regulation. At this time, however, there is no active litigation, and EPA has addressed or is addressing several issues identified by stakeholders. The Commission is therefore now proposing adoption of the federal amendments.

Fiscal Impact

After analysis and review of this rule making, most of the proposed amendments will have a neutral fiscal impact on affected facilities, the general public, and county or local governments. Some of the proposed amendments may benefit the private sector because they streamline current air quality programs. Affected businesses and the public benefit from up-to-date air quality requirements and increased effectiveness. A copy of the fiscal impact statement is available from the Department upon request.

Jobs Impact

After analysis and review of this rule making, most of the proposed amendments will have a neutral impact on private-sector jobs. Some of the proposed amendments may benefit the private sector because they streamline current air quality programs. For the amendments specified in Items 8 and 9, it has been determined that there may be jobs impacts to Iowa businesses. However, the amendments are only implementing federally mandated regulations. The amendments are identical to the federal regulations and would not impose any regulations on Iowa businesses not already required by federal law. In some cases, the revised federal standards being adopted provide more flexibility and potential cost savings for affected businesses, offering a positive impact on private-sector jobs. A copy of the jobs impact statement is available from the Department upon request.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 561—Chapter 10.

Public Comment

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Department no later than 4:30 p.m. on April 13, 2020. Comments should be directed to:

Christine Paulson
Department of Natural Resources
Wallace State Office Building
502 East 9th Street
Des Moines, Iowa 50319
Email: christine.paulson@dnr.iowa.gov

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows. Upon arrival, attendees should proceed to the 2nd floor information desk in Air Quality to sign in and be directed to the appropriate hearing location.

Monday, April 13, 2020
1 to 2 p.m.

Conference Room 2 West
Wallace State Office Building
Des Moines, Iowa

Persons who wish to make oral comments at the public hearing will be asked to state their names for the record and to confine their remarks to the subject of this proposed rule making.

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

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its regular monthly meeting or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule making action is proposed:

ITEM 1. Amend rule **567—20.2(455B)**, definitions of “Anaerobic lagoon,” “EPA reference method” and “Volatile organic compounds” as follows:

“Anaerobic lagoon” for purposes of air quality rules contained in 567—Chapters 20 through 35, means an impoundment, the primary function of which is to store and stabilize organic wastes. The impoundment is designed to receive wastes on a regular basis and the design waste loading rates are such that the predominant biological activity in the impoundment will be anaerobic. An anaerobic lagoon does not include:

a. A runoff control basin which collects and stores only precipitation induced runoff from an open feedlot feeding operation; or

b. A waste slurry storage basin which receives waste discharges from confinement feeding operations and which is designed for complete removal of accumulated wastes from the basin at least semiannually; or

c. Any anaerobic treatment system which includes collection and treatment facilities for all off-gases.

“EPA reference method” means the following methods used for performance tests and continuous monitoring systems:

1. Performance test (stack test). A stack test shall be conducted according to EPA reference methods specified in 40 CFR 51, Appendix M (as amended through ~~August 30, 2016~~ November 14, 2018); 40 CFR 60, Appendix A (as amended through ~~August 30, 2016~~ November 14, 2018); 40 CFR 61, Appendix B (as amended through August 30, 2016); and 40 CFR 63, Appendix A (as amended through ~~August 30, 2016~~ November 14, 2018).

2. Continuous monitoring systems. Minimum performance specifications and quality assurance procedures for performance evaluations of continuous monitoring systems are as specified in 40 CFR 60, Appendix B (as amended through ~~August 7, 2017~~ November 14, 2018); 40 CFR 60, Appendix F (as amended through ~~August 30, 2016~~ November 14, 2018); 40 CFR 75, Appendix A (as amended through August 30, 2016); 40 CFR 75, Appendix B (as amended through August 30, 2016); and 40 CFR 75, Appendix F (as amended through August 30, 2016).

“Volatile organic compounds” or “VOC” means any compound included in the definition of “volatile organic compounds” found at 40 CFR Section 51.100(s) as amended through ~~August 1, 2016~~ November 28, 2018.

ITEM 2. Adopt the following **new** definition of “Electronic format” in rule **567—20.2(455B)**:

“Electronic format,” “Electronic submittal,” and “Electronic submittal format” for purposes of the rules in 567 Chapters 20 through 35, mean a software, internet-based, or other

electronic means specified by the department for submitting information or fees to the department related to, but not limited to, applications, certifications, determination requests, emissions inventories, forms, notifications, payments, permit applications and registrations. References to these information submittal methods in 567 Chapters 20 through 35 may, as specified by the department, include electronic submittal.

ITEM 3. Amend subrule 22.1(3), introductory paragraph, as follows:

22.1(3) *Construction permits.* The owner or operator of a new or modified stationary source shall apply for a construction permit. One copy of a construction permit application for a new or modified stationary source shall be presented or mailed to Department of Natural Resources, Air Quality Bureau, ~~502 East 9th Street, Des Moines, Iowa 50319~~. Alternatively, the owner or operator may apply for a construction permit for a new or modified stationary source through the electronic submittal format specified by the department. References to “application(s)”, “certification(s)”, “determination request(s)”, “emissions inventory(ies)”, “fees”, “form(s)”, “notification(s)”, “payment(s)”, “permit application(s)”, and “registration(s),” in rules 567-22.1(455B) through 22.10(455B) may, as specified by the department, include electronic submittal. An owner or operator applying for a permit as required pursuant to rule 567—31.3(455B) (nonattainment new source review) or 567—33.3(455B) (prevention of significant deterioration (PSD)) shall present or mail to the department one hard copy of a construction permit application to the address specified above and, upon request from the department, shall also submit one electronic copy and one additional hard copy of the application. Application submission methods may include but are not limited to U.S. Postal Service, private parcel delivery services, and hand delivery. Applications are not required to be submitted by certified mail. The owner or operator of any new or modified

industrial anaerobic lagoon shall apply for a construction permit as specified in this subrule and as provided in 567—Chapter 22. The owner or operator of a new or modified anaerobic lagoon for an animal feeding operation shall apply for a construction permit as provided in 567—Chapter 65.

ITEM 4. Amend rule **567—22.100(455B)**, the definition of “EPA reference method,” as follows:

“*EPA reference method*” means the following methods used for performance tests and continuous monitoring systems:

1. Performance test (stack test). A stack test shall be conducted according to EPA reference methods specified in 40 CFR 51, Appendix M (as amended through ~~August 30, 2016~~ November 14, 2018); 40 CFR 60, Appendix A (as amended through ~~August 30, 2016~~ November 14, 2018); 40 CFR 61, Appendix B (as amended through August 30, 2016); and 40 CFR 63, Appendix A (as amended through ~~August 30, 2016~~ November 14, 2018).

2. Continuous monitoring systems. Minimum performance specifications and quality assurance procedures for performance evaluations of continuous monitoring systems are as specified in 40 CFR 60, Appendix B (as amended through ~~August 7, 2017~~ November 14, 2018); 40 CFR 60, Appendix F (as amended through ~~August 30, 2016~~ November 14, 2018); 40 CFR 75, Appendix A (as amended through August 30, 2016); 40 CFR 75, Appendix B (as amended through August 30, 2016); and 40 CFR 75, Appendix F (as amended through August 30, 2016).

ITEM 5. Adopt the following **new** definition of “Electronic format” in rule **567—22.100(455B)**:

“*Electronic format,*” “*Electronic submittal,*” and “*Electronic submittal format*” mean a software, internet-based, or other electronic means specified by the department for submitting information or fees to the department related to, but not limited to, applications, certifications, determination requests, emissions inventories, forms, notifications, payments, permit applications and registrations. References to these information submittal methods in rules 567-22.100(455B) through 22.116(455B) may, as specified by the department include electronic submittal.

ITEM 6. Adopt the following **new** definition of “Electronic format” in rule **567—22.120(455B)**:

“*Electronic format,*” “*Electronic submittal,*” and “*Electronic submittal format*” mean a software, internet-based, or other electronic means specified by the department for submitting information or fees to the department related to, but not limited to, applications, certifications, determination requests, emissions inventories, forms, notifications, payments, permit applications and registrations. References to these information submittal methods in rules 567-22.120(455B) through 22.147(455B) may, as specified by the department, include electronic submittal.

ITEM 7. Amend subrule 22.128(4) as follows:

22.128(4) *Submission of copies.* ~~Two copies~~ One copy of all permit applications shall be presented or mailed to the Air Quality Bureau, Iowa Department of Natural Resources, ~~502 East 9th Street, Des Moines, Iowa 50319.~~ Alternatively, the designated representative may, as specified by the department, submit the application through electronic submittal.

ITEM 8. Amend subrule 23.1(2), introductory paragraph, as follows:

23.1(2) *New source performance standards.* The federal standards of performance for new stationary sources, as defined in 40 Code of Federal Regulations Part 60 as amended or corrected through ~~August 7, 2017, November 14, 2018,~~ are adopted by reference, except § 60.530 through § 60.539b (Part 60, Subpart AAA), and shall apply to the following affected facilities. The corresponding 40 CFR Part 60 subpart designation is in parentheses. An earlier date for adoption by reference may be included with the subpart designation in parentheses. Reference test methods (Appendix A), performance specifications (Appendix B), determination of emission rate change (Appendix C), quality assurance procedures (Appendix F) and the general provisions (Subpart A) of 40 CFR Part 60 also apply to the affected facilities.

ITEM 9. Amend subrule 23.1(4), introductory paragraph, as follows:

23.1(4) *Emission standards for hazardous air pollutants for source categories.* The federal standards for emissions of hazardous air pollutants for source categories, 40 Code of Federal Regulations Part 63 as amended or corrected through ~~August 3, 2018, March 15, 2019,~~ are adopted by reference, except those provisions which cannot be delegated to the states. The corresponding 40 CFR Part 63 subpart designation is in parentheses. An earlier date for adoption by reference may be included with the subpart designation in parentheses. 40 CFR Part 63, Subpart B, incorporates the requirements of Clean Air Act Sections 112(g) and 112(j) and does not adopt standards for a specific affected facility. Test methods (Appendix A), sources defined for early reduction provisions (Appendix B), and determination of the fraction biodegraded (F_{bio}) in the biological treatment unit (Appendix C) of Part 63 also apply to the affected activities or facilities. For the purposes of this subrule, “hazardous air pollutant” has the same meaning found in 567—22.100(455B). For the purposes of this subrule, a “major source” means any stationary source or

group of stationary sources located within a contiguous area and under common control that emits or has the potential to emit, considering controls, in the aggregate, 10 tons per year or more of any hazardous air pollutant or 25 tons per year or more of any combination of hazardous air pollutants, unless a lesser quantity is established, or in the case of radionuclides, where different criteria are employed. For the purposes of this subrule, an “area source” means any stationary source of hazardous air pollutants that is not a “major source” as defined in this subrule. Paragraph 23.1(4)“a” general provisions (Subpart A) of Part 63, shall apply to owners or operators who are subject to subsequent subparts of 40 CFR Part 63 (except when otherwise specified in a particular subpart or in a relevant standard) as adopted by reference below.

ITEM 10. Amend rule **567—23.5(455B)** as follows:

567—23.5(455B) Anaerobic lagoons.

23.5(1) No change.

23.5(2) Criteria for approval of industrial anaerobic lagoons constructed or expanded on or after July 1, 1982.

a. Lagoons designed to treat 100,000 gallons per day (gpd) or less: shall be located at least one thousand two hundred fifty feet (1,250 feet) from a residence not owned by the owner of the lagoon or from a public use area other than a public road.

~~(1) —The sulfate content of the water supply shall not exceed 250 mg/l. However, this paragraph does not apply to an expansion of an industrial anaerobic lagoon facility which was constructed prior to February 22, 1979.~~

~~(2) — The design loading rate for the total lagoon volume shall not be less than 10 pounds nor more than 20 pounds of biochemical oxygen demand (five day) per thousand cubic feet per day.~~

b. Lagoons designed to treat more than 100,000 gallons per day (gpd) shall be located at least one thousand eight hundred seventy-five feet (1,875 feet) from a residence not owned by the owner of the lagoon or from a public use area other than a public road.

~~(1) — The sulfate content of the water supply shall not exceed 100 mg/l. However, this paragraph does not apply to an expansion of an industrial anaerobic lagoon facility which was constructed prior to February 22, 1979.~~

~~(2) — The design loading rate for the total lagoon volume shall not be less than 10 pounds nor more than 20 pounds of biochemical oxygen demand (five day) per thousand cubic feet per day.~~

c. The criteria in subrule 23.5(2) shall apply except in situations in which Iowa Code section 455B.134(3)(e)(2) is successfully invoked.

d. Compliance with the requirements of subrule 23.5(2) shall not constitute an exemption from compliance with any other applicable environmental regulations. In particular, compliance with these requirements shall not absolve any person from compliance with the requirements set forth in Chapter 64 that are applicable to industrial anaerobic lagoons.

ITEM 11. Amend subrule 25.1(9) as follows:

25.1(9) *Methods and procedures.* Stack sampling and associated analytical methods used to evaluate compliance with emission limitations of 567—Chapter 23 or a permit condition are as follows:

a. *Performance test (stack test).* A stack test shall be conducted according to EPA reference methods as specified in 40 CFR 51, Appendix M (as amended through ~~August 30, 2016~~ November 14, 2018); 40 CFR 60, Appendix A (as amended through ~~August 30, 2016~~ November 14, 2018); 40 CFR 61, Appendix B (as amended through August 30, 2016); and 40 CFR 63, Appendix A (as amended through ~~August 30, 2016~~ November 14, 2018). The owner of the equipment or the owner's authorized agent may use an alternative methodology if the methodology is approved by the department in writing before testing. Each test shall consist of at least three separate test runs. Unless otherwise specified by the department, compliance shall be assessed on the basis of the arithmetic mean of the emissions measured in the three test runs.

b. *Continuous monitoring systems.* Minimum performance specifications and quality assurance procedures for performance evaluations of continuous monitoring systems are as specified in 40 CFR 60, Appendix B (as amended through ~~August 7, 2017~~ November 14, 2018); 40 CFR 60, Appendix F (as amended through ~~August 30, 2016~~ November 14, 2018); 40 CFR 75, Appendix A (as amended through August 30, 2016); 40 CFR 75, Appendix B (as amended through August 30, 2016); and 40 CFR 75, Appendix F (as amended through August 30, 2016). The owner of the equipment or the owner's authorized agent may use an alternative methodology for continuous monitoring systems if the methodology is approved by the department in writing before the minimum performance specification and quality assurance procedure is conducted.

c. No change.

ITEM 12. Adopt the following **new** definition of "Electronic format" in subrule **30.1(1)**:

"Electronic format," "Electronic submittal," and "Electronic submittal format" mean a software, internet-based, or other electronic means specified by the department for submitting fees

or associated information to the department for the activities specified in this chapter related to but not limited to applications, certifications, determination requests, emissions inventories, forms, notifications, payments, permit applications, and registrations. References to these fee or information submittal methods in this chapter may, as specified by the department, include electronic submittal.

ITEM 13. Amend subrule **33.3(1)**, definition of “Volatile organic compounds,” as follows:

“*Volatile organic compounds*” or “*VOC*” means any compound included in the definition of “volatile organic compounds” found at 40 CFR Section 51.100(s) as amended through ~~August 1, 2016~~ November 28, 2018.

ITEM 14. Amend subrule 33.3(2) as follows:

33.3(2) Applicability. The requirements of this rule (PSD program requirements) apply to the construction of any new “major stationary source” as defined in subrule 33.3(1) or any project at an existing major stationary source in an area designated as attainment or unclassifiable under Section 107(d)(1)(A)(ii) or (iii) of the Act. In addition to the provisions set forth in rules 567—33.3(455B) through 567—33.9(455B), the provisions of 40 CFR Part 51, Appendix W (Guideline on Air Quality Models) as amended through ~~November 9, 2005~~, January 17, 2017, are adopted by reference.

Date

Kayla Lyon, Director

**Administrative Rules
JOBS IMPACT STATEMENT**

1. BACKGROUND INFORMATION

Agency:	Department of Natural Resources (Department)
IAC Citation:	567 IAC Chapters 20, 22, 23, 25, 30, and 33
Agency Contact:	Christine Paulson (515) 725-9510
Statutory Authority:	Iowa Code sections 455B.133 and 455B.134 and United States Clean Air Act Sections 110 (42 USC §7410), 111 (42 USC §7411), 112 (42 USC §7412), and 501-507 (42 USC §7661 - §7661f).
Objective:	<p>1) Reduce the cost of government while providing streamlined services to the public and regulated community.</p> <p>2) Update rules to provide regulatory certainty and flexibility. The proposed changes will implement a portion of the Department's 5-year rules review plan to accomplish the requirements of Iowa Code section 17A.7(2).</p> <p>3) Offer uniform rules by making changes that match federal regulations and eliminating inconsistency between federal and state rules. By adopting federal updates into state administrative rules, the Department is ensuring that Iowa's air quality rules are no more stringent than federal regulations. Additionally, the updates allow the Department, rather than the EPA, to be the primary agency to implement the air quality requirements in Iowa, thereby allowing the Department to provide compliance assistance and outreach to affected facilities.</p>
Summary:	<p>The proposed changes continue previous efforts to improve rules for air quality programs. Affected businesses and the public benefit from up-to-date air quality rules and increased effectiveness.</p> <p>The proposed changes include adoption of updated federal new source performance standards (NSPS) and air toxics standards (also known as National Emissions Standards for Hazardous Air Pollutants or NESHAP). Adopting EPA's updated federal regulations allows state rules to be consistent with federal regulations, and provides certainty to affected businesses and other interested stakeholders.</p>

2. JOB IMPACT ANALYSIS

<input checked="" type="checkbox"/> <i>Fill in this box if impact meets these criteria:</i>
<input checked="" type="checkbox"/> No Job Impact on private sector jobs and employment opportunities in the State.
<input type="checkbox"/> Job Impact cannot be determined.

<input type="checkbox"/> <i>Fill in this box if impact meets either of these criteria:</i>
<input type="checkbox"/> Positive Job Impact on private sector jobs and employment opportunities in the State. <input type="checkbox"/> Negative Job Impact on private sector jobs and employment opportunities in the State.
<p><i>Description and quantification of the nature of the impact the proposed rule will have on private sector jobs and employment opportunities:</i></p> <p>After analysis and review, it has been determined that most of the proposed changes will have a neutral impact on private sector jobs and employment opportunities. Some of the rules may benefit the private sector because they streamline current air quality programs.</p> <p>Facilitate Electronic Reporting for EASY Air The proposed changes add new definitions to facilitate the Department’s launch of the Iowa Environmental Application System - EASY Air. EASY Air is a new online electronic method for submitting air quality permit applications. EASY Air is expected to make application preparation easier, improve customer service, and speed the Department’s ability to issue permits while increasing data accuracy and cutting costs. Additionally, EASY Air allows online submittal of streamlined alternatives to traditional applications, such as registrations, notifications, and template applications. EASY Air launched for permit application submittal on December 5, 2019.</p> <p>Clarify Requirements for Industrial Anaerobic Lagoons The proposed change to the definition of “anaerobic lagoon” clarifies that this definition is applicable to only the air quality requirements. The clarification is necessary because other Department regulations, such as those for wastewater, may have different meanings for the term “anaerobic lagoon” that are specific to permitting or other requirements for that particular environmental program area.</p> <p>Additionally, the proposed changes revise the requirements for industrial anaerobic lagoons by removing obsolete provisions and adding provisions to reflect Iowa Code section 455B.134. Specifically, the proposed changes remove two operating limits for industrial anaerobic lagoons, add the siting requirement that is in Iowa Code section 455B.134, and make clear that industrial anaerobic lagoons also are subject to the applicable wastewater requirements specified in 567 IAC Chapter 64.</p> <p>Affected facilities and other stakeholders benefit from clear and up-to-date air quality rules.</p>

Ensure Consistency with Federal Regulations

The proposed changes adopt amendments to federal air quality regulations, including the most current EPA methods for measuring air pollutant emissions (stack testing and continuous monitoring), the revised definition of “volatile organic compounds” (VOC), and updated federal modeling guidelines used for the Prevention of Significant Deterioration (PSD) program. By adopting federal updates into state rules, the changes ensure that Iowa’s air quality rules reflect the most current federal regulations and are no more stringent than federal regulations.

Adoption of revised NSPS and NESHAP

For the adoption of amended NSPS and NESHAP, it has been determined that there may be jobs impacts to Iowa businesses. However, the proposed updates are only implementing federally mandated regulations. The updates are identical to the federal regulations, and do not impose any regulations on Iowa businesses not already required by federal law.

In some cases, the revised federal standards proposed for adoption provide more flexibility and potential cost savings for affected businesses, offering a positive impact on private sector jobs. Further, the proposed updates allow the Department rather than EPA to be the primary agency to implement the standards in Iowa, thereby allowing the Department to provide compliance assistance to affected facilities.

The estimated potential impacts from adopting the revised federal NESHAP are described below.

Printing Coating and Dyeing of Fabrics and Other Textiles and Surface Coating of Metal Furniture(40 Code of Federal Regulations (CFR) Part 63, Subparts OOOO and RRRR, respectively)

The updated federal regulations include provisions related to emissions during startup, shutdown and malfunction (SSM); electronic reporting for performance test results and compliance reports; the addition of EPA Method 18 and updates to several measurement methods; and the addition of requirements for periodic performance testing. These requirements may entail additional minimal costs for affected facilities, but also allow new flexibilities and potentially reduced costs related to emissions testing. Currently, only one facility is affected by the amendments to Subpart OOOO and two facilities are potentially affected by the amendments to Subpart RRRR.

Surface Coating of Wood Building Products (Subpart QQQQ)

The final federal amendments are intended to enhance the effectiveness of the existing standards and requirements for periods of SSM to be consistent with recent court decisions. At this time, four facilities are potentially affected by the NESHAP amendments. These requirements may entail additional minimal costs for affected facilities.

Other Revised NESHAPs

At this time, no facilities in Iowa are affected by the following federal NESHAP amendments proposed for adoption:

- Surface Coating of Large Appliances (Subpart NNNN)
- Wet-Formed Fiberglass Mat Production (Subpart HHHH)
- Leather Finishing Operations (Subpart TTTT)

- Friction Materials Manufacturing (Subpart QQQQ)
- Manufacture of Amino/Phenolic Resins (Subpart OOO)

Existing facilities that increase their production to become major sources of air toxics could be subject to these NESHAP. Additionally, new facilities that locate to Iowa, or existing facilities that change their operations to include processes covered by these NESHAP would also be affected. The requirements in the revised NESHAP may entail additional costs for affected facilities (at such time as any facilities in Iowa are affected).

Categories of jobs and employment opportunities that are affected by the proposed rule:
Industrial facilities in the manufacturing source categories described above.

Number of jobs or potential job opportunities:
Cannot be determined at this time.

Regions of the state affected:
All regions of the state.

Additional costs to the employer per employee due to the proposed rule: (if not possible to determine, write "Not Possible to Determine.")
No additional costs to the employer.

3. COST-BENEFIT ANALYSIS

The Agency has taken steps to minimize the adverse impact on jobs and the development of new employment opportunities before proposing a rule. See the following Cost-Benefit Analysis:

No other less intrusive or less expensive method exists for achieving the purpose of the proposed rules.

DRAFT: Administrative Rule Fiscal Impact Statement

Date: January 15, 2020

Agency: Department of Natural Resources (Department)**IAC Citation:** 567 IAC Chapters 20, 22, 23, 25, 30, and 33**Agency Contact:** Christine Paulson**Summary of the Rule:**

1) Reduce the cost of government while providing streamlined services to the public and regulated community.

2) Update rules to provide regulatory certainty and flexibility. The proposed changes will implement a portion of the Department's 5-year rules review plan to accomplish the requirements of Iowa Code section 17A.7(2). The proposed changes continue previous efforts to identify rules that can be rescinded or amended for air quality programs.

3) Offer uniform rules by making changes that match federal regulations and eliminate inconsistency between federal and state rules. By adopting federal updates into state administrative rules, the Department is ensuring that Iowa's air quality rules are no more stringent than federal regulations. Additionally, the updates allow the Department, rather than the EPA, to be the primary agency to implement the air quality requirements in Iowa, thereby allowing the Department to provide compliance assistance and outreach to affected facilities.

Fill in this box if the impact meets these criteria:

No Fiscal Impact to the State.

Fiscal Impact of less than \$100,000 annually or \$500,000 over 5 years.

Fiscal Impact cannot be determined.

Brief Explanation:

The Department will use existing budget and resources to implement the rule.

Assumptions:

Describe how estimates were derived:

Estimated Impact to the State by Fiscal Year

	<u>Year 1 (FY 2015)</u>	<u>Year 2 (FY 2016)</u>
Revenue by Each Source:		
GENERAL FUND	\$0	\$0
FEDERAL FUNDS	\$0	\$0
Other (specify)	\$0	\$0
	\$0	\$0
<i>TOTAL REVENUE</i>		
Expenditures:		
GENERAL FUND	\$0	\$0
FEDERAL FUNDS	\$0	\$0
Other (specify)	\$0	\$0
	\$0	\$0
<i>TOTAL EXPENDITURES</i>		
	\$0	\$0
<i>NET IMPACT</i>		
<u> X </u> This rule is required by State law or Federal mandate. <i>Please identify the state or federal law:</i>		
The changes will implement Iowa Code sections 455B.133 and 455B.134, as well as the United States Clean Air Act sections 110 (42 USC §7410), 111 (42 USC §7411), 112 (42 USC §7412), and 501-507 (42 USC §7661 - §7661f).		
<u> </u> Funding has been provided for the rule change. <i>Please identify the amount provided and the funding source:</i>		
<u> X </u> Funding has not been provided for the rule. <i>Please explain how the agency will pay for the rule change:</i>		
The Department will use existing resources at this time.		

Fiscal impact to Persons Affected by the Rule

After analysis and review, the Department has determined that most of the proposed changes will have no fiscal impact on the private sector. The Department does note that some of the rules may benefit the private sector because they streamline current air quality programs. Affected businesses and the public benefit from up-to-date air quality requirements and increased effectiveness.

Facilitate Electronic Reporting for EASY Air

The Commission is adding new definitions to facilitate the Department's launch of the Iowa Environmental Application System - EASY Air. EASY Air is a new online electronic method for submitting air quality permit applications and is expected to make application preparation easier, improve customer service and speed the Department's ability to issue permits while increasing data accuracy and cutting costs. EASY Air also allows online submittal of streamlined alternatives to traditional applications, such as registrations, notifications and template applications. EASY Air launched for permit application submittal on December 5, 2019.

Clarify Requirements for Industrial Anaerobic Lagoons

The Commission is updating the definition of "anaerobic lagoon," to clarify that this definition is applicable to only the air quality requirements. The Commission is clarifying the definition because other Department regulations, such as those for wastewater, may have different meanings for the term "anaerobic lagoon" that are specific to permitting or other requirements for that particular environmental program area.

The Commission also is revising requirements for industrial anaerobic lagoons to remove obsolete provisions and to add provisions to reflect Iowa Code section 455B.134. Specifically, the Commission is proposing to remove two operating limits for industrial anaerobic lagoons, to add the siting requirement that is in Iowa Code section 455.134, and to make clear that industrial anaerobic lagoons also are subject to the applicable wastewater requirements specified in Chapter 64.

Ensure Consistency with Federal Regulations

The proposed rules adopt changes to federal air quality regulations, including the most current EPA methods for measuring air pollutant emissions (stack testing and continuous monitoring), the revised definition of "volatile organic compounds" (also known as "VOC"), and updated federal modeling guidelines used for the Prevention of Significant Deterioration (PSD) program. By adopting federal updates into state rules, the Commission is ensuring that Iowa's air quality rules reflect the most current federal regulations are no more stringent than federal regulations.

Fiscal impact to Persons Affected by the Rule (continued)

Adoption of revised NSPS and NESHAP

For the adoption of amended NSPS and NESHAP, the Department has determined that there may be fiscal impacts to Iowa businesses. However, the proposed amendments only are implementing federally mandated regulations. The amendments are identical to the federal regulations, and do not impose any regulations on Iowa businesses not already required by federal law.

In some cases, the revised federal standards proposed for adoption provide more flexibility and potential cost savings for affected businesses, offering a positive fiscal impact for affected industries. Further, the proposed amendments allow the Department rather than EPA to be the primary agency to implement the standards in Iowa, thereby allowing the Department to provide compliance assistance to affected facilities.

The Department estimated potential impacts from adopting the revised federal NESHAP, as described below.

Printing Coating and Dyeing of Fabrics and Other Textiles and Surface Coating of Metal Furniture(40 Code of Federal Regulations (CFR) Part 63, Subparts OOOO and RRRR, respectively)

The updated federal regulations include provisions related to emissions during startup, shutdown and malfunction (SSM); electronic reporting for performance test results and compliance reports; the addition of EPA Method 18 and updates to several measurement methods; and the addition of requirements for periodic performance testing. These requirements may entail additional minimal costs for affected facilities, but also allow new flexibilities and potentially reduced costs related to emissions testing. Currently, the Department has determined that one facility is affected by the amendments to Subpart OOOO and two facilities are potentially affected by the amendments to Subpart RRRR.

Surface Coating of Wood Building Products (Subpart QQQQ)

The final federal amendments are intended to enhance the effectiveness of the existing standards and requirements for periods of SSM to be consistent with recent court decisions. At this time, the Department has determined that four facilities are potentially affected by the NESHAP amendments. These requirements may entail additional minimal costs for affected facilities.

Other Revised NESHAPs

At this time, no facilities in Iowa are affected by the following federal NESHAP amendments proposed for adoption:

- Surface Coating of Large Appliances (Subpart NNNN)
- Wet-Formed Fiberglass Mat Production (Subpart HHHH)
- Leather Finishing Operations (Subpart TTTT)
- Friction Materials Manufacturing (Subpart QQQQ)
- Manufacture of Amino/Phenolic Resins (Subpart OOO)

Existing facilities that increase their production to become major sources of air toxics could be subject to these NESHAP. Additionally, new facilities that locate to Iowa, or existing facilities that change their operations to include processes covered by these NESHAP would also be affected. The requirements in the revised NESHAP may entail additional costs for affected facilities (at such time as any facilities in Iowa are affected).

Fiscal impact to Counties or other Local Governments (required by Iowa Code 25B.6):

Linn County and Polk County have state-approved local air quality programs, and would likely adopt changes to their ordinances and procedures that match any changes to state rules. If a city or county government were subject to the air quality rules being amended, the local governments would be affected in the same manner as described above for industries and businesses.

Iowa Department of Inspections and Appeals
 Administrative Hearings Division
 Wallace State Office Building, Third Floor
 502 East Ninth Street
 Des Moines, Iowa 50319

Carl DeJoode)	
1004 43 rd Avenue)	
Pleasantville, IA 50225)	Case No. 20DNR0010
)	
Appellant,)	
)	
v.)	
)	PROPOSED DECISION
Department of Natural Resources,)	
)	
Respondent.)	

This matter came on for hearing by way of an in-person hearing before the undersigned on December 6, 2019, following an appeal by Carl DeJoode from an administrative order issued by the Iowa Department of Natural Resources (Department) imposing a \$10,000 penalty for the alleged illegal disposal of solid waste by DeJoode on his property. Appellant Carl DeJoode was present for the hearing. He was represented by attorney Robert Stuyvesant. Attorney David Scott appeared on behalf of the Department. Bill Gross, environmental specialist senior, testified for the Department. Department Exhibits 1-7 were admitted into the record without objection.

FINDINGS OF FACT

Carl DeJoode and his wife own land in Pleasantville. The Department has received complaints about material accumulating on the land since at least 2001. The Department, DeJoode, and Stuyvesant have made multiple attempts to reach an understanding regarding the material and disposal thereof, but those efforts, in the words of the Department, “have not progressed satisfactorily.” In April 2019, the Department provided a consent order to DeJoode. DeJoode chose not to enter into a consent order with the Department. In response, the Department unilaterally issued an administrative order. The administrative order assessed a \$10,000 administrative penalty against DeJoode. DeJoode appealed.

In more detail, the facts begin in 2001. The Department received a complaint about DeJoode’s property in August 2001. Someone from the Department visited the property and told DeJoode to apply for a storm water permit. Staff again visited the property in November to discuss property cleanup. Later in November, the Department received additional complaints about

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DeJoode's property. The Department imposed a December 2002 deadline for removal of solid waste and non-agricultural metal.

The Department and DeJoode communicated about the property throughout 2002. In August 2002, the Department confirmed metal had been removed.

The Department next received a complaint about the property twelve years later in December 2014. This complaint, from the Marion County government, expressed concern about material that was not removed from the property during the time of the earlier discussions. The Department visited the property and found solid waste. On January 14, 2015, DeJoode and the Department spoke. The Department gave DeJoode until the end of 2015 to clean up the property but required him to submit a removal plan by February 9. No such plan was submitted.

On March 25, 2015, the Department sent a notice of violation to DeJoode. On April 9, DeJoode was instructed to submit a cleanup plan. On July 20, the Department visited the property and found no progress. On December 4, the Department visited the property and found no progress. On December 9, the Department sent a notice of violation requiring disposal of solid waste by January 8, 2016; a cleanup plan; and disposal receipts.

On May 12, 2016, Marion County requested help with cleanup enforcement on DeJoode's property. On May 18, the Department visited the property and found no progress. The Department gave DeJoode sixty days to make significant progress. On August 22, the Department visited the property and found little progress. On August 26, the Department sent another notice of violation.

On November 7, the Department visited the property and found little progress. On November 9, DeJoode told the Department he was placing material with his garbage for pickup each week. DeJoode was given until December 9 to comply. On December 12, the Department visited the site and found little progress. On December 20, the Department sent another notice of violation and informed DeJoode the matter had been referred to the Department's Legal Services Bureau for enforcement.

The same story repeated itself in 2017. The parties met on January 18; the Department visited the property in April, May, and September, finding little progress; the Department sent a letter in October giving a final deadline of May 31, 2018.

Throughout 2018, the Department, DeJoode, and Stuyvesant met. Some progress was made— notably, an oil spill was cleaned up. However, the Department issued another notice of violation.

The Department sent another notice of violation in January 2019. In May 2019, Stuyvesant informed the Department DeJoode would not sign a consent order requiring removal and proper disposal of solid waste accumulated on the property.

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The Department subsequently issued an administrative order. The administrative order (order) set July 1, 2019, as a disposal deadline. The order provided that failure to comply with that deadline would result in an administrative penalty of \$10,000 and potential additional penalties. DeJoode appealed the order.

CONCLUSIONS OF LAW

“Solid waste” includes garbage, refuse, rubbish and other similar discarded solid or semisolid materials. Iowa Code § 455B.301(23). Absent a Department permit to do otherwise, solid waste must be deposited at a sanitary disposal project (a.k.a. a landfill). Iowa Code § 455B.307(1); see Iowa Code § 455B.301(21), (22). If a person deposits solid waste elsewhere, that person is subject to a civil penalty of \$5000 per day of violation. Iowa Code § 455B.307(3).

The Iowa Code also directs the Department to establish an environmental protection commission (EPC). Iowa Code § 455A.6; see Iowa Code § 455B.101(3). The EPC “shall establish, by rule, a schedule or range of civil penalties which may be administratively assessed.” Iowa Code § 455B.109(1). The administrative penalties shall not exceed \$10,000. *Id.* Relevant factors to consider include the costs saved or likely to be saved by noncompliance by the violator, the gravity of the violation, the degree of culpability of the violator, and the maximum penalty authorized for that violation under Iowa Code chapter 455B. *Id.* A penalty may be administratively assessed only after an opportunity for a contested case hearing. Iowa Code § 455B.109(2).

The Department has established rules describing the above factors in more detail:

10.2(1) Costs saved or likely to be saved by noncompliance by the violator. Where the violator realizes an economic benefit through the violation or by not taking timely compliance or corrective measures, the department shall take enforcement action which includes penalties which at least offset the economic benefit. Reasonable estimates of economic benefit should be made where clear data are not available.

10.2(2) Gravity of the violation. Factors include but are not limited to:

a. The actual or threatened harm to the environment or the public health and safety.

b. Involvement of toxic or hazardous substances or potential long-term effects of the violation.

c. The degree to which ambient or source-specific standards are exceeded, where pertinent.

d. Federal program priorities, size of facility, or other pertinent factors.

e. Whether the violation is repeated and whether it violates an administrative or court order.

f. Whether the type of violation threatens the integrity of a regulatory program.

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g. Expenses or efforts by the government in detecting, documenting, or responding to a violation.

10.2(3) Culpability. Factors include but are not limited to:

a. The degree of intent or negligence. The standard of care required by the laws of the state of Iowa will be considered.

b. Whether the case involves false reporting of required information, or tampering with monitoring devices.

c. Whether the violator has taken remedial measures or mitigated the harm caused by the violation.

10.2(4) The maximum penalty authorized for that violation under Iowa Code chapter 455B. The penalty provisions of chapter 455B establish different maximum penalties for different categories of violation, for example: \$500 for flood plain and water rights (455B.279); \$1,000 for hazardous condition notification (455B.386); \$5,000 for solid waste (455B.306), wastewater and drinking water (455B.191), and underground tanks (455B.477); \$10,000 for air pollution (455B.146) and hazardous waste (455B.417 and 455B.454); and more severe criminal sanctions for culpable water, hazardous waste, and underground tank violations. These penalty provisions also authorize penalties for each day of violation, which for an ongoing violation can be substantial. Thus, the department will consider not only the maximum daily penalty in the Code for that type of violation, but also the maximum penalty for cumulative violations under consideration.

10.2(5) Whether the assessment of administrative penalties appears to be the only or most appropriate way to deter future violations, either by the person involved or by others similarly situated.

10.2(6) Other relevant factors. The department will consider other relevant factors which arise from the circumstances of each case.

Iowa Admin. Code r. 567-10.2.

The Department has authority to assess an administrative penalty up to \$10,000. It has done exactly that here. DeJoode makes several arguments in response.

First, DeJoode argues a fine is inappropriate. DeJoode points to his “continued efforts to come into compliance,” noting he has removed over 492 tons of material from the property in the past 18 months. This argument is unavailing. DeJoode, essentially, has had 18 *years* to come into compliance and has not done so. The Department has been patient, but patience has not worked to secure compliance. The undersigned agrees with the Department that a fine is appropriate here.

DeJoode argues the fine assessed is too great. He notes one company has requested \$5000 per week for 3-4 weeks to remove the material from his property. He argues the \$10,000 Department fine would make it impossible for him to pay the \$15,000 to \$20,000 required to remove the material from his property. In other words, noncompliance to date has saved him up to \$20,000.

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This is a factor in considering whether to assess a fine. The savings DeJoode asserts are substantial and support a higher penalty. Iowa Admin. Code r. 567-10.2(1). In addition, the gravity of the violation—nearly 20 years of environmental damage—supports a higher penalty. Iowa Admin. Code r. 567-10.2(2). The assessment of administrative penalties appears to be the only way to deter future violations, which supports a higher penalty. Iowa Admin. Code r. 567-10.2(5). The minimal attempts at compliance over the years support a higher penalty. Iowa Admin. Code r. 567-10.2(3). The other available penalty of \$5000 per day supports a higher penalty. Iowa Admin. Code r. 567-10.2(4). The penalty assessed is appropriate.

DeJoode further argues some of the material on his property is not solid waste. He asks the Department to visit the property and advise him which property, exactly, is solid waste. This may be a useful endeavor for both parties, but it is not going to be the only outcome of this appeal. The Department has visited the property multiple times over the years and only recently has DeJoode expressed confusion about which material must be removed. This is not a basis to remove the administrative penalty.

DECISION

The Department's administrative order is sustained. The Department shall take whatever steps necessary to implement this decision.

Dated this 22nd day of January, 2020.



Joseph Ferrentino
Administrative Law Judge

cc: Carl DeJoode, Appellant (by certified mail)
David Scott, Attorney for DNR (by email)
Robert Stuyvesant, Attorney for Appellant (by certified mail and email)

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APPEAL RIGHTS

Any adversely affected party may appeal a proposed decision. An appeal by a party shall be made to the agency having jurisdiction of the proceeding and shall be taken within 30 days after receipt of the proposed decision or order. Appeal is taken and perfected by filing with the director a timely notice of appeal signed by the appellant or the appellant's attorney. The written notice of appeal shall be filed with the director at:

Iowa Department of Natural Resources
502 East 9th Street
Des Moines, Iowa 50319

See Iowa Admin. Code r. 561-7.4(1). It shall specify the parties taking the appeal and the final decision or order or part thereof appealed. The notice shall set forth, with particularity, the conclusions of law or findings of fact appealed. It shall be the appellant's responsibility to immediately serve the notice of appeal upon all parties of record other than the appellant. Any party adversely affected by a final decision or order, other than an emergency order which is governed by rule 561-7.18, may petition the agency for a stay of the final decision or order pending judicial review. The petition for stay shall be filed with the director within ten days of receipt of the final decision or order, and shall state the reasons justifying a stay. *See generally* Iowa Admin. Code r. 561-7.17.

Iowa Department of Natural Resources
Environmental Protection Commission

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Decision Item**Contract with** Foth Infrastructure & Environment, LLC**Commission approval is requested for a contract with** Foth Infrastructure & Environment, LLC, of Johnston, Iowa.**Contract Terms:****Amount:** Not to exceed \$140,000**Dates:** February 24, 2020 to February 28, 2022.

DNR shall have the option to extend this Contract for up to six years from the beginning date of the original contract by executing a signed amendment prior to the expiration of this Contract.

Funding Source(s): Solid Waste Tonnage Fee**Statutory Authority:** 455E.11

Contract Background: The Environmental Communications Plan (Communications Plan) is seen by DNR staff and stakeholders as a critical piece in providing consistency and support of several Land Quality Bureau (LQB) solid waste management initiatives as described below.

The Communications Plan will be used to increase citizen awareness of existing solid waste management systems including reuse, recycling, proper recycling participation and environmental impacts of purchasing and use decisions. Data from the citizen awareness and opinion survey, to be completed February 2020, will be used to shape message development and target message delivery to specific audiences. The Communications Plan will also be used to introduce Iowans to the concept of sustainable materials management (SMM) as an alternative approach to managing solid waste, determining environmental impacts and setting priorities.

Specifically, the Communications Plan will be used in support of LQB initiatives that include:

1. **Citizen Awareness and Opinion Survey:** Designed to provide data regarding Iowans solid waste management knowledge, behavior and opinions. The resulting data will be used to develop consistent public awareness messaging and to help set waste management priorities.
2. **Sustainable Materials Management (SMM) – Vision for Iowa, Phase I:** The Communications Plan will be used to provide results of Phase I of the SMM – Vision for Iowa initiative. Phase I involved a series of stakeholder meetings to gauge the level of interest and develop recommended priorities in updating the current integrated solid waste management system to that of a SMM system. The current system only considers environmental impacts and solid waste management options for unwanted materials at the point of disposal (e.g. reuse, recycle, compost or landfill). A SMM system considers environmental impacts (energy use, water use, toxicity, greenhouse gas emissions, etc.) from raw material extraction through manufacturing, distribution, use and finally end of life management. SMM is supported by EPA with several states at varying stages of implementation to a system that takes a broader more thorough view of solid waste management.

3. Sustainable Materials Management (SMM) – Vision for Iowa, Phase II: The Communications Plan will promote the concept of SMM and provide updates of Phase II of the SMM-Vision for Iowa. Phase II will be a multi-year initiative that brings stakeholders (elected officials, business and industry leaders, local governments, non-profit organizations, solid waste and natural resource associations, etc.) together to discuss and develop priorities and recommendations for modernizing Iowa’s solid waste management system. A request for proposals (RFP) is being developed to select a vendor that will provide coordination, conduct research, lead and document stakeholder and subcommittee meetings. Phase II will bring stakeholders and DNR representatives together to discuss SMM concepts and opportunities and develop priorities and recommendations toward establishing a SMM system for solid waste in the State of Iowa. As Phase II progresses, the Communications Plan will be used to provide awareness and updates of the process to help ensure interested parties have current and consistent information.

Selection Process Summary: A formal, competitive process was utilized in the selection of Foth Infrastructure & Environment, LLC as the entity to fulfill goals of the Communications Plan.

- Proposal deadline was January 9, 2020 with one proposal received;
- The review committee consisted of two persons representing the LQB and one person representing the DNR Communications Bureau;
- The proposal was scored on seven criteria with a total achievable score of 100 pts;
- The DNR requests Commission approval to enter into an agreement with Foth Infrastructure & Environment, LLC for developing a multi-year Communications Plan, develop messaging based on results of the Citizen Awareness and Opinion Survey, introduction of SMM, outcomes of SMM – Vision for Iowa Phase I and updates throughout SMM – Vision for Iowa Phase II activities.

Bidder Name	Foth Infrastructure & Environment, LLC
Location	Johnston, Iowa
Score	82
Rank	1
Bid Amount	\$139,700

Contract History: This is a new contract, no contract history for this project.

Tom Anderson, Executive Officer II, Land Quality Bureau
 Environmental Services Division
 February 18, 2020

Description of Statement of Work. The Department of Natural Resources (DNR) is seeking a qualified Service Provider to assist the Financial and Business Assistance Section develop and implement an on-going, multi-faceted Communications Plan designed to increase citizen awareness of solid waste management systems, solid waste management issues and landfill diversion. The Communications Plan will identify and encourage positive environmental behaviors (e.g. reduce, reuse, recycle) and environmental impacts of purchasing decisions. The Communications Plan will introduce the concept of sustainable materials management for priority setting and policy as it relates to solid waste management and activities of DNR hosted stakeholder work groups, planning a transition from current end-of-life focused solid waste management to a sustainable materials management policy which considers environmental impacts of materials and products from raw material extraction through manufacturing, distribution, use and disposal. Messages developed under this RFP will be delivered in a manner that best reaches the intended audience utilizing digital and traditional media.

Statement of Work. Contractor shall perform the following Tasks by the Task Milestone Dates set out in the following table:

Deliverables	Task Milestone Date
<p>Task 1: Kick-off Meeting Description: Meet with DNR staff to discuss data resulting from the citizen solid waste awareness and opinion survey, the completed SMM visioning phase and Phase II of the Sustainable Materials Management-Vision for Iowa initiative.</p>	No later than March 2020
<p>Task 2: Communications Plan Development Description: Develop a multi-year Communications Plan framework with DNR input. The Communications Plan must:</p> <ul style="list-style-type: none"> • include a diverse range of strategies, tactics, delivery platforms and measurement metrics; • account for messages to be developed and delivered in the near term (citizen awareness and behavior) and messages to be developed as DNR and stakeholder sustainable materials management planning continues over the coming years; • account for differing target audiences based on message content and desired outcome; and • account for reaching the intended audience in the most effective and cost efficient manner. 	No later than June 2020

<p>Task 3: Message Development, Delivery and Analytics Methodology</p> <p>Description: Based on the Communication Plan and DNR input, develop messages related to, but not limited to:</p> <p>General Awareness and Behavior</p> <ul style="list-style-type: none"> • available reuse, recycling and other landfill diversion programs; • increased and improved participation in landfill diversion programs; • next steps for solid waste and recycling once collected at the curb/drop-off; and • environmental impacts of solid waste disposal, reduction, reuse, recycling, purchasing decisions, etc. <p>Sustainable Materials Management</p> <ul style="list-style-type: none"> • introduction to the concept of sustainable materials management; • differences between integrated solid waste management and sustainable materials management; • awareness of sustainable materials management as an alternative for setting solid waste policy and priorities; • outcomes of Phase I of the Sustainable Materials Management – Vision for Iowa (visioning phase); and • updates of Phase II of the Sustainable Materials Management – Vision for Iowa (development phase). <p>Messages must be developed for the delivery platform deemed the most beneficial in reaching the intended audience, including the DNR’s website and social media outlets.</p> <p>Messages must be developed and delivered in a positive manner, incorporating environmental, economic and social responsibility as appropriate.</p> <p>Messages developed shall be provided to the DNR in advance of targeted message placement and ensure DNR has adequate time for review and comment prior to message delivery milestones.</p> <p>Analytic measures of message placements must be incorporated into the Communications Plan and reported on a regular basis and in the final report.</p>	Ongoing
<p>Task 4: Final Report</p> <p>Description: A final report summarizing all aspects of the project shall be provided. The final report shall contain source files for all messages developed and delivered and provide message analytics. The final report shall provide recommendations for communications needs as Phase II of the Sustainable Materials Management – Vision for Iowa continues to move through the development process.</p>	February 28, 2022