

# Agenda

## Environmental Protection Commission

Tuesday, February 21, 2023

Teleconference: 631-618-4607 PIN: 484 733 354#

Video Conference: <https://meet.google.com/rzo-uidn-tvg>

502 East 9<sup>th</sup> Street, Des Moines, Iowa 50319

DNR 2 North Conf Room

**Tuesday, February 21, 2023**

**10:00 AM – EPC Business Meeting**

If you are unable to attend the business meeting, comments may be submitted for public record to Alicia Plathe at [Alicia.Plathe@dnr.iowa.gov](mailto:Alicia.Plathe@dnr.iowa.gov) or 502 East 9th St, Des Moines IA 50319 up to 24 hours prior to the business meeting.

- |    |  |                             |
|----|--|-----------------------------|
| 1  | Approval of Agenda   |                             |
| 2  | Approval of the Minutes (Packet Page 3)  |                             |
| 3  | Monthly Reports (Packet Page 8)  | Ed Tormey<br>(Information)  |
| 4  | Director's Remarks   | Kayla Lyon<br>(Information) |
| 5  | Adopted and Filed-Cleanup of Solid Waste Chapters-567 IAC Chapters 100, 102, 104, 120 and 567 IAC Chapters 114.29 and 115.29 (Packet Page 13)                                    | Mike Sullivan<br>(Decision) |
| 6  | Contract Amendment with Iowa State University-Collection, Analysis, and Evaluation of Water Quantity and Water Quality Data (Packet Page 49)                                     | Jason Palmer<br>(Decision)  |
| 7  | Contract Amendment with The University of Iowa-PFAS Sampling Analysis (Packet Page 53)   | Corey McCoid<br>(Decision)  |
| 8  | Contract with The City of Coralville-Coralville Green Infrastructure Equality Project (Packet Page 54)   | Steve Konrady<br>(Decision) |
| 9  | Contract Amendment with Iowa Association of Municipal Utilities (IAMU)-Lead Service Line (LSL) Inventory and LSL Replacement Plan Development (Packet Page 56)                   | Laurie Sharp<br>(Decision)  |
| 10 | General Discussion <ul style="list-style-type: none"><li>• Executive Order 10 Overview</li></ul>   |                             |
| 11 | Items for Next Month's Meeting <ul style="list-style-type: none"><li>• Wednesday, March 22, 2023, Wallace Building</li><li>• Tuesday, April 18, 2023, Wallace Building</li></ul> |                             |

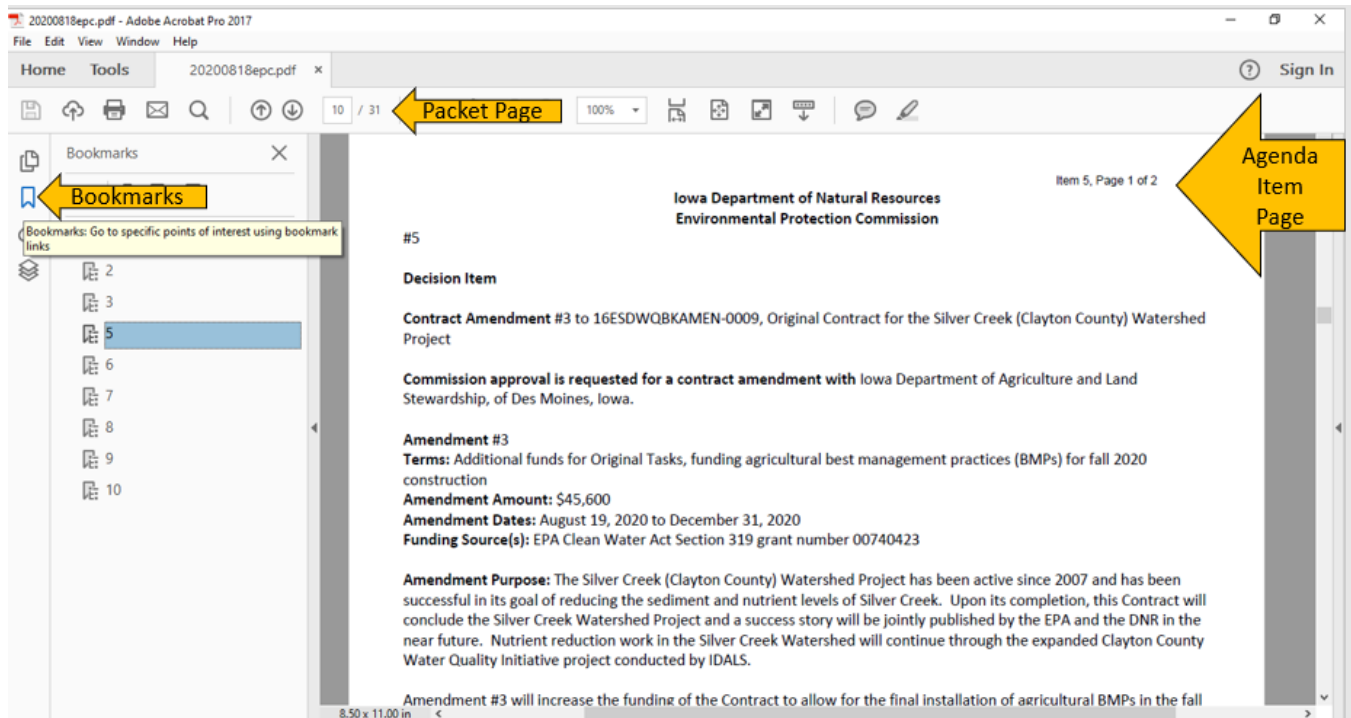
For details on the EPC meeting schedule, visit <http://www.iowadnr.gov/About-DNR/Boards-Commissions>

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

*Any person with special requirements such as those related to mobility or hearing impairments who wishes to participate in the public meeting should promptly contact the DNR or ADA Coordinator at 515-725-8200, Relay Iowa TTY Service 800-735-7942, or [Webmaster@dnr.iowa.gov](mailto:Webmaster@dnr.iowa.gov) to advise of specific needs.*

Utilize bookmarks to transition between agenda items or progress forwards and backwards in the packet page by page with the Packet Page number on the agenda.

The upper right-hand corner will indicate the Agenda Item Number and the page of the agenda item.



**MINUTES OF THE  
ENVIRONMENTAL PROTECTION COMMISSION  
MEETING**

**January 17, 2023**

**Video Teleconference  
and  
Wallace State Office Building**

**Approved by the Commission **TBD****

RECORD COPY
File Name <u>Admin 01-05</u>
Sender's Initials <u>ap</u>

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### Meeting Minutes

#### CALL TO ORDER

The meeting of the Environmental Protection Commission (Commission or EPC) was called to order by Chairperson Harold Hommes at 10:00am on January 17, 2023 via a combination of in-person and video/teleconference attendees.

#### COMMISSIONERS PRESENT

- Rebecca Dostal
- Stephanie Dykshorn
- Mark Stutsman-virtual
- Ralph Lents
- Amy Echard
- Lisa Gochenour-virtual
- Harold Hommes
- Patricia Foley

#### COMMISSIONERS ABSENT

- Brad Bleam

#### APPROVAL OF AGENDA

*Motion was made by Ralph Lents to approve the agenda as presented. Seconded by Amy Echard.*

*The Chairperson asked for the Commissioners to approve the agenda by saying aye. There were no nay votes.*

**AGENDA APPROVED AS PRESENTED**

#### APPROVAL OF MINUTES

*Motion was made by Rebecca Dostal to approve the December 13, 2022 EPC minutes as presented. Seconded by Patricia Foley.*

*Rebecca Dostal-aye, Stephanie Dykshorn-aye, Mark Stutsman-aye, Patricia Foley-aye, Brad Bleam-absent, Lisa Gochenour-aye, Amy Echard-aye, Ralph Lents-aye, Harold Hommes-aye. Motion passes.*

**APPROVED AS PRESENTED**

#### MONTHLY REPORTS

- Tamara McIntosh provided an update regarding the actions taken by the Iowa DNR and the Iowa Attorney General’s office in response to a December 8th fire and explosion at C6Zero, a used asphalt shingle processing facility in Marengo, Iowa. She explained that an emergency order was issued by the Department to the facility requesting full remediation of the hazardous conditions on site. Due to noncompliance with the order, the Department made a referral to the Attorney General’s office. The Attorney General filed a lawsuit in Iowa County on January 11<sup>th</sup>.
- Chairperson Hommes asked for an update on the animal feeding operation rules that were submitted for preclearance to the Governor’s office in December. Tamara McIntosh responded that the timeline for the rulemaking process is unknown due to the announcement of Executive Order Number 10, which puts a moratorium on administrative rulemaking, and institutes a comprehensive review of all current administrative rules.

**INFORMATION**

#### DIRECTOR’S REMARKS

- Director Lyon reported that the 2023 Legislative Session has begun and that the Department does not have any proposals for this year. Director Lyon referred to the Governor’s condition of the state speech and relayed that the DNR is not impacted by the government realignment announcement at this time.
- Commissioner Echard requested updates on referrals made to the Attorney General’s office. Tamara McIntosh referenced the quarterly enforcement report provided in the January EPC packet and mentioned the possibility of future status reports, by request, on specific cases of interest.

**ADOPTED AND FILED-AIR QUALITY RULES UPDATE-CHAPTERS 20, 22, 23, 25 AND 28**

Jessica Reese McIntyre requested Commission approval of the Adopted and Filed rulemaking to amend Chapter 20, 22, 23, 25 and 28 of the Iowa Administrative Code. The rulemaking adopts several new and revised federal air quality standards.

**Public Comments – None**

**Written Comments – None**

*Motion was made by Stephanie Dykshorn to approve the item as presented. Seconded by Amy Echard.*

*Rebecca Dostal-aye, Stephanie Dykshorn-aye, Mark Stutsman-aye, Patricia Foley-aye, Brad Bleam-absent, Lisa Gochenour-aye, Amy Echard-aye, Ralph Lents-aye, Harold Hommes-aye. Motion passes.*

**APPROVED AS PRESENTED**

**CONTRACT WITH IOWA DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP (IDALS)-NORTH RACCOON RIVER WATERSHED 2022**

Kyle Ament requested Commission approval for a contract with IDALS to provide funding and support for a new water quality project in the North Raccoon River Watershed. Mr. Ament responded to questions regarding the nitrate reduction goal and E. Coli impairment. He also discussed the length of time it will take to see incremental improvements in the river’s water quality from this project.

**Public Comments – None**

**Written Comments – None**

**APPROVED AS PRESENTED**

*Motion was made by Ralph Lents to approve the item as presented. Seconded by Rebecca Dostal.*

*Rebecca Dostal-aye, Stephanie Dykshorn-aye, Mark Stutsman-aye, Patricia Foley-aye, Brad Bleam-absent, Lisa Gochenour-aye, Amy Echard-aye, Ralph Lents-aye, Harold Hommes-aye. Motion passes.*

**CONTRACT WITH IOWA DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP (IDALS)-PROTECT DRY RUN CREEK WATERSHED IMPROVEMENT PROJECT**

Miranda Haes requested Commission approval for a contract with IDALS to provide funding and support for the ongoing Dry Run Creek Watershed Project. The contract will carry out the goals of the Dry Run Creek Watershed Management Plan. Steve Hopkins responded to commissioners' questions on the projected length of the project, stating that the goal is to continue to fund projects until biological standards in the watershed are met and it is able to be removed from the impaired waters list.

**Public Comments – None**

**Written Comments – None**

*Motion was made by Stephanie Dykshorn to approve the item as presented. Seconded by Patricia Foley.*

*Rebecca Dostal-aye, Stephanie Dykshorn-aye, Mark Stutsman-aye, Patricia Foley-aye, Brad Bleam-absent, Lisa Gochenour-aye, Amy Echard-aye, Ralph Lents-aye, Harold Hommes-aye. Motion passes.*

**APPROVED AS PRESENTED**

**CONTRACT WITH IOWA DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP (IDALS)-BIG HOLLOW LAKE PROJECT**

Miranda Haes requested Commission approval for a contract with IDALS to provide funding and support for the Big Hollow Lake Project.

**Public Comments – None**

**Written Comments – None**

*Motion was made by Ralph Lents to approve the item as presented. Seconded by Stephanie Dykshorn.*

*Rebecca Dostal-aye, Stephanie Dykshorn-aye, Mark Stutsman-aye, Patricia Foley-aye, Brad Bleam-absent, Lisa Gochenour-aye, Amy Echard-aye, Ralph Lents-aye, Harold Hommes-aye. Motion passes.*

**APPROVED AS PRESENTED**

**NOTICE OF INTENDED ACTION-567 IAC CHAPTER 135-TECHNICAL STANDARDS AND CORRECTIVE ACTION REQUIREMENTS FOR OWNERS AND OPERATORS OF UNDERGROUND STORAGE TANKS**

Keith Wilken requested Commission approval to amend 567 Iowa Administrative Code 135 to align the rules with the 2022 Iowa Acts, House File 2128. Mr. Wilken affirmed that the DNR is still open to receiving public comments regarding the rulemaking and that a public hearing is scheduled for February 28, 2023. Mr. Wilken provided a brief overview of the two comments received to date.

**Public Comments – None**

**Written Comments – None**

*Motion was made by Rebecca Dostal to approve the item as presented. Seconded by Ralph Lents.*

*Rebecca Dostal-aye, Stephanie Dykshorn-aye, Mark Stutsman-aye, Patricia Foley-aye, Brad Bleam-absent, Lisa Gochenour-aye, Amy Echard-aye, Ralph Lents-aye, Harold Hommes-aye. Motion passes.*

**APPROVED AS PRESENTED**

**GENERAL DISCUSSION**

- Tamara McIntosh presented potential updates to Chapter 1 rules, which outline the operation of the Environmental Protection Commission. She responded to questions regarding the marked changes.
- Alicia Plathe announced the meeting dates for February 2023 and March 2023 as well as a quick overview of the 2023 EPC calendar.

**ADJOURN**

*The Chairperson adjourned the Environmental Protection Commission meeting at 10:58am on January 17, 2023.*

**ADJOURNED**

Monthly Waiver Report							
January 2023							
JAN	DNR Reviewer	Facility/City	Program	Subject	Decision	Date	Agency
1	Lucas Tenborg	SSAB Iowa, Inc	AQ	SSAB would like to conduct a limited trial to test for CO2 emission reduction using an alternative fuel.	Approved	12/13/22	23aqw001
2	Danjin Zulic	Norwalk Ready Mixed Concrete - DeSoto	Air Quality Construction Permits	Waiver of Initial Stack Test Requirement.	Approved	12/13/22	23aqw002
3	Danjin Zulic	Norwalk Ready Mixed Concrete - Norwalk	Air Quality Construction Permits	Waiver of Initial Stack Test Requirement.	Approved	12/13/22	23aqw003
4	Nate Tatar	Vigen Memorial Home	Air Quality Construction Permits	Waiver of Initial Stack Test Requirement.	Approved	12/14/22	23aqw004
5	Danjin Zulic	Vinton Municipal Electric Utility	Air Quality Construction Permits	Waiver of Initial Stack Test Requirement.	Approved	12/14/22	23aqw005
6	Julie Duke	Tyson Fresh Meats	AQ	Request to operate temp boiler while existing is repaired	Approved	11/28/22	23aqw006
7	Nate Tatar	Croell Redi-Mix, Inc.	Air Quality Construction Permits	Waiver of Initial Stack Test Requirement.	Approved	12/20/22	23aqw007
8	John Curtin	Riley Industrial Painting	Air Quality Construction Permits	Waiver of Initial Stack Test Requirement. Request to operate fermentation process while only controlling emissions with CO2 scrubber S41 without stack testing for 24 hours to clean S40 CO2 scrubber.	Approved	12/21/22	23aqw008
9	Mark Fields	Homeland Energy Solutions	AQ	Request to extend the stack test due date on the Barge load out due to being unable to reach maximum capacity and river will be frozen.	Approved	12/19/22	23aqw009
10	Mark Fields	Continental Cement Company	AQ	The existing center span of more than 100 year old former railroad bridge is not being replaced, and is below the Q50 elevation. The proposed eastern span replacement work will all be elevated more than 3' above the Q50 elevation.	Approved	12/16/22	23aqw010
11	Chad Billings	Dallas Co Trail Bridge at Mosquito Creek	FP	Chapter 567 109.10(2) prohibits the landfilling of Class I or II sewage sludge and Scott Area Landfill requests that material may be disposed in the landfill. The Scott County POTW's are looking to have the Scott Area Landfill be a back-up.	Approved	12/21/22	23fpw011
12	Michael W. Smith	Scott Area Sanitary Landfill	SD	Variance from Iowa Wastewater Facilities Design Standards Section 18C.7.4.4 - pond influent lines must be located below the average elevation of the pond seal. The City is proposing lines above the pond seal.	Approved	12/22/22	23sdw012
13	Larry Bryant	City of Oakland STP	CP (Wastewater)	Variance from Iowa Wastewater Facilities Design Standards Section 18C.7.4.5 - pond influent lines shall terminate at approximately the center of the cell. The City is proposing lines that terminate near the toe of the inner berm.	Approved	12/16/22	23cpw013
14	Larry Bryant	City of Oakland STP	CP (Wastewater)	Variance from Iowa Wastewater Facilities Design Standards Section 18C.7.4.6 - pond influent lines shall discharge horizontally into a saucer shaped depression with a radius of at least 50 feet. The City is proposing to omit the depression.	Approved	12/16/22	23cpw014
15	Larry Bryant	City of Oakland STP	CP (Wastewater)	Waiver of Initial Stack Test Requirement.	Approved	12/29/22	23aqw016
16	Nate Tatar	ICE Manufacturing, Inc.	Air Quality Construction Permits	Waiver of Initial Stack Test Requirement.	Approved	12/29/22	23aqw016
17	John Curtin	NSK Corporation	Air Quality Construction Permits	Waiver of Initial Stack Test Requirement for equipment used to make ball bearings.	Approved	1/10/23	23aqw017
18	Lucas Tenborg	Northern Natural Gas Company	AQ	NNG will be bringing on site a temporary generator to provide emergency electricity if needed, to allow for continued operation while auxiliary generator (EU-12) is repaired.	Approved	1/4/23	23aqw018
19	Julie Duke	Valent Biosciences	AQ	Request to install and operate two 2937HP generators, one 550 gallon diesel tank, and one 1000 gallon diesel tank	Approved	12/16/22	23aqw019
20	Mark Fields	POET Biorefining Arthur LLC	AQ	Facility has requested a stack test extension of the wintertime scrubber rates due to source not operating at maximum capacity. The plant is running at reduced rates due to poor ethanol market.	Approved	1/9/23	23aqw020
21	Mark Fields	POET Biorefining Menlo LLC	AQ	Facility has requested a stack test extension of the wintertime scrubber rates due to source not operating at maximum capacity. The plant is running at reduced rates due to poor ethanol market.	Approved	1/5/23	23aqw021
22	Chris Roling	Amsted Rail Company, Inc.	Air Quality Construction Permits	Waiver of Initial Stack Test Requirement.	Approved	1/9/23	23aqw022
23	John Curtin	Cargill - West Branch	Air Quality Construction Permits	Waiver of Initial Stack Test Requirement for equipment used to make prepared feed for animals	Approved	1/11/23	23aqw023
24	John Curtin	Warren County	Air Quality Construction Permits	Waiver of Initial Stack Test Requirement for two emergency engines located at County office buildings in Indianola.	Approved	1/17/23	23aqw024
25	Casey Laskowski	Doug Bryan	Sovereign Lands Construction Permitting	The petitioner is requesting a variance to allow for a bank stabilization project using Class C riprap in place of the stated code requirement of Class D riprap along the Turkey River.	Approved	12/29/22	23fpw025
26	Karen Kuhn	Edgewood Locker	Air Quality Construction Permits	Waiver of Initial Stack Test Requirement.	Approved	1/19/23	23aqw026
27	Nate Tatar	Clow Valve Company - Machine Shop	Air Quality Construction Permits	Waiver of Initial Stack Test Requirement.	Approved	1/19/23	23aqw027
28	Nate Tatar	City of Perry - Wastewater Treatment Plant	Air Quality Construction Permits	Waiver of Initial Stack Test Requirement.	Approved	1/23/23	23aqw028
29							



**Iowa Department of Natural Resources  
Environmental Services Division  
Fourth Quarter 2022 Report of Wastewater By-passes**

During the period October 1, 2022 through December 31, 2022, 45 reports of wastewater by-passes were received by the department. 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 bypasses resulting in basement backups.

<b>Quarter</b>	<b>Total</b>	<b>Avg. Length (days)</b>	<b>Avg. Volume (MGD)</b>	<b>Sampling Required</b>	<b>Fish Kill</b>
1 <sup>ST</sup> Quarter '22	37 (36)	0.353	0.359	3	0(0)
2 <sup>ND</sup> Quarter '22	35 (40)	1.380	0.011	3	0(0)
3 <sup>RD</sup> Quarter '22	34 (32)	0.250	0.016	1	0(0)
4 <sup>TH</sup> Quarter '22	45 (25)	0.972	0.095	1	0(0)

(numbers in parentheses are for same period last year)

Total Number of Incidents per Field Office This Quarter:

<b>Field Office</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>
<b>Reports</b>	5	2	4	4	11	19



Iowa Department of Natural Resources  
 Environmental Services Division  
 Fourth Quarter 2022 Report of Manure Releases

During the period October 1, 2022, through December 31, 2022, 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	2022	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Feb	2022	1	1	1	0	0	0	1	1	0	0	0	0	0	1	1	0	0	0	0	0
Mar	2022	1	0	0	0	0	0	1	0	0	0	0	0	0	0	1	0	0	0	0	0
Apr	2022	3	4	1	2	0	1	2	2	0	1	1	0	3	1	0	3	0	0	0	0
May	2022	1	0	0	0	0	0	1	0	0	0	0	0	1	0	0	0	0	0	0	0
Jun	2022	1	0	1	0	1	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0
Jul	2022	0	1	0	0	0	0	0	1	0	0	0	0	0	1	0	0	0	0	0	0
Aug	2022	3	1	1	1	0	0	1	1	1	0	1	0	3	1	0	0	0	0	0	0
Sep	2022	3	0	1	0	0	0	0	0	1	0	2	0	2	0	1	0	0	0	0	0
Oct	2022	8	2	1	0	0	0	2	0	1	1	5	1	7	2	1	0	0	0	0	0
Nov	2022	3	4	0	1	0	0	1	2	0	1	2	1	3	3	0	0	0	1	0	0
Dec	2022	2	3	0	0	0	0	1	1	0	0	1	2	2	3	0	0	0	0	0	0
<b>Total</b>		<b>26</b>	<b>16</b>	<b>6</b>	<b>4</b>	<b>1</b>	<b>1</b>	<b>10</b>	<b>8</b>	<b>3</b>	<b>3</b>	<b>12</b>	<b>4</b>	<b>21</b>	<b>12</b>	<b>5</b>	<b>3</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>

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	Current	Previous	Current	Previous	Current	Previous	Current	Previous	Current	Previous
<b>Total</b>	1	0	3	0	5	3	0	1	3	2	1	3



Iowa Department of Natural Resources  
Environmental Services Division

Fourth Quarter 2022 Report of Hazardous Conditions

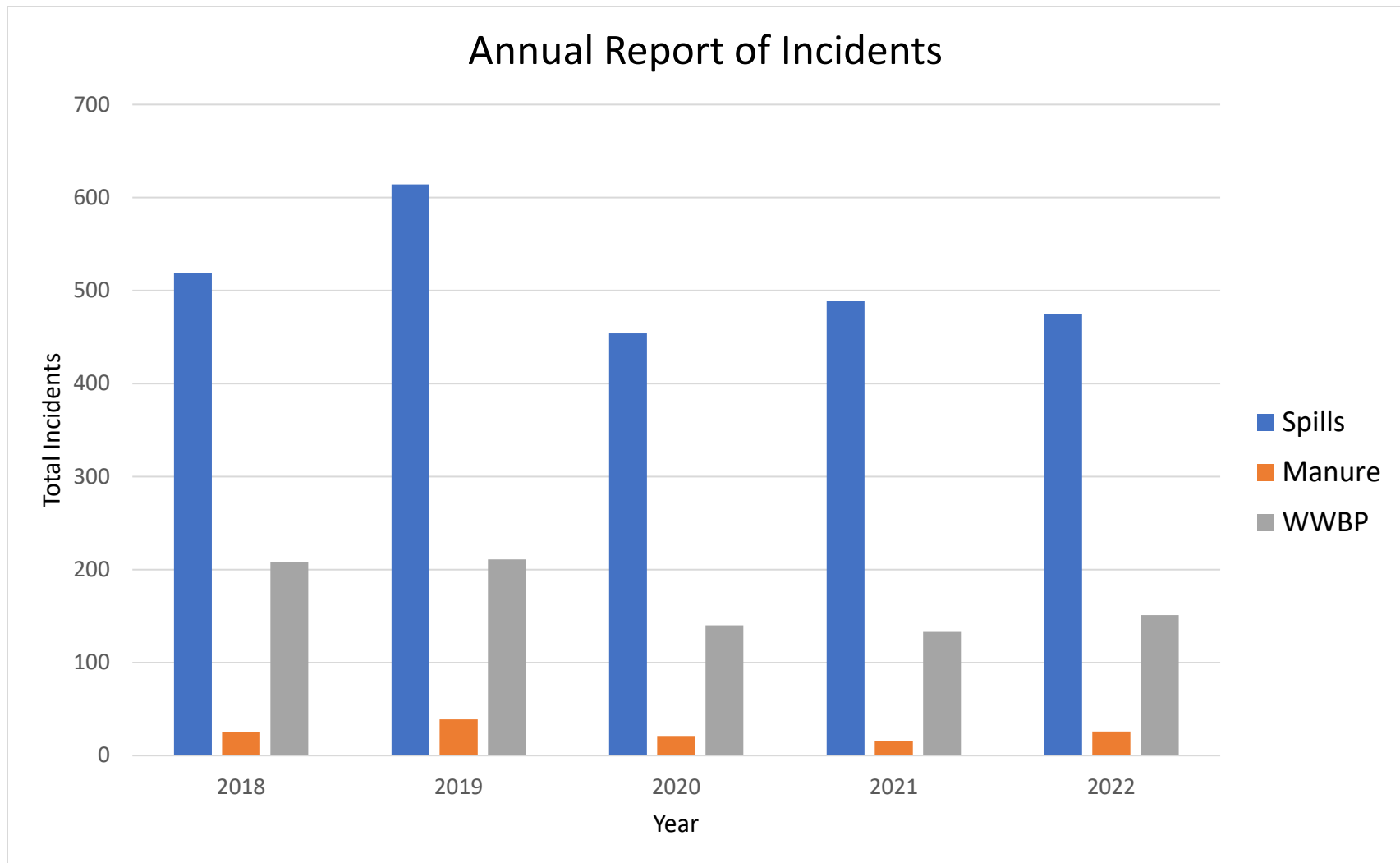
During the period October 1, 2022, through December 31, 2022, 95 reports of hazardous conditions were forwarded to the central office. A general summary and count by field office is presented below. This does not include releases from underground storage tanks, which are reported separately.

		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	2022	33	32	2	1	18	19	14	14	10	11	19	12	0	0	0	0	0	0	1	2	3	7
Feb	2022	35	28	2	0	22	18	13	10	11	9	14	16	0	0	0	1	0	0	4	1	6	1
Mar	2022	35	28	1	1	27	22	7	7	9	11	19	13	0	1	0	0	0	0	6	1	1	2
Apr	2022	45	36	8	8	31	19	12	12	15	13	19	15	0	0	4	1	0	0	4	2	3	5
May	2022	46	51	15	4	26	33	15	18	15	23	21	17	1	0	1	4	1	0	3	2	4	5
Jun	2022	54	42	8	6	30	24	26	19	22	19	17	16	0	0	3	3	1	0	5	2	6	2
Jul	2022	46	68	3	17	28	33	18	23	13	17	23	28	0	1	0	0	1	2	2	5	7	15
Aug	2022	48	48	1	3	22	29	25	20	13	6	16	27	1	1	0	2	0	0	4	4	14	8
Sep	2022	38	33	2	0	26	23	14	13	14	11	19	10	0	0	2	2	0	1	1	4	2	5
Oct	2022	39	31	4	0	23	20	13	14	18	14	13	13	0	1	1	0	0	0	3	3	4	0
Nov	2022	26	37	2	4	19	21	8	14	7	15	17	15	0	1	1	0	0	0	0	3	1	3
Dec	2022	30	55	1	4	21	44	10	9	10	11	14	33	1	1	2	1	0	0	1	5	2	4
<b>Total</b>		<b>475</b>	<b>489</b>	<b>49</b>	<b>48</b>	<b>293</b>	<b>305</b>	<b>175</b>	<b>173</b>	<b>157</b>	<b>160</b>	<b>211</b>	<b>215</b>	<b>3</b>	<b>6</b>	<b>14</b>	<b>14</b>	<b>3</b>	<b>3</b>	<b>34</b>	<b>34</b>	<b>53</b>	<b>57</b>

\*Other includes dumping, theft, vandalism and unknown

\*\* CR-ERNS incidents are ongoing releases as defined by Federal regulations. These reports are included in "Total Incidents" and "Substance" counts but not in "Mode" counts.

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	Current	Year Ago	Current	Year Ago	Current	Year Ago	Current	Year Ago	Current	Year Ago
<b>Total</b>	11	18	10	20	10	10	16	26	28	25	20	24



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

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ITEM	#5	DECISION
TOPIC	<b>Adopted and Filed - 567 IAC chapters 100, 102, 104, 120 and 567 IAC 114.29 and 567 IAC 115.29 - Cleanup of Solid Waste Chapters</b>	

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The Commission is requested to approve this Adopted and Filed rulemaking to reduce and consolidate administrative rules related to solid waste.

A public hearing was held on January 3, 2023 via conference call. No one attended the hearing. No public comments were received. No changes from the notice have been made

Chapters 100, 102, 104, 114, 115 and 120 regulate solid waste. This proposed rulemaking will reduce and consolidate these regulations. Specifically, the proposed rulemaking rescinds redundant or outdated rules, consistent with Iowa Code section 17A.7(2)'s five-year rule review directive. All Code-based definitions are being stricken and a reference to the statute has been inserted. The proposed amendments consolidate rules scattered across three chapters into one chapter. Chapter 104 in its entirety is being rescinded, although the requirements for solid waste incinerator operator certification are being moved to chapter 102. Chapter 120 will be simplified by having only one type of permit for the remediation of petroleum contaminated soil. These changes will result in a reduction of over 4,000 words from the administrative code.

No new policy proposals are included in this rulemaking.

Timeline for rulemaking

- The Notice of Intended Action was approved by the Commission on November 15, 2022.
- A public hearing was held via conference call on January 3, 2023
- No public comments were received.
- The Adopted and Filed rule will come to the Commission for approval on February 21, 2022
- Anticipated effective date April 26, 2023

Mike Sullivan, Section Supervisor  
Solid Waste and Contaminated Sites Section, Land Quality Bureau  
Environmental Services Division

January 30, 2023

**Attachments** – Adopted and Filed

**ENVIRONMENTAL PROTECTION COMMISSION[567]****Adopted and Filed**

The Environmental Protection Commission (Commission) hereby amends Chapter 100, “Scope of Title—Definitions—Forms—Rules of Practice,” and Chapter 102, “Permits”; rescinds Chapter 104, “Sanitary Disposal Projects with Processing Facilities”; and amends Chapter 114, “Sanitary Landfills: Construction and Demolition Wastes,” Chapter 115, “Sanitary Landfills: Industrial Monofills,” and Chapter 120, “Landfarming of Petroleum Contaminated Soil,” Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is adopted under the authority provided in Iowa Code sections 455B.304, 455B.383 and 455D.7(1).

*State or Federal Law Implemented*

This rule making implements, in whole or in part, 455B.301A, 455B.304, 455B.307 and 455B.383 and Chapter 455D.

*Purpose and Summary*

Chapters 100, 102, 104, 114, 115 and 120 regulate solid waste. This rule making reduces and consolidates these regulations. Specifically, the rule making rescinds redundant or outdated rules, consistent with Iowa Code section 17A.7(2)’s five-year rule review directive. It also consolidates rules scattered across three chapters into one chapter. Chapter 104 in its entirety is rescinded, and the requirements for solid waste incinerator operator certification are moved to Chapter 102. This strategic streamlining will make all of the regulations more intuitive and easier to read and understand.

No new policy proposals are included in this rule making.

*Public Comment and Changes to Rule Making*

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on December 14, 2022, as **ARC 6755C**.

A public hearing was held on January 3, 2023, at 1:30pm via conference call. No one attended the hearing.

No public comments were received.

The amendments are identical to those filed under notice.

*Adoption of Rule Making*

This rule making was adopted by the Commission on February 21, 2023.

*Fiscal Impact*

This rule making has no fiscal impact to the state of Iowa. A copy of the fiscal impact statement is available from the Department of Natural Resources (Department) upon request.

*Jobs Impact*

After analysis and review of this rule making, no impact on jobs has been found. 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.

*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).

*Effective Date*

This rule making will become effective on April 26, 2023.

The following rule-making action is adopted:

ITEM 1. Amend **567—Chapter 100**, title, as follows:

SCOPE OF TITLE—DEFINITIONS—~~FORMS~~—RULES OF PRACTICE

ITEM 2. Amend rule 567—100.1(455B,455D) as follows:

**567—100.1(455B,455D) Scope of title.** The department has jurisdiction over the management, dumping, depositing, and disposal of solid waste by establishing standards for sanitary disposal projects and by regulating solid waste through a system of general rules and specific permits. The construction and operation of any sanitary disposal project requires a specific permit from the department.

This chapter provides general definitions applicable to ~~this title and rules of practice, including forms, applicable to the public in the department's administration of the subject matter of this title~~ Title VIII (solid waste management and disposal) of the commission's rules and general conditions of solid waste disposal.

~~Chapter 101 contains the general requirements relating to solid waste management and disposal. Chapter 102 pertains to the permits which must be obtained in order to construct and operate a sanitary disposal project. Chapter 103 details the requirements for all sanitary landfills~~



~~accepting only coal combustion residue. Chapter 104 details the requirements for sanitary disposal projects with processing facilities. Chapter 105 sets forth the requirements for the planning and operation of all composting facilities. Chapter 106 pertains to design and operating requirements for recycling operations. Chapter 107 sets forth the rules pertaining to beverage container deposits and approval of redemption centers. Chapter 108 pertains to the reuse of solid waste. Chapter 109 contains the procedure for the assessment and collection of fees for the disposal of solid waste at sanitary landfills. Chapter 110 contains design, construction, and operation standards for solid waste management facilities. Chapter 112 details the requirements for all sanitary landfills accepting only biosolids. Chapter 113 details the requirements for all sanitary landfills accepting municipal solid waste. Chapter 114 details the requirements for all sanitary landfills accepting only construction and demolition wastes. Chapter 115 details the requirements for all sanitary landfills that are industrial waste monofills. Chapter 117 details the requirements for outdoor storage and processing of waste tires. Chapter 118 governs removal and disposal of PCBs from white goods. Chapter 119 provides requirements for collection and disposal of waste oil. Title VIII, Chapters 120 and 121, govern land application of sludge and other solid waste.~~

This rule is intended to implement Iowa Code section 455B.304 and chapter 455D.

ITEM 3. Amend rule ~~567—100.2(455B,455D)~~, definition of “Solid waste,” as follows:

“*Solid waste*” has the same meaning as found in Iowa Code section 455B.301. Pursuant to Iowa Code section ~~455B.301(23)“b,”~~ 455B.301(29)“b,” the commission has determined that solid waste includes those wastes exempted from federal hazardous waste regulation pursuant to 40 CFR 261.4(b) as amended through November 16, 2016, except to the extent that any such exempted substances are liquid wastes or wastewater. This definition applies to all chapters within Title VIII. To the extent that there is a conflict, this definition controls.

ITEM 4. Rescind the definitions of “Leachate,” “Private agency,” “Rubble” and “Sanitary landfill” in rule **567—100.2(455B,455D)**.

ITEM 5. Adopt the following **new** definitions of “Incorporation,” “Landfarm,” “Landfarm applicator,” “Landfarming,” “Landfarm plot,” “Landfarm season,” “Nonstandard PCS,” “Petroleum contaminated soil,” “Source of PCS,” “Standard PCS,” “Tar ball” and “Type of PCS” in rule **567—100.2(455B,455D)**:

“*Incorporation*” means to mix into the soil by tilling, disking, or other suitable means, thereby creating a loose and divided soil texture.

“*Landfarm*” means the area of land used to landfarm a single application of a particular source and type of PCS. Landfarms are created when a permitted landfarm applicator, or party under the applicator’s supervision, applies PCS to the land. No other PCS may be applied within 15 feet of the area of land used as a landfarm until the landfarm is closed pursuant to rule 567—120.12(455B).

“*Landfarm applicator*” means an entity permitted by the department to apply PCS to the land to create one or more landfarms.

“*Landfarming*” means a surface-level soil remediation technology for petroleum contaminated soils that reduces concentrations of petroleum constituents through biodegradation to a level safe for human health and the environment. This technology usually involves spreading excavated contaminated soils in a thin layer on the ground surface and stimulating aerobic microbial activity within the soils through aeration. The enhanced microbial activity results in degradation of adsorbed petroleum product constituents through microbial respiration. Some petroleum product constituents volatilize during the landfarming process.

“*Landfarm plot*” means the specific operating area of a landfarm upon which a particular

source and type of PCS is applied.

*“Landfarm season”* means the period of the year when the ground is not frozen or snow-covered and runoff from these situations is not expected to transport PCS beyond the landfarm area.

*“Nonstandard PCS”* means soil contaminated with a petroleum product other than gasoline, diesel fuel, kerosene, jet fuel, motor oil, hydraulic fluid, or some combination thereof.

*“Petroleum contaminated soil”* or *“PCS”* means soil contaminated with petroleum products including, but not limited to, gasoline, diesel fuel, kerosene, jet fuel, motor oil, hydraulic fluid, or some combination thereof.

*“Source of PCS”* means the contaminated area from which the PCS originated. Examples of a source include, but are not limited to, a specific gas station or spill location.

*“Standard PCS”* means soil contaminated with gasoline, diesel fuel, kerosene, jet fuel, motor oil, hydraulic fluid, or some combination thereof.

*“Tar ball”* means a ball or conglomeration of tarlike petroleum constituents. Tar balls may form when PCS that contains a high concentration of long-chain or high molecular weight hydrocarbons is landfarmed.

*“Type of PCS”* means the specific petroleum product or combination thereof that contaminated the soil. Examples of type include, but are not limited to, gasoline, diesel fuel, kerosene, jet fuel, motor oil, hydraulic fluid, or some combination thereof.

ITEM 6. Rescind and reserve rule **567—100.3(17A,455B)**.

ITEM 7. Rescind and reserve rule **567—100.5(455B)**.

ITEM 8. Amend **567—Chapter 102**, title, as follows:

PERMITS AND RULES OF PRACTICE

ITEM 9. Amend paragraph **102.2(1)“a”** as follows:

*a.* Applications for renewal to be timely filed must be received at the department’s office at least 90 days before the expiration date of the existing permit ~~For application forms, see 567—100.3(17A,455B)~~ on a form provided by the department.

ITEM 10. Amend subrule 102.3(1) as follows:

**102.3(1)** *Application requirements for permits and renewals.* ~~See 567—100.3(17A,455B)~~  
More information can be found in subrule 102.2(1).

ITEM 11. Adopt the following **new** rule 567—102.15(455B):

**567—102.15(455B) Solid waste incinerator operator certification.** Solid waste incinerator operators shall be trained, tested, and certified by a department-approved certification program.

**102.15(1)** A solid waste incinerator operator shall be on duty during all hours of operation of a solid waste incinerator, consistent with the respective certification.

**102.15(2)** To become a certified operator, an individual shall complete a basic operator training course that has been approved by the department or alternative, equivalent training approved by the department and shall pass a departmental examination as specified by this rule. An operator certified by another state may have reciprocity subject to approval by the department.

**102.15(3)** A solid waste incinerator operator certification is valid from the date of issuance until June 30 of the following even-numbered year.

**102.15(4)** Basic operator training course. The required basic operator training course for a certified solid waste incinerator operator shall have at least 12 contact hours and shall address the following areas, at a minimum:

- a.* Description of types of wastes;
- b.* Incinerator design;

- c.* Interpreting and using engineering plans;
- d.* Incinerator operations;
- e.* Environmental monitoring;
- f.* Applicable laws and regulations;
- g.* Permitting processes;
- h.* Incinerator maintenance; and
- i.* Ash and residue disposal.

**102.15(5)** Alternative basic operator training must be approved by the department. It shall be the applicant's responsibility to submit any documentation the department may require to evaluate the equivalency of alternative training.

**102.15(6)** Fees.

- a.* The examination fee for each examination is \$20.
- b.* The initial certification fee is \$8 for each one-half year of a two-year period from the date of issuance to June 30 of the next even-numbered year.
- c.* The certification renewal fee is \$24.
- d.* The penalty fee is \$12.

**102.15(7)** Examinations.

- a.* The operator certification examinations will be based on the basic operator training course curriculum.
- b.* All persons wishing to take the examination required to become a certified operator of a solid waste incinerator shall complete the Operator Certification Examination Application, Form 542-1354. A listing of dates and locations of examinations is available from the department upon request. The application form requires the applicant to indicate the basic operator training course

taken. Evidence of training course completion must be submitted with the application for certification. The completed application and the application fee shall be sent to the Department of Natural Resources, 502 East 9th Street, Des Moines, Iowa 50319. Application for examination must be received by the department at least 30 days prior to the date of examination.

*c.* A properly completed application for examination shall be valid for one year from the date the application is approved by the department.

*d.* Upon failure of the first examination, the applicant may be reexamined at the next scheduled examination. Upon failure of the second examination, the applicant shall be required to wait a period of 180 days before taking a subsequent examination.

*e.* Upon each reexamination when a valid application is on file, the applicant shall submit to the department the examination fee at least ten days prior to the date of examination.

*f.* Failure to successfully complete the examination within one year from the date of approval of the application shall invalidate the application.

*g.* Completed examinations will be retained by the department for a period of one year, after which they will be destroyed.

*h.* Oral examinations may be given at the discretion of the department.

**102.15(8) Certification.**

*a.* All operators who passed the operator certification examination by July 1, 1991, are exempt from taking the required operator training course. Beginning July 1, 1991, all operators will be required to take the basic operator training course and pass the examination in order to become certified.

*b.* Application for certification must be received by the department within 30 days of the date the applicant receives notification of successful completion of the examination. All applications

for certification shall be made on a form provided by the department and shall be accompanied by the certification fee.

*c.* Applications for certification by examination that are received more than 30 days but less than 60 days after notification of successful completion of the examination shall be accompanied by the certification fee and the penalty fee. Applicants who do not apply for certification within 60 days of notice of successful completion of the examination will not be certified on the basis of that examination.

*d.* For applicants who have been certified under other state mandatory certification programs, the equivalency of which has been previously reviewed and accepted by the department, certification without examination will be recommended.

*e.* For applicants who have been certified under voluntary certification programs in other states, certification will be considered. The applicant must have successfully completed a basic operator training course and an examination generally equivalent to the Iowa examination. The department may require the applicant to successfully complete the Iowa examination.

*f.* Applicants who seek Iowa certification pursuant to paragraph 102.15(8)“*d*” or 102.15(8)“*e*” shall submit an application for examination accompanied by a letter requesting certification pursuant to this subrule. Application for certification pursuant to this subrule shall be received by the department in accordance with paragraphs 102.15(8)“*b*” and “*c*.”

**102.15(9)** All certificates shall expire every two years, on even-numbered years, and must be renewed every two years to maintain certification. The renewal application and fee are due prior to expiration of certification.

*a.* Late application for renewal of a certificate may be made provided that such late application shall be received by the department or postmarked within 30 days of the expiration of the

certificate. Such late application shall be on forms provided by the department and accompanied by the penalty fee and the certification renewal fee.

*b.* If a certificate holder fails to apply for renewal within 30 days following expiration of the certificate, the right to renew the certificate automatically terminates. Certification may be allowed at any time following such termination, provided that the applicant successfully completes an examination. The applicant must then apply for certification in accordance with subrule 102.15(8).

*c.* An operator shall not continue to operate a solid waste incinerator after expiration of a certificate without renewal thereof.

*d.* Continuing education credits must be earned during the two-year certification period. All certified operators must earn ten contact hours per certificate during each two-year period. The two-year period will begin upon certification.

*e.* Only those operators fulfilling the continuing education requirements before the end of each two-year period will be allowed to renew their certificates. The certificates of operators not fulfilling the continuing education requirements shall be void upon expiration, unless an extension is granted.

*f.* All activities for which continuing education credit will be granted must be related to the subject matter of the particular certificate to which the credit is being applied.

*g.* The department may, in individual cases involving hardship or extenuating circumstances, grant an extension of time of up to three months within which the applicant may fulfill the minimum continuing education requirements. Hardship or extenuating circumstances include documented health-related confinement or other circumstances beyond the control of the certified operator that prevent attendance at the required activities. All requests for extensions must be made 60 days prior to expiration of certification.



*h.* The certified operator is responsible for notifying the department of the continuing education credits earned during the period. The continuing education credits earned during the period shall be shown on the application for renewal.

*i.* A certified operator shall be deemed to have complied with the continuing education requirements of this rule during periods that the operator serves honorably on active duty in the military service; or during periods that the operator is a resident of another state or district having a continuing education requirement for operators and meets all the requirements of that state or district for practice there; or during periods that the person is a government employee working as an operator and is assigned to duty outside of the United States; or during other periods of active practice and absence from the state approved by the department.

**102.15(10)** Discipline of certified operators.

*a.* Disciplinary action may be taken on any of the following grounds:

(1) Failure to use reasonable care or judgment or to apply knowledge or ability in performing the duties of a certified operator. Duties of certified operators include compliance with rules and permit conditions applicable to incinerator operation.

(2) Failure to submit required records of operation or other reports required under applicable permits or rules of the department, including failure to submit complete records or reports.

(3) Knowingly making any false statement, representation, or certification on any application, record, report, or document required to be maintained or submitted under any applicable permit or rule of the department.

*b.* Disciplinary sanctions allowable are as follows:

(1) Revocation of a certificate.

(2) Probation under specified conditions relevant to the specific grounds for disciplinary action.

Additional education or training or reexamination may be required as a condition of probation.

*c.* The procedure for discipline is as follows:

(1) The department shall initiate disciplinary action. The commission may direct that the department investigate any alleged factual situation that may be grounds for disciplinary action under paragraph 102.15(10) “*a*” and report the results of the investigation to the commission.

(2) A disciplinary action may be prosecuted by the department.

(3) Written notice shall be given to an operator against whom disciplinary action is being considered. The notice shall state the informal and formal procedures available for determining the matter. The operator shall be given 20 days to present any relevant facts and indicate the operator’s position in the matter and to indicate whether informal resolution of the matter may be reached.

(4) An operator who receives notice shall communicate verbally, in writing, or in person with the department, and efforts shall be made to clarify the respective positions of the operator and department.

(5) The applicant’s failure to communicate facts and positions relevant to the matter by the required date may be considered when appropriate disciplinary action is determined.

(6) If agreement as to appropriate disciplinary sanction, if any, can be reached with the operator and the commission concurs, a written stipulation and settlement between the department and the operator shall be entered into. The stipulation and settlement shall recite the basic facts and violations alleged, any facts brought forth by the operator, and the reasons for the particular sanctions imposed.

(7) If an agreement as to appropriate disciplinary action, if any, cannot be reached, the department may initiate formal hearing procedures. Notice and formal hearing shall be in

accordance with 561—Chapter 7 related to contested and certain other cases pertaining to licensee discipline.

**102.15(11)** Upon revocation of a certificate, application for certification may be allowed after two years from the date of revocation. Any such applicant must successfully complete an examination and be certified in the same manner as a new applicant.

**102.15(12)** A temporary operator of a solid waste incinerator may be designated for a period of six months when an existing certified operator is no longer available to the facility. The facility must make application to the department, explain why a temporary certification is needed, identify the temporary operator, and identify the efforts that will be made to obtain a certified operator. A temporary operator designation shall not be approved for greater than a six-month period except for extenuating circumstances. In any event, not more than one six-month extension to the temporary operator designation may be granted. Approval of a temporary operator designation may be rescinded for cause as set forth in subrule 102.15(10).

This rule is intended to implement Iowa Code section 455B.304(12).

ITEM 12. Adopt the following **new** rule 567—102.16(455B):

**567—102.16(455B) Disruption and excavation of sanitary landfills or closed dumps.** No person shall excavate, disrupt, or remove any deposited material from any active or discontinued sanitary landfill or closed dump without first having notified the department in writing.

**102.16(1)** Notification shall include an operational plan stating the area involved, lines and grades defining limits of excavation, estimated number of cubic yards of material to be excavated, sanitary disposal project where material is to be disposed, and estimated time required for excavation procedures.

**102.16(2)** An excavation shall be confined to an area consistent with the number of pieces of

digging equipment and trucks used for haulage.

**102.16(3)** The disposal of all solid waste resulting from excavation shall be in conformity with Iowa Code chapter 455B and applicable solid or hazardous waste regulations.

This rule is intended to implement Iowa Code section 455B.304.

ITEM 13. Adopt the following new implementation sentence in **567—Chapter 102**:

These rules are intended to implement Iowa Code sections 455B.304 and 455B.305.

ITEM 14. Rescind and reserve **567—Chapter 104**.

ITEM 15. Amend paragraph **114.3(1)“a”** as follows:

*a.* Applications for renewal shall be received at the department office at least 90 days before the expiration date of the existing permit ~~.For application forms, see 567—100.3(17A,455B)~~ on a form provided by the department.

ITEM 16. Amend subrule 114.4(1) as follows:

**114.4(1)** *Application requirements for permits and renewals. See ~~567—100.3(17A,455B)~~*  
More information can be found in 567—subrule 102.2(1).

ITEM 17. Amend rule 567—114.29(455B), introductory paragraph, as follows:

**567—114.29(455B) Operator certification.** Sanitary landfill operators ~~and solid waste incinerator operators~~ shall be trained, tested, and certified by a department-approved certification program.

ITEM 18. Amend subrule 114.29(1) as follows:

**114.29(1)** A sanitary landfill operator ~~or a solid waste incinerator operator~~ shall be on duty during all hours of operation of a sanitary landfill ~~or solid waste incinerator~~, consistent with the respective certification.

ITEM 19. Amend subrules 114.29(3) and 114.29(4) as follows:

**114.29(3)** A sanitary landfill operator certification ~~or solid waste incinerator operator certification~~ is valid until June 30 of the following even-numbered year.

**114.29(4)** Basic operator training course.

~~a.~~ The required basic operator training course for a certified sanitary landfill operator will have at least 25 contact hours and will address the following areas, at a minimum:

- ~~(1)~~ a. Description of types of wastes;
- ~~(2)~~ b. Interpreting and using engineering plans;
- ~~(3)~~ c. Construction surveying techniques;
- ~~(4)~~ d. Waste decomposition processes;
- ~~(5)~~ e. Geology and hydrology;
- ~~(6)~~ f. Landfill design;
- ~~(7)~~ g. Landfill operation;
- ~~(8)~~ h. Environmental monitoring;
- ~~(9)~~ i. Applicable laws and regulations;
- ~~(10)~~ j. Permitting processes;
- ~~(11)~~ k. Leachate control and treatment.

~~b.~~ The required basic operator training course for a certified solid waste incinerator operator will have at least 12 contact hours and will address the following areas, at a minimum:

- ~~(1)~~ Description of types of wastes;
- ~~(2)~~ Incinerator design;
- ~~(3)~~ Interpreting and using engineering plans;
- ~~(4)~~ Incinerator operations;

~~(5) Environmental monitoring;~~

~~(6) Applicable laws and regulations;~~

~~(7) Permitting processes;~~

~~(8) Incinerator maintenance;~~

~~(9) Ash and residue disposal.~~

ITEM 20. Amend paragraph **114.29(7)“b”** as follows:

b. All persons wishing to take the examination required to become a certified operator of a sanitary landfill ~~or a solid waste incinerator~~ shall complete the Operator Certification Examination Application, Form 542-1354. A listing of dates and locations of examinations is available from the department upon request. The application form requires the applicant to indicate the basic operator training course taken. Evidence of training course completion must be submitted with the application for certification. The completed application and the application fee shall be sent to the director and addressed to the central office in Des Moines. Application for examination must be received by the department at least 30 days prior to the date of examination.

ITEM 21. Amend paragraph **114.29(9)“c”** as follows:

c. An operator may not continue to operate a sanitary landfill ~~or solid waste incinerator~~ after expiration of a certificate without renewal thereof.

ITEM 22. Amend subparagraph **114.29(10)“a”(1)** as follows:

(1) Failure to use reasonable care or judgment or to apply knowledge or ability in performing the duties of a certified operator. Duties of certified operators include compliance with rules and permit conditions applicable to sanitary landfill ~~or incinerator~~ operation.

ITEM 23. Amend subrule 114.29(12) as follows:

**114.29(12)** A temporary operator of a sanitary landfill ~~or solid waste incinerator~~ may be

designated for a period of six months when an existing certified operator is no longer available to the facility. The facility must make application to the department, explain why a temporary certification is needed, identify the temporary operator, and identify the efforts which will be made to obtain a certified operator. A temporary operator designation shall not be approved for greater than a six-month period except for extenuating circumstances. In any event, not more than one six-month extension to the temporary operator designation may be granted. Approval of a temporary operator designation may be rescinded for cause as set forth in 114.29(10).

ITEM 24. Amend paragraph **115.3(1)“a”** as follows:

*a.* Applications for renewal must be received at the department office at least 90 days before the expiration date of the existing permit ~~For application forms, see 567—100.3(17A,455B)~~ on a form provided by the department.

ITEM 25. Amend subrule 115.4(1) as follows:

**115.4(1)** *Application requirements for permits and renewals.* ~~See 567—100.3(17A,455B)~~  
More information can be found in 567—subrule 102.2(1).

ITEM 26. Amend rule 567—115.29(455B), introductory paragraph, as follows:

**567—115.29(455B) Operator certification.** Sanitary landfill operators ~~and solid waste incinerator operators~~ shall be trained, tested, and certified by a department-approved certification program.

ITEM 27. Amend subrule 115.29(1) as follows:

**115.29(1)** A sanitary landfill operator ~~or a solid waste incinerator operator~~ shall be on duty during all hours of operation of a sanitary landfill ~~or solid waste incinerator~~, consistent with the respective certification.

ITEM 28. Amend subrules 115.29(3) and 115.29(4) as follows:

**115.29(3)** A sanitary landfill operator certification ~~or solid waste incinerator operator certification~~ is valid until June 30 of the following even-numbered year.

**115.29(4)** Basic operator training course.

~~a.~~ The required basic operator training course for a certified sanitary landfill operator will have at least 25 contact hours and will address the following areas, at a minimum:

- (1) a. Description of types of wastes;
- (2) b. Interpreting and using engineering plans;
- (3) c. Construction surveying techniques;
- (4) d. Waste decomposition processes;
- (5) e. Geology and hydrology;
- (6) f. Landfill design;
- (7) g. Landfill operation;
- (8) h. Environmental monitoring;
- (9) i. Applicable laws and regulations;
- (10) j. Permitting processes;
- (11) k. Leachate control and treatment;

~~b.~~ The required basic operator training course for a certified solid waste incinerator operator will have at least 12 contact hours and will address the following areas, at a minimum:

- (1) Description of types of wastes;
- (2) Incinerator design;
- (3) Interpreting and using engineering plans;
- (4) Incinerator operations;



~~(5) Environmental monitoring;~~

~~(6) Applicable laws and regulations;~~

~~(7) Permitting processes;~~

~~(8) Incinerator maintenance;~~

~~(9) Ash and residue disposal.~~

ITEM 29. Amend paragraph **115.29(7)“b”** as follows:

*b.* All persons wishing to take the examination required to become a certified operator of a sanitary landfill ~~or a solid waste incinerator~~ shall complete the Operator Certification Examination Application, Form 542-1354. A listing of dates and locations of examinations is available from the department upon request. The application form requires the applicant to indicate the basic operator training course taken. Evidence of training course completion must be submitted with the application for certification. The completed application and the application fee shall be sent to the director and addressed to the central office in Des Moines. Application for examination must be received by the department at least 30 days prior to the date of examination.

ITEM 30. Amend subparagraph **115.29(10)“a”(1)** as follows:

(1) Failure to use reasonable care or judgment or to apply knowledge or ability in performing the duties of a certified operator. Duties of certified operators include compliance with rules and permit conditions applicable to sanitary landfill ~~or incinerator~~ operation.

ITEM 31. Amend subrule 115.29(12) as follows:

**115.29(12)** A temporary operator of a sanitary landfill ~~or solid waste incinerator~~ may be designated for a period of six months when an existing certified operator is no longer available to the facility. The facility must make application to the department, explain why a temporary certification is needed, identify who the temporary operator will be, and identify the efforts which

will be made to obtain a certified operator. A temporary operator designation shall not be approved for greater than a six-month period except for extenuating circumstances. In any event, not more than one six-month extension to the temporary operator designation may be granted. Approval of a temporary operator designation may be rescinded for cause as set forth in 115.29(10).

ITEM 32. Adopt the following **new** subrule 120.2(4):

**120.2(4)** These rules do not apply to hazardous waste.

ITEM 33. Amend rule 567—120.3(455B) as follows:

**567—120.3(455B) Definitions.** ~~In addition to the~~ The definitions set out in Iowa Code section 455B.301, ~~which shall be considered to be incorporated by reference in these rules, the following definitions shall apply.~~ For the purposes of this chapter, the definitions found in 567—Chapter 100 shall apply.

~~“High water table” means the position of the water table that occurs in the spring in years of normal or above-normal precipitation.~~

~~“Incorporation” means to mix into the soil by tilling, disking, or other suitable means, thereby creating a loose and divided soil texture.~~

~~“Landfarm” means a surface level soil remediation technology for petroleum-contaminated soils that reduces concentrations of petroleum constituents through biodegradation to a level safe for human health and the environment. This technology usually involves spreading excavated contaminated soils in a thin layer on the ground surface and stimulating aerobic microbial activity within the soils through aeration. The enhanced microbial activity results in degradation of adsorbed petroleum product constituents through microbial respiration. Some petroleum product constituents volatilize during the landfarming process. There are two types of landfarm permits issued by the department: a multiuse landfarm permit and a single-use landfarm applicator permit.~~

~~“Landfarm plot” means the specific operating area of a landfarm upon which a particular source and type of PCS is applied. A landfarm plot is a subset of the operating area.~~

~~“Landfarm season” means the time period beginning April 1 and ending October 31 of each year.~~

~~“Multiuse landfarm” means a landfarm used for more than one application of PCS. Each application of a particular source and type of PCS is landfarmed in separate landfarm plots. After the PCS is remediated, the landfarming process may be repeated. A multiuse landfarm is not located at a sanitary landfill.~~

~~“Nonstandard PCS” means soil contaminated with a petroleum product other than gasoline, diesel fuel, kerosene, jet fuel, motor oil, hydraulic fluid, or some combination thereof.~~

~~“Operating area” means the total aggregate area of the landfarm where PCS is applied. The operating area of a multiuse landfarm may include multiple landfarm plots.~~

~~“Petroleum contaminated soil” or “PCS” means soil contaminated with petroleum products including, but not limited to, gasoline, diesel fuel, kerosene, jet fuel, motor oil, hydraulic fluid, or some combination thereof.~~

~~“Single use landfarm” means the area of land used to landfarm a single application of a particular source and type of PCS. Single use landfarms are created when a single use landfarm applicator, or the landfarm’s supervised agent, land applies PCS. No other PCS may be applied within 15 feet of the area of land used as a single use landfarm until the single use landfarm is closed pursuant to rule 567—120.12(455B).~~

~~“Single use landfarm applicator” means an entity permitted by the department to land apply PCS to create one or more single use landfarms.~~

~~“Source of PCS” means the contaminated area from which the PCS originated. Examples of a~~

source include, but are not limited to, a specific gas station or spill location.

~~“Standard PCS” means soil contaminated with gasoline, diesel fuel, kerosene, jet fuel, motor oil, hydraulic fluid, or some combination thereof.~~

~~“Tar ball” means a ball or conglomeration of tarlike petroleum constituents. Tar balls may form when PCS that contains a high concentration of long chain or high molecular weight hydrocarbons is landfarmed.~~

~~“Type of PCS” means the specific petroleum product or combination thereof that contaminated the soil. Examples of type include, but are not limited to, gasoline, diesel fuel, kerosene, jet fuel, motor oil, hydraulic fluid, or some combination thereof.~~

~~“Water table” means the water surface below the ground at which the unsaturated zone ends and the saturated zone begins.~~

ITEM 34. Amend rule 567—120.4(455B) as follows:

**567—120.4(455B) Landfarming applicator permits.**

**120.4(1) Permit required.** PCS shall not be landfarmed without a landfarm applicator permit from the department.

**120.4(2) Types of landfarm permits Landfarm applicator permit.** The department issues two types of landfarm permits as follows:

*a. Multiuse landfarm permit.* ~~A multiuse landfarm permit is issued for a landfarm designed to be used for more than one application of PCS. This permit requires that each application of a particular source and type of PCS be landfarmed in separate landfarm plots. If a facility has a multiuse landfarm permit, then the landfarming process may be repeated after the PCS has been remediated. A multiuse landfarm permit is not for a facility located at a sanitary landfill.~~

*b. Single-use landfarm applicator permit.* A single-use Upon issuance of a landfarm applicator

permit is issued to an entity that is then permitted by the department to land, the permit holder is authorized to apply PCS to the land to create one or more ~~single-use~~ landfarms. This permit requires that ~~single-use~~ landfarms be used for only one application of a particular source and type of PCS. This permit requires that no other PCS be applied within 15 feet of the area of land used as a ~~single-use~~ landfarm until the ~~single-use~~ landfarm is closed pursuant to rule 567—120.12(455B).

**120.4(3) *Construction and operation.*** ~~All landfarms~~ Landfarms shall be constructed and operated according to these rules, any plans and specifications approved by the department, and the conditions of the permit. Any approved plans and specifications shall constitute a condition of the permit.

**120.4(4) *Transfer of title and permit.*** If title to a ~~type of landfarm~~ applicator permit is transferred to a third party, then the department shall transfer the permit within 60 days if the department has determined that the following requirements have been met:

- a. No change.
- b. The permitted ~~facility~~ applicator and title transferee are in compliance with Iowa Code chapter 455B, this chapter and the conditions of the permit.

**120.4(5)** No change.

**120.4(6) *Effect of revocation.*** If a landfarm applicator permit held by any public or private agency is revoked by the department, then no new landfarm applicator permit shall be issued to that agency for a ~~period~~ minimum of one year from the date of ~~revocation~~ the facility was brought into full compliance with the revocation order. Such revocation shall not prohibit the issuance of a permit for the same landfarm project to another ~~public or private agency~~ landfarm application permit holder.

**120.4(7) *Inspection of site and operation.*** ~~The~~ By obtaining an applicator permit, the permitted entity agrees that the department may inspect the facility and its operations at reasonable times to determine if the landfarm is in compliance with this chapter and the permit requirements.

**120.4(8) *Duration of permits.*** Landfarm applicator permits shall be issued and may be renewed for a three-year term.

**120.4(9) to 120.4(11)** No change.

ITEM 35. Rescind subrule **120.5(1)**.

ITEM 36. Renumber subrules **120.5(2)** and **120.5(3)** as **120.5(1)** and **120.5(2)**.

ITEM 37. Amend renumbered subrule 120.5(1) as follows:

**120.5(1) ~~Single-use landfarm~~ Landfarm applicator permits.** To apply for a ~~single-use~~ landfarm applicator permit, the applicant shall submit the following information to the department:

*a.* The name, address, and telephone number of:

(1) Agency applying for the ~~single-use~~ landfarm applicator permit.

(2) to (4) No change.

*b. to d.* No change.

ITEM 38. Amend subrule 120.6(3) as follows:

**120.6(3) *Tar balls.*** PCS that has the potential to produce tar balls shall not be landfarmed ~~at a single-use or multiuse landfarm~~. Such PCS may be disposed of in a sanitary landfill pursuant to 567—Chapter 109.

ITEM 39. Amend subrule 120.7(1) as follows:

**120.7(1) *Previous use.*** If ~~the~~ a site is to be used as a ~~single-use~~ landfarm, then the ~~single-use~~ landfarm applicator shall obtain written confirmation from the site owner of one of the following requirements: ~~This subrule shall not apply to land utilized as a landfarm prior to October 20, 2004.~~

a. That any other landfarm created in the past three years within 15 feet of the proposed ~~operating area~~ landfarm plot has been closed pursuant to rule 567—120.12(455B).

b. That no area within 15 feet of the proposed ~~operating area~~ landfarm plot has been used as a landfarm in the past three years.

ITEM 40. Amend subrule 120.7(2) as follows:

**120.7(2) Wells.** PCS shall not be landfarmed or stored within 500 feet of a well that is being used or could be used for human or livestock consumption. ~~Groundwater monitoring wells installed pursuant to paragraph 120.8(2) “c” are exempt from this requirement.~~ The department may also exempt from this requirement extraction wells utilized as part of a remediation system. PCS shall not be landfarmed or stored within 500 feet of an agricultural drainage well.

ITEM 41. Rescind subrule **120.7(4)**.

ITEM 42. Renumber subrules **120.7(5)** to **120.7(10)** as **120.7(4)** to **120.7(9)**.

ITEM 43. Amend renumbered subrule 120.7(5) as follows:

**120.7(5) Tile lines.** PCS shall not be landfarmed or stored within 200 feet of a tile line surface intake. ~~A multiuse landfarm shall not be located on land that has been tiled. The absence of tile lines shall be verified by written confirmation from the landowner and a visual inspection of the property.~~

ITEM 44. Amend renumbered subrule 120.7(9) as follows:

**120.7(9) Soil properties for ~~operating area~~ landfarm plot.** All soils in the ~~operating area~~ landfarm plot of the landfarm shall comply with the following requirements:

a. *USDA textural soil classification.*

(1) ~~Multiuse landfarms.~~ Soils in the ~~operating area~~ of multiuse landfarms shall be silty clay, silt clay loam, clay loam, loam, or silt loam as classified by the USDA Textural Classification

Chart for soils.

(2) ~~Single-use landfarms.~~ Soils in the ~~operating area~~ landfarm plot of ~~single-use~~ landfarms shall be clay, sandy clay, sandy clay loam, sandy loam, silty clay, silt clay loam, clay loam, loam, or silt loam as classified by the USDA Textural Classification Chart for soils.

b. *Stones and debris.* Soils in the ~~operating area~~ landfarm plot shall be free of stones and debris larger than 4 inches in diameter.

c. *Soil pH.* Soils in the ~~operating area~~ landfarm plot shall have a pH greater than or equal to 6 and less than or equal to 9.

d. *Bedrock separation.* The ~~operating area~~ landfarm plot shall have a minimum of 6 feet of soil over bedrock.

ITEM 45. Rescind and reserve subrule **120.8(2)**.

ITEM 46. Amend rule 567—120.9(455B), introductory paragraph, as follows:

**567—120.9(455B) Landfarm operating requirements.** All ~~multiuse and single-use~~ landfarms shall comply with the following operating requirements:

ITEM 47. Amend subrules 120.9(2) to 120.9(5) as follows:

**120.9(2) Saturated ; ~~or slurry ; or flammable~~ PCS.** PCS in a saturated ; or slurry ; or flammable condition shall not be ~~land~~ applied to the land or stored at a landfarm. PCS in such a condition shall be bulked with other biodegradable materials (e.g., compost, mulch) until it is no longer saturated ; or in a slurry ; or flammable before it is ~~land~~ applied to the land or stored at a landfarm.

**120.9(3) PCS delivery and storage.** Only PCS that is from an emergency cleanup may be delivered during the non-landfarm season. PCS delivered during non-landfarm season may be stored as follows until the conditions of subrule 120.9(4) are satisfied or within the first seven days of landfarm season, whichever is shorter. PCS that cannot immediately be ~~land~~ applied to the land



at the landfarm during landfarm season may be stored at the landfarm as follows. ~~PCS delivered during non-landfarm season may be stored until the conditions of subrule 120.9(4) are satisfied or within the first seven days of landfarm season, whichever is shorter.~~

*a. Seven days or less.* PCS may be stored up to seven days in compliance with the following requirements:

- (1) Over an impervious surface (e.g., tarp, concrete pad, plastic sheeting).
- (2) Under a roof or tarp to minimize the infiltration of precipitation.
- (3) In an area with minimal potential for stormwater run-on.

*b. Extended storage time.* No PCS shall be stored longer than seven days during landfarm season without written permission from the department field office that has jurisdiction over the landfarm.

**120.9(4)** *PCS application weather and landfarm season.*

*a.* PCS shall only be ~~land~~ applied to the land during non-landfarm season if the PCS must be ~~land~~ applied to the land as part of an emergency cleanup supervised by the department pursuant to subrule 120.6(1), or all of the following conditions exist:

- (1) The ~~operating area~~ landfarm plot is free of snow.
- (2) The slope of the ~~operating area~~ landfarm plot is less than 3 percent.
- (3) The PCS is incorporated into the soil as soon as site conditions allow.

*b.* PCS shall not be ~~land~~ applied to the land during precipitation.

**120.9(5)** *One application, source and type of PCS per plot.* One application of a particular source and type of PCS may be applied to a landfarm plot. A landfarm may only apply a subsequent application of PCS to a previously utilized landfarm plot if such application is in compliance with the following:

~~a. Multiuse landfarms. A subsequent application of a particular source and type of PCS may be applied to a previously utilized landfarm plot in a multiuse landfarm after the following requirements have been met:~~

~~(2) The PCS turning requirement of subrule 120.9(10) has been completed.~~

~~(1) a.~~ The plot has been tested pursuant to subparagraphs 120.6(2) “c”(1), (2), and (3), and the results demonstrate that petroleum constituent concentrations are less than 0.54 mg/kg for benzene, 42 mg/kg for toluene, 15 mg/kg for ethylbenzene, 3800 mg/kg for TEH-diesel, and 0.02 mg/kg for MTBE.

~~b. Single-use landfarms. A subsequent application of a particular source and type of PCS may not be applied within 15 feet of an area used as a single-use landfarm until the single-use landfarm is closed pursuant to subrule 120.12(2).~~

ITEM 48. Amend subrule 120.9(11) as follows:

**120.9(11) No crops for consumption.**

~~a. Multiuse landfarms shall not grow crops for human or livestock consumption within 15 feet of the operating area until the landfarm is closed pursuant to subrule 120.12(1).~~

~~b. Single-use landfarms~~ Landfarms shall not grow crops within 15 feet of a landfarm plot that is flagged pursuant to subrule 120.9(7). Crops for human and livestock consumption may be grown at a single-use landfarm after the landfarm plot is no longer required to be flagged pursuant to subrule 120.9(7).

ITEM 49. Rescind subrule **120.9(12)**.

ITEM 50. Renumber subrule **120.9(13)** as **120.9(12)**.

ITEM 51. Amend renumbered paragraph **120.9(12)“b”** as follows:

b. The results of the tests in paragraph ~~120.12(1)“a”~~ 120.12(2)“a” demonstrate that

petroleum constituent concentrations for benzene, toluene, ethylbenzene, TEH-diesel, and MTBE are below the detection limits required by 567—Chapter 135.

ITEM 52. Amend subrule 120.10(1) as follows:

**120.10(1) Access.** Emergency response and remedial action plan (ERRAP) documents shall be readily available. ~~Multiuse landfarms shall maintain a copy of the ERRAP on site (e.g., the back of permit sign, fence post, or mailbox). Single-use landfarm~~ Landfarm applicators shall have employees carry a copy of the ERRAP document to each site where operations are taking place.

ITEM 53. Amend subrule 120.11(1) as follows:

**120.11(1) Reporting.** The following information shall be submitted to the department on a form provided by the department. All reporting submissions shall include the name, address, and telephone number of the landfarm and permit holder, as well as the permit number.

*a. Storage notification.* ~~Multiuse and single-use landfarms~~ Landfarms shall submit the following information to the department and department field office with jurisdiction over the landfarm before receipt of the PCS for storage; however, at least 30 days' notification is encouraged. PCS storage information from an emergency cleanup supervised by the department pursuant to subrule 120.6(1), however, shall be reported within 7 days of the emergency cleanup.

(1) to (3) No change.

*b. Land application notification.* ~~Multiuse and single-use landfarms~~ Landfarms shall submit the following information to the department and department field office with jurisdiction over the landfarm before land application; however, at least 30 days' notification is encouraged. PCS information from an emergency cleanup supervised by the department pursuant to subrule 120.6(1), however, shall be reported within 7 days of the emergency cleanup.

(1) The date the PCS is expected to be ~~land~~ applied to the land. If the PCS is not applied on

this date, the department shall be informed of the actual application date.

~~(2) Single-use landfarms shall submit an A physical address ; or parcel identification number for the landfarm location, a legible topographic map or aerial photo, a USDA soil map with key, and a map of the 100-year flood plain illustrating and labeling where the PCS is to be applied. Multiuse landfarms shall report the landfarm plot(s) to which the PCS is to be applied.~~

(3) Application rate calculations pursuant to subrule 120.9(6).

(4) The spill number, UST registration number, and LUST number, as applicable.

*c. PCS analysis and characterization.* Information on the analysis and characterization of the PCS pursuant to rule 567—120.6(455B) shall be submitted to the department before receipt of the PCS for storage or land application; however, at least 30 days' notification is encouraged. PCS analysis and characterization information from an emergency cleanup supervised by the department pursuant to subrule 120.6(1), however, shall be reported within 60 days of the emergency cleanup.

~~*d. Groundwater monitoring well results.* Multiuse landfarms shall annually test all groundwater monitoring wells as follows. A laboratory certified pursuant to 567—Chapter 83 for UST petroleum analyses shall test the samples. Test results for each well at a multiuse landfarm shall be submitted to the department by the first workday in January of each year.~~

~~(1) BTEX testing. The groundwater monitoring wells shall be tested for benzene, toluene, ethylbenzene, and xylene (BTEX). The BTEX analysis shall utilize the most recent version of Method OA-1 (GCMS), “Method for Determination of Volatile Petroleum Hydrocarbons (Gasoline),” University of Iowa Hygienic Laboratory.~~

~~(2) TEH diesel and waste oil testing. The groundwater monitoring wells shall be tested for total extractable hydrocarbons (TEH diesel and waste oil). The TEH diesel and waste oil analyses shall~~

utilize the most recent version of Method OA-2, “Extractable Petroleum Products (and Relatively Low Volatility Organic Compounds),” University of Iowa Hygienic Laboratory.

~~(3) MTBE testing. The groundwater monitoring wells shall be tested for MTBE unless prior analysis of PCS accepted for landfarming, pursuant to rule 567—135.15(455B), has shown that MTBE was not present in soil or groundwater of the source. A laboratory certified pursuant to 567—Chapter 83 for UST petroleum analyses shall test the samples. The analysis shall utilize one of the following methods:~~

~~1. The most recent version of Method OA-1 (GCMS), “Method for Determination of Volatile Petroleum Hydrocarbons (Gasoline),” University of Iowa Hygienic Laboratory.~~

~~2. U.S. Environmental Protection Agency (EPA) Method 8260B, SW-846, “Test Methods for Evaluating Solid Waste,” Third Edition.~~

ITEM 54. Amend subrule 120.11(2), introductory paragraph, as follows:

**120.11(2) Record keeping.** All ~~landfarms~~ landfarm applicators shall maintain records of all information related to compliance with this chapter and the permit throughout the life of the landfarm and for three years after landfarm closure pursuant to rule 567—120.12(455B). This information shall be available to the department upon request. Applicable information includes, but is not limited to, the following material.

ITEM 55. Amend rule 567—120.12(455B) as follows:

**567—120.12(455B) Landfarm closure.** Unless otherwise required or approved by the department, landfarms shall be closed as follows: in one of the following ways:

~~**120.12(1) Multiuse landfarms.** Multiuse landfarms may be closed after groundwater monitoring well tests verify that down-gradient groundwater monitoring well results are within two standard deviations of the mean analyte concentrations, pursuant to paragraph 120.11(1) “d,”~~

~~in corresponding up-gradient monitoring wells for three consecutive years after the last application of PCS. Furthermore, prior to closure each landfarm plot shall be tested as follows. Closure is not official until verified in writing by the department.~~

~~a. One sample from each 10,000 ft<sup>2</sup> (e.g., 100 foot × 100 foot area) of landfarm plot is analyzed pursuant to subparagraphs 120.6(2) “c”(1), (2), and (3). A minimum of one sample per landfarm plot shall be obtained. All samples shall be obtained from between the top 2 to 6 inches of soil.~~

~~b. The results of the tests in paragraph 120.12(1) “a” demonstrate that petroleum constituent concentrations are less than 0.54 mg/kg for benzene, 42 mg/kg for toluene, 15 mg/kg for ethylbenzene, 3800 mg/kg for TEH diesel and 0.02 mg/kg for MTBE.~~

~~120.12(2) 120.12(1) Single-use landfarms. Three years after the application of PCS, or~~

~~120.12(2) Single-use landfarms are closed three years after the application of PCS, or at At least six months after the application of PCS when documentation has been submitted and acknowledged in writing by the department that each landfarm plot has been tested as follows.~~

~~a. and b. No change.~~

ITEM 56. Amend rule 567—120.13(455B,455D) as follows:

**567—120.13(455B,455D) Financial assurance requirements for multiuse and single-use landfarms.** The holder of a sanitary disposal project permit for a ~~multiuse or single-use~~ landfarm must obtain and submit a financial assurance instrument to the department in accordance with this rule. The financial assurance instrument shall provide monetary funds for the purpose of conducting closure activities at the ~~operating area(s)~~ landfarm plot(s) due to the permit holder’s failure to properly close the site as required in accordance with rule 567—120.12(455B) within 30 days of permit suspension, termination, revocation, or expiration.

**120.13(1) *No permit without financial assurance.*** The department shall not issue or renew a permit to an owner or operator of a ~~multiuse or single-use~~ landfarm until a financial assurance instrument has been submitted to and approved by the department.

**120.13(2) *Proof of compliance.*** Proof of the establishment of the financial assurance instrument and compliance with this rule, including a current closure cost estimate, shall be submitted ~~by July 1, 2008, or~~ at the time of application for a permit for a ~~new multiuse or single-use~~ landfarm applicator permit. The owner or operator must provide continuous coverage for closure and submit proof of compliance, including an updated closure cost estimate, with each permit renewal thereafter until released from this requirement by the department.

**120.13(3) *Financial assurance amounts required.*** The estimate submitted to the department must be certified by a professional engineer and account for at least the following factors determined by the department to be minimal necessary costs for closure pursuant to rule ~~567—~~ 120.12(455B):

- a. Third-party costs to conduct ~~groundwater and~~ soil sampling and properly clean all equipment and storage areas at the ~~operating area(s)~~ landfarm plot(s).
- b. No change.

**120.13(4) *Acceptable financial assurance instruments.*** The financial assurance instrument shall be established in an amount equal to the cost estimate prepared in accordance with subrule 120.13(3) and shall not be canceled, revoked, disbursed, released, or allowed to terminate without the approval of the department. Financial assurance may be provided by cash in the form of a secured trust fund or local government dedicated fund, surety bond, letter of credit, or corporate or local government guarantee as follows:

- a. and b. No change.

*c. Surety bond.* A surety bond must be written by a company authorized by the commissioner of insurance to do business in the state. The surety bond shall comply with the following:

(1) No change.

(2) The bond shall be specific to a particular landfarm owner or operator for the purpose of funding closure in accordance with rule 567—120.12(455B) and removing any stockpiled PCS that may remain at the site(s) due to the owner's or operator's failure to properly close the site within 30 days of permit suspension, termination, revocation, or expiration.

(3) No change.

*d. to f.* No change.

**120.13(5)** *Financial assurance cancellation and permit suspension.*

*a. to c.* No change.

*d.* The owner or operator shall perform proper closure within 30 days of the permit suspension.

For the purpose of this rule, “proper closure” means completion of all items pursuant to rule 567—120.12(455B) and subrule 120.13(3).

*e. to g.* No change.



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

ITEM #6

DECISION

**Contract Amendment with IOWA STATE UNIVERSITY****Recommendation:**

Commission approval is requested for a service contract amendment (Amendment 2) with Iowa State University (ISU), of Ames Iowa

**Contract Terms:**

**Amount:** Not to exceed \$185,536.00

**Dates:** March 31, 2023 to April 30, 2025.

**Funding Source(s):** The source of funding for this Contract is Section 319 of the Clean Water Act grant to DNR from the Environmental Protection Agency (EPA). EPA Grant Number 0074026 and 00140425 is used for this Contract.

**Statutory Authority:** Intergovernmental contracting with ISU is authorized under 11 IAC 118.4. Also contracts with state universities and other public agencies for laboratory work, scientific field measurement and environmental quality evaluation services necessary to implement Iowa Code Chapter 455B is authorized under Iowa Code section 455B.103(3).

**Contract Background:**

DNR is extending this Contract to fulfill the requirements of focused and intensive watershed monitoring as part of the National Water Quality Initiative (NWQI), a joint effort between the EPA and Natural Resources Conservation Service to track long-term water quality trends and evaluate the effectiveness of the implementation of pollutant load reduction strategies. Efforts associated with the Black Hawk Lake project and some results from the monitoring initiatives funded by this Contract were presented to the EPC in August of 2022. This amendment continues this work for additional period of time (spring 2025).

**Contract Amendment Purpose:** DNR is extending this Contract with ISU to provide for the collection, analysis, and evaluation of water quantity and quality monitoring data through the spring of 2025. The data collected will be used to determine if pollutant load reduction strategies have been effective, and to quantify long-term water quality trends before, during, and after active best management practices implementation efforts in the Black Hawk Lake Watershed.

**Contractor Selection Process:**

DNR is allowed to contract with ISU pursuant to Iowa Code section 455B.103(3).

**Contract History:**

**Contract #1:** Timeframe: 5/1/2018 to 5/31/2019; Amount \$ 20,117.10

**Contract #2:** Timeframe: 2/5/2020 to 5/30/2021; Amount \$ 121,166.00

**Contract #3:** Timeframe: 6/30/2021 to 12/31/2022; Amount \$ 168,414.00

**Contract #3 Amendment 1:** 6/1/2022 to 12/31/2023;

- Original amount remained (\$168,414); and Amendment 1 was a time extension only. Drought conditions resulted in less frequent sampling and the budget timeline was extended to execute the original work plan.

**Not-to-exceed total amount of Contract.** Payment for work performed by the Contractor according to the terms of this Contract Amendment shall not exceed \$185,536.00.

Table 1 Task funding update table from contract extension

<b>Task</b>	<b>Amount of compensation in Original Contract</b>	<b>Amount of compensation CURRENT CONTRACT AMENDMENT</b>	<b>Grand Total</b>
<b>Task 1:</b> Field instrumentation, maintenance and sample collection	Field instrumentation and maintenance: Not to exceed \$28,588.00  Sample collection: Not to exceed \$56,332.00	Field instrumentation and maintenance: Not to exceed \$26,454.00  Sample collection: Not to exceed \$67,599.00	Field instrumentation and maintenance: Not to exceed \$55,042.00  Sample collection: Not to exceed \$123,931.00
<b>Task 2:</b> Laboratory analysis and quality control	Quality control: Not to exceed \$16,055.00  Laboratory analysis: Not to exceed \$13,275.00	Quality control: Not to exceed \$13,294.00  Laboratory analysis: Not to exceed \$16,065.00	Quality control: Not to exceed \$29,349.00  Laboratory analysis: Not to exceed \$29,340.00
<b>Task 3:</b> Reporting, data transfer and outreach	Not to exceed \$54,164.00	Not to exceed \$62,124.00	Not to exceed \$116,288.00
<b>Total</b>	Not to exceed \$168,414.00	Not to exceed \$185,536.00	Not to exceed \$353,950.00

Table 2 Statement of work table from original contract

<b>Obligation</b>	<b>Task Milestone Date</b>
<b>Task 1: Field instrumentation and sample collection</b>	
<b>Task 1-A: Equipment installation/repair</b> <b>Description:</b> Contractor shall install four ISCO 6700-Series automated samplers provided by DNR. Equipment shall be installed at the locations shown in Figure 1, below, per the direction of the DNR Contract Manager. Contractor shall notify the DNR Contract Manager immediately upon discovery of broken or malfunctioning equipment. Contractor shall repair or replace equipment as necessary in order to complete the Tasks listed below.	Equipment installation shall be completed no later than May 1, 2022. Repairs needed during the monitoring period shall be completed within two weeks from discovery of equipment failure.
<b>Task 1-B: Event sample collection</b> <b>Description:</b> Contractor shall collect a flow-weighted composite sample from each ISCO for storm events, within 48 hours of the event end. The monitoring locations include 3 surface sites and 1 tile site. Event samples shall be composited in a manner approved by	Task Milestone dates shall be the last day of each month in which samples are collected, throughout the term of the Contract.

<p>the DNR Contract Manager, and shall be collected between March 15 and November 15 of each year, unless temperatures or conditions prohibit sample collection.</p>	
<p><b>Task 1-C: Grab sample collection</b>  <b>Description:</b> Contractor shall collect bi-weekly grab samples from each site as conditions allow and per DNR Contract Manager instructions. The monitoring locations shall include 3 surface sites and 1 tile site. Weekly flow-weighted composite samples may be substituted using grab samples at sampling locations. Samples shall be collected between March 15 and November 15 of each year, unless temperatures or conditions prohibit sample collection.</p>	<p>Task Milestone dates shall be the last day of each month in which samples are collected, throughout the term of the Contract.</p>
<p><b>Task 2: Laboratory analysis and quality control</b></p>	
<p><b>Task 2-A: Water quality sample analysis</b>  <b>Description:</b> Contractor shall analyze all samples collected under Tasks 2-B and 2-C for the parameters listed in Table 1, below. For analytical results below the quantitative limit, the test quantitative limit shall be reported as “less than.” Before samples are collected, a Quality Assurance Protection Plan (QAPP) shall be completed in a format agreed upon by both parties.</p>	<p>Task Milestone dates shall be the last day of each month in which samples are collected, throughout the term of the Contract.</p>
<p><b>Task 2-B: Quality Assurance/ Quality Control</b>  <b>Description:</b> Contractor shall submit information on data quality requirements and assessments (such as detection limit, quantitation limit, estimated accuracy and accuracy protocol, estimated precision and precision protocol) to DNR for any sample upon request. Information on the analytical reference method, sample preservation and holding time also shall be provided if requested. Contractor shall provide copies of revised Methods Manuals and Standard Operating Procedure Manual to the DNR upon request.</p>	<p>Task Milestone dates shall be the last day of each month in which DNR representative makes a request.</p>
<p><b>Task 3: Reporting, data transfer, and outreach</b></p>	
<p><b>Task 3-A: Reporting</b>  <b>Description:</b> Contractor shall prepare and submit written semi-annual progress reports to DNR. Progress reports shall cover the periods of December 1 to May 31, and June 1 to November 30, for each year the Contract is active. Progress reports shall include explanation of data collected and basic presentation of results, preliminary observations/findings, and a discussion of challenges/problems encountered that may have hindered collection and/or analysis.</p> <p>Contractor shall prepare a written final report (in place of the final semi-annual progress report) that addresses the central question “Are water quality improvement strategies in the Black Hawk Lake Watershed positively impacting water quality?” The final report shall also:  (1) Provide a comparison of actual accomplishments to</p>	<p>Written progress reports are due and shall be submitted to DNR no later than December 31 and June 15 of each year throughout the term of the Contract.</p> <p>Final semi-annual report is due and shall be submitted to DNR no later than June 15, 2022.</p>

<p>the objectives established for the project. If project objectives were not met, an explanation shall be included; and (2) Identify the total documented project costs incurred during the term of the Contract; and (3) Provide a description of project accomplishments, outputs and outcomes during the term of the Contract.</p>	
<p><b>Task 3-B: Data transfer</b>  <b>Description:</b> Contractor shall make the data generated pursuant to this Contract available to DNR electronically in a format approved by DNR Contract Manager. The available sample information shall include the STORET station identification number, which will be provided by DNR for all monitoring locations.</p>	<p>Analytical chemistry data shall be made available to DNR staff along with submittal of semi-annual progress reports. If the Contractor determines that extra time is needed to complete required data transfer, a written notification shall be made to the DNR Contract Manager. The notification shall include the reason for the delay and the specific analytical chemistry data requiring delayed reporting. The notification shall occur as soon as possible after the Contractor has determined the need for a reporting delay.</p>

Jason Palmer, Natural Resource Biologist, Water Quality Bureau  
Environmental Services Division  
February 21, 2023

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

ITEM #7

DECISION

**Contract with THE UNIVERSITY OF IOWA****Recommendation:**

Commission approval is requested for an amendment to a service contract with the State Hygienic Laboratory at the University of Iowa.

**Contract Terms:**

**Amount:** Not to exceed \$108,000

**Dates:** February 21, 2023 to May 31, 2024.

**Funding Source(s):** The Drinking Water State Revolving Fund State Program

**Statutory Authority:** Iowa Code Section 455B.103(3)

**Contract Background:** The DNR PFAS Action Plan, dated January 30, 2020, includes sampling representative public water supplies for PFAS analytes. Data collected will help inform future work. The activity supports Focus Area I of the plan which is to identify and minimize exposures of Iowans to PFAS.

**Contract Purpose:** The parties propose to enter into this Contract Amendment to retain the Contractor to provide analyses of drinking water samples for PFAS analytes (Tier 4 sampling).

**Contractor Selection Process:** DNR is allowed to contract with the University of Iowa pursuant to Iowa Code section 455B.103(3).

**Contract History:** This is the first Amendment to the SHL Contract. There also was a previous contact with a commercial laboratory for approximately \$93,000.

Contract	Amount	Date
23ESDWQBKLEE-0001	\$149,040	June 1, 2022 to May 31, 2024
23ESDWQBKLEE-0001 A01	\$108,000	February 21, 2023 to May 31, 2024
<b>Total</b>	<b>\$257,040</b>	<b>By May 31, 2024</b>

**Statement of Work:**

Task	Amount of compensation in Original Contract	Amount of compensation CURRENT CONTRACT AMENDMENT	Grand Total
<b>Task 1:</b> Sampling supplies	No Charge	No Charge	No Charge
<b>Task 2:</b> Receipt and inspection of submitted samples	No Charge	No Charge	No Charge
<b>Task 3:</b> Analysis of samples	\$370.00 per sample, not to exceed \$138,000.00	\$370.00 per sample, not to exceed \$100,000.00	Not to exceed \$238,000.00
<b>Task 4:</b> Initial reporting of data	No Charge	No Charge	No Charge
<b>Task 5:</b> Data transmission to SDWIS	No Charge	No Charge	No Charge
<b>Sub-totals</b>	\$138,000.00	\$100,000.00	\$238,000.00
<b>Facilities and administrative costs @ 8%</b>	\$11,40.00	\$8,000.00	\$19,40.00
<b>Grand Total</b>	Not to exceed \$149,040.00	Not to exceed \$108,000.00	Not to exceed \$257,040.00

Corey McCoid, Supervisor, Water Supply Operations  
Environmental Services Division  
February 21, 2023

Iowa Department of Natural Resources  
Environmental Protection Commission

ITEM #8

DECISION

**Contract with THE CITY OF CORALVILLE****Recommendation:**

Commission approval is requested for a service contract with the City of Coralville, Iowa for the Coralville Green Infrastructure Equality Project.

**Contract Terms:**

**Amount:** Not to exceed \$30,000

**Dates:** February 27, 2023 to December 31, 2024.

**Funding Source(s):** U.S. EPA Clean Water Act Section 319 grant to DNR (Grant Numbers 00740429 - FY18 grant and 00740430 - FY19 grant).

**Statutory Authority:** Funds are administered by DNR under statutory authority granted by Iowa Code section 455B.103.

**Contract Number:** 23ESDWQBSKONR-0008

**Contract Background:** The City of Coralville has a long-term commitment to installing green infrastructure practices with their leveraged stormwater fees. Since 2009, the City has managed local stormwater issues by promoting stormwater infiltration practices. However, during an evaluation of their stormwater programs, the City identified certain areas of the City as having little to no infiltration practices. Localized flash flooding is more common in these areas relative to areas in the City where infiltration practices have been implemented. These areas correlate heavily with areas of lower income and/or minority populations. These areas are also part of Coralville's "Opportunity Zone," an economically distressed zone defined by individual census tract, nominated by Governor Reynolds, and certified by the U.S. Secretary of the Treasury and the Internal Revenue Service. The proposal for this Contract was put forth by the newly formed Green Infrastructure Equality Committee of Coralville.

Coralville was the previous recipient of DNR administered U.S. EPA 319 funds to develop a marketing strategy for infiltration practices in the communities of Coralville, Iowa City, and North Liberty, known as the Iowa River Soil Health IQ Campaign. That education campaign increased awareness of soil health promoting practices that improve stormwater infiltration on homeowner lawns and properties, mainly through the use of soil quality restoration (SQR). This Campaign was funded from 2018-2022 with great success, demonstrated by the 300% increase in implementation of infiltration between the three-year periods of 2017-2019 and 2020-2022.

**Contract Purpose:** Through this Contract, the Coralville Green Infrastructure Equality Project will allow the City to develop a marketing and outreach strategy to reach Opportunity Zone homeowners, informing them of the resources available to assist them in installing low or no cost infiltration practices. Though successful in general, the Iowa River Soil Health IQ Campaign saw less success at reaching the Opportunity Zone due to language and homeowner cost barriers. This Contract will allow for distribution of repurposed or specialized marketing materials within the Opportunity Zone. The materials will detail the availability and use of City and state match funds (IDALS Urban Conservation) to install residential infiltration practices, ultimately boosting the equitable distribution of Coralville's stormwater fee usage reimbursement.

**Contractor Selection Process:**

The City was selected for this grant as an extension of their prior successful work implementing the Iowa River Soil Health IQ Campaign funding. It is anticipated that this grant will improve local stormwater infiltration practices and serve as an ongoing example to other communities. The City has demonstrated an ongoing capacity to effectively undertake infiltration practice implementation efforts and compete for match funds such as the previously mentioned IDALS Urban Conservation funding. The selection process for this Contract is similar to the process for the recently awarded Polk County Rain Campaign continuation.

**Contract History:**

“Raising the Urban Soil Health IQ in the Lower Iowa River Watershed” - competitive selection from the DNR Stormwater Education and Outreach Subaward process of 2018

- **Contract:** 19ESDWQBSKONR-0003; **Amount:** \$75,000; **Time Frame:** November 20, 2018 - May 15, 2020
  - **Amendment 1:** Added \$50,000 and additional time; **Time Frame:** May 1, 2020 - May 15, 2021
  - **Amendment 2:** Added additional time only; **Time Frame:** May 13, 2021 - December 31, 2022
  - **CONTRACT TOTAL: \$125,000; Successfully completed December 31, 2022**

**Statement of Work, Timeline, and Budget:**

**Task 1:** Provide Quarterly Progress Reports Timeframe: Quarterly through end of contract

**Task 2:** Create a targeted stormwater practice advertising campaign for the Opportunity Zone of Coralville

- Budget Not to Exceed: \$25,000 DNR 319 Funds (FY2018 Grant Funding)
- Timeframe: February 27, 2023 – June 30, 2023

**Task 3:** Purchase advertising materials and implement the campaign

- Budget Not to Exceed: \$5,000 DNR 319 Funds (FY2019 Grant Funding)
- Timeframe: February 27, 2023 - December 31, 2024

**Task 4:** Submit final report

- A narrative of the implementation of the Coralville Green Infrastructure Equality Project, including what activities took place, successes and obstacles, and a final financial statement.
- Timeframe: Due December 31, 2024

**CONTRACT TOTAL: \$30,000**

**Partnership Summary:**

- Iowa Department of Agriculture and Land Stewardship - Division of Soil Conservation and Water Quality - Urban Conservation Program (committing \$15,000 for stormwater infiltration practice implementation)
- City of Coralville Stormwater Program (committing \$15,000 for stormwater infiltration practice implementation)

Steve Konrady, Western Iowa Basin Coordinator, Water Quality Bureau  
Environmental Services Division  
February 21, 2023

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

ITEM #9

DECISION

**Recommendation:**

Commission approval is requested for a two-year amendment with Iowa Association of Municipal Utilities, IAMU, of Ankeny, Iowa; **Contract #19ESDWQBLShar-0005\_ Amendment 2.**

**Amendment** #19ESDWQBLShar-0005\_ Amendment 2.  
**Amendment Amount:** \$574,021.00  
**Amendment Dates:** February 21, 2023 to February 28, 2025

**Contract Terms:**

<b>Amount of Original Contract</b>	\$264,738.00
<b>Extension/ Amendment 1 Amount:</b>	\$81,733.48
<b>Amendment 2 Amount:</b>	\$574,021.00
<b>Total Contract Amount (6-year Total):</b>	\$920,492.48

**Funding Source(s):** This amendment will be funded through State Revolving Fund Section 1452(k), Local and Other Authorized Uses Set-Aside.

**Contract Background and Purpose:**

The 1996 Amendments to the Safe Drinking Water Act (SDWA) required states to establish and implement Capacity Development strategies to identify and prioritize public water systems in need of technical assistance. The DNR solicited public input on the development of the strategy and also on its subsequent revision. One of the primary needs identified by stakeholders was for one-on-one, on-site technical assistance to help water system operators, owners, and administrators develop the technical, financial, and managerial skills they need to fulfill their operational permit requirements and provide safe drinking water to their consumers at a reasonable price both now and in the future. The strategy was revised in 2005 to focus on board member training whenever possible in capacity development activities. The state has developed a method of prioritizing water systems for technical assistance and this Contract provides a means of targeting assistance directly to the systems most in need.

The 1996 Amendments also provided authority for the states to develop and operate State Revolving Funds to provide low interest loans for the replacement of aging infrastructure. Each year the state receives a federal capitalization grant which is matched by the state to provide funds for loans. One of the allowable uses for up to 15% of each capitalization grant is the Local and Other Authorized Uses "set-aside", of which 10% may be used for the implementation of capacity development programs. A portion of this set-aside will be utilized to fund this Contract.

The purpose of the first Amendment, and of the Original Contract tasks, is for the provision of training and on-site technical assistance to targeted Public Water Supplies (PWS) in gaining operational, technical, financial, and managerial capacity and to achieve and maintain compliance with operation permit and department requirements; as well as the Safe Drinking Water Act. The target audience for this training consists of not only operators, but members of city councils, utility boards, water utility managers, city clerks, and city administrators. Some expected outcomes are as follows:

- improve the ability of the PWS to deal with technical, managerial, and financial aspects of the system, such as rate setting, capital planning, developing sampling plans and standard operating procedures, and recordkeeping;
- assist PWSs in completing their viability self-assessment manual, if required;
- consult with the PWS in addressing deficient areas identified through DNR's self-assessment manual or a sanitary survey performed by the DNR or a representative of the DNR;



- assist a PWS in the return to a viable status if necessary, through working with PWS management and community leaders to develop policy, training, technical documents, or consolidation;
- provide training to utility board and council members who govern many aspects of PWS operation to assist them in making decisions that enhance the viability of the systems;
- assist with presentations or the coordination of workshops as requested by the DNR; and
- assist PWSs with compliance requirements of the Federal Lead and Copper Rule Revision (LCRR).

**Amendment Purpose:**

As per the most recent Environmental Protection Agency (EPA) Lead and Copper Rule Revision (LCRR), all Community Water Supplies (CWS) and Non-Transient Non-Community Water Supplies (NTNC) must develop a Lead Service Line Inventory (LSLI) and submit it to the DNR using our electronic, excel- based, state template by October 16, 2024.

The purpose of this amendment is to amend the Contractor’s task list of technical assistance to include LSLI completion and lead service line replacement plan development. The Contractor shall use all guidance and resources available on DNR’s Lead Service Line Inventory (LSLI) Website: <https://www.iowadnr.gov/Environmental-Protection/Water-Quality/Drinking-Water-Compliance/Lead-Service-Line-Inventories> to assist all Community Water Supplies (CWS) and Non-Transient Non-Community Water Supplies (NTNC) in completing and submitting their LSLI to the DNR using Iowa’s Excel Template that can be found on the above DNR web page. The Contractor shall designate a specific contact phone number and email address for publication on DNR’s LSLI web page and on other publications for the sole purpose of providing timely technical assistance to LSLI inquiries.

The Contractor shall dedicate two full-time equivalents (FTEs) toward the fulfillment of the Statement of Work in order to accommodate the additional assistance that will be supplied by the Contractor pursuant to the provisions of Amendment 2. Technical Assistance may include on- site visits; virtual or telephone customer service; Excel training; and any other type of follow up TA that aids a PWS in the completion and timely submission of their required LSLI in the proper format (Iowa Template.)

The Contractor shall also participate, assist with the coordination, and aid DNR staff, upon request, in conducting LSLI completion workshops and training.

**Original Selection Process Summary:** IAMU was chosen using the formal competitive selection process. IAMU was chosen for this project because the organization

- has a history of providing viability technical assistance training in Iowa through over a decade of contracting with DNR for this very same purpose;
- has experienced technical assistance providers and trainers who demonstrate an understanding of Iowa’s Operational and Viability Assessment concepts and needs;
- has experienced technical assistance providers and trainers with established communitylevel relationships across the state; and
- has a history of providing quality water operator training in Iowa.

**Contract History with IAMU:**

**Contract #1:** Timeframe: April 1, 2010, to March 31, 2013; Amount \$299,968.00

**Contract #2:** Timeframe: April 1, 2013 to March 31, 2016; Amount \$256,827.00

**Amendment:** Timeframe: April 1, 2016 to March 31, 2019; Amount \$ 265,967.00

**Contract #3:** Timeframe: May 21, 2019 to April 29, 2022; Amount \$ 264,738.00

**Extension:** Timeframe: April 19, 2022 to April 29, 2023, Amount \$81,733.48

Laurie Sharp, Environmental Specialist Senior  
Water Quality Bureau  
Environmental Services Division  
February 21, 2023