

To: Honorable Governor Kim Reynolds
From: The Environmental Protection Commission
Date: Commission Approval Tuesday, May 19, 2020
Subject: 2018 and 2019 Annual Report and Recommendations

The Iowa Environmental Protection Commission respectfully submits its Biennial Report and Recommendations to the Governor and General Assembly of Iowa pursuant to Iowa Code Section 455B.105(5). The report highlights what we consider the major activities and accomplishments of the Commission in 2018 and 2019.

As specified in the statute, this report discusses the accomplishments and status of the programs administered by the Environmental Services Division of the Department of Natural Resources (DNR). The report also makes legislative recommendations for consideration by the Governor and General Assembly based on Commission observations regarding the state of the environment in the past two years. The report also takes into account comments and concerns the Commission hears from Iowa citizens.

We thank you for your consideration of this report and its recommendations.

On Tuesday, May 19, 2020, a motion was made by Howard Hill to approve the EPC Biennial Report for 2018 and 2019. A second for the motion was made by Amy Echard. A roll call vote was conducted and documented.

Approved - Stephanie Dykshorn, Ireton
Approved - Amy Echard, Monona
Approved - Lisa Gochenour, Council Bluffs
Absent - Rebecca Guinn, Bettendorf
Approved - Howard Hill, Cambridge
Approved - Harold Hommes, Windsor Heights – Vice Chair
Approved - Ralph Lents, Menlo – Chair
Approved - Bob Sinclair, Sigourney – Secretary
Vacant Seat - Elector of the State

Recommendations

The Environmental Protection Commission (Commission) recommends continued funding of the Department of Natural Resources' (DNR's) mission. While all of the environmental protection initiatives are important, understanding the content and flow of pollutants in Iowa's air and water are especially important for our citizens, businesses, and industries both during and after the Covid -19 Pandemic.

A core competency of the DNR has been our ability to leverage technology to increase the speed and accuracy of permitting, training and compliance activities. Please continue to support our initiatives to serve our constituents faster and better through technology.

Iowa Environmental Protection Commission Biennial Report and Recommendations

2018 and 2019 Trends

The Commission has been reviewing an increased number of DNR contracts over \$25,000 related to watershed improvement activities by local, onsite coordinators.

Iowa citizen engagement around topics related to water quality and animal feeding operations continued to be robust and frequent.

Summary of 2018 Accomplishments

The Commission started its year with a successful Joint NRC/EPC legislative engagement and meeting.

Statewide education of the entire Commission was enhanced through tours of successful environmental projects and attendance at DNR Field Office meetings with the Director and staff.

Four referrals were made to the Attorney General for egregious environmental activities and fines totaling approximately \$438,400 were issued for lesser violations.

Animal Feeding Operations were a hot topic with a Demand for Hearing executed by three counties contesting construction permit application approvals.

Final rulemaking was approved for:

- Chapters 20, 22, 23, 25, 30, 33 and 34: Air Quality Regulatory Certainty Rules
- Chapters 40, 41, 42, 43, 44, 81, 83: Public Water Supply, DWSRF, Operator Certification, and Laboratory Certification Rules
- Chapter 64: NPDES General Permits 8 and 9
- Chapter 111: Annual Reports of Solid Waste Environmental Management Systems
- Chapter 119: Used Oil and Used Oil Filters
- Chapter 123: Regional Collection Centers and Mobile Unit Collection and Consolidation Centers
- Chapter 144: Household Hazardous Materials Education
- Chapter 211: Financial Assistance for the Collection of Household Hazardous Materials and Hazardous Waste from Conditionally Exempt Small Quantity Generators
- Chapter 214: Household Hazardous Materials Program

We selected 12 community projects for \$399,989 in Derelict Building Grants to address abandoned buildings by promoting waste abatement, diversion, selective dismantlement of building components and recycling.

The Solid Waste Alternatives Program (SWAP) received 16 proposals requesting \$682,692 in financial assistance in a combination of forgivable loans, zero percent loans and three percent loans to support local businesses and communities to reduce the amount of solid waste being sent to Iowa's landfills.

To support the delivery of the Iowa Waste Exchange Program, the Commission approved a \$468,000 grant award to the Region XII Council of Governments. This one-year contract is eligible for five additional one-year extensions.

The Commission also approved the DNR becoming the Administrator for the Iowa Comprehensive Petroleum Underground Storage Tank Fund through a \$451,000 28E Agreement to begin on January 1, 2019 and terminate on December 31, 2020.

Iowa Environmental Protection Commission Biennial Report and Recommendations

Summary of 2019 Accomplishments

We onboarded four new Commissioners and supplemented their orientation with DNR specific training before most meetings.

Statewide education of the entire Commission was enhanced through tours of successful environmental projects and attendance at DNR Field Office meetings with the Director and staff.

Two referrals were made to the Attorney General for egregious environmental activities and fines totaling approximately \$553,100 were issued for lesser violations.

Animal Feeding Operations continued to be a hot topic with a Demand for Hearing executed by two counties contesting construction permit application.

Final Rulemaking was approved for:

- Chapters 20, 22, 23 and 25: Air Quality Regulatory Certainty Rules
- Chapter 64: Wastewater Construction and Operation Permits, to include Well Construction and Well Service Wastewater Discharges
- Chapter 50: Scope of Division—Definitions—Forms—Rules of Practice,
- Chapter 51, Water Permit or Registration—When Required,
- Chapter 52: Criteria and Conditions for Authorizing Withdrawal, Diversion and Storage of Water,
- Chapter 53: Protected Water Sources—Purposes—Designation Procedures—Information in Withdrawal Applications—Limitations—List of Protected Sources,
- Chapter 61: Water Quality Standards (Stream Reclassifications via Use Assessment and Use Attainability Analyses – Batch #5)
- Chapter 65: Animal Feeding Operations, Amended definition of Common Ownership
- Chapter 72: Animal Feeding Operations, Criteria for Approval
- Chapter 82: Well Contractor Certification
- Chapter 137: Iowa Land Recycling Program and Response Action Standards Amendments

We recommended that the Legislature extend the sunset of the Vehicle Mercury Switch Recovery Program by 18 months to address the continued recovery of mercury-contaminating light switches from scrap vehicles.

We selected 13 community projects for \$396,864 in Derelict Building Grants to address abandoned buildings by promoting waste abatement, diversion, selective dismantlement of building components and recycling.

The Clean Water State Revolving Fund (CWSRF) executed 82 new assistance agreements totaling \$271 million dollars to support community wastewater infrastructure projects. An addition \$8 million dollars was provided to the Ag community through 185 nonpoint source pollution mitigation projects.

EASY Air: The multi-year planning and implementation project to move Air Quality permitting online went live on December 5th. This system saves time and money for both the DNR and applicants by pre-populating repetitive data fields, automating internal approval flow, and validating data completion before submittal. Comments have been overwhelmingly positive and supportive by stakeholders.