

Regulatory Plan for SFY2017

Iowa Department of Natural Resources

Introduction

This plan is intended to implement the Governor's Executive Order #9 and provides the Iowa Department of Natural Resources' (DNR) expected regulatory actions for State Fiscal Year 2017, which began July 1, 2016.

Regulatory Objectives

The Director of the DNR, the Environmental Protection Commission, the Natural Resource Commission, and the State Advisory Board for Preserves:

- Strive to provide by rule general statements that implement, interpret or prescribe law or policy or serve an important public need;
- Strive to describe by rule the organization, procedure, and practice requirements of the DNR;
- Strive to use sound science, economic analysis, and policy analysis;
- Strive to use an open, inclusive process for rulemaking; and
- Strive to provide rules that are plain-spoken, direct, productive, and are necessary to carry out the laws of Iowa and the federally mandated programs.

In doing so, these rulemaking authorities will strive to accomplish the DNR's goals that:

- Iowa will have a healthy and safe environment for work and play.
- Iowans will connect with nature.
- The DNR continually strives to improve organizational performance.

In addition, these authorities will strive to incorporate Governor Branstad's four goals of creating 200,000 new jobs for Iowans, a 15 percent reduction in the cost of government, a 25 percent increase in family incomes and to again have the nation's best schools.

A number of regulatory actions are a result of the comprehensive five year review that the DNR is currently undertaking as per Iowa Code section 17A.7(2). The goal of the review is to identify and eliminate rules that are outdated, redundant, or inconsistent with statute or other rules.

Regulatory Actions

The following tables list the DNR's anticipated regulatory actions by rulemaking authority. A summary of each action follows.

How Can You Participate?

You can participate by contacting the person listed in the summary of a regulatory action. You may also participate by commenting on proposed rules that are published in the Iowa Administrative Bulletin. In addition, proposed rules are now available for public comment at <https://rules.iowa.gov/>

Once a rule has been proposed, the DNR will consider your comments and address them before issuing a final rule. To be most effective, comments should contain information and data that support your position, and explain why they should be incorporated in the final rule. You can be particularly helpful and persuasive if you provide examples to illustrate your concerns and offer specific alternatives.

**SFY 2017 Regulatory Items:
November 14, 2016 (Updated)**

Chapter	Title of Regulatory Action
561 IAC 1	Agency Description Update
567 IAC 20-23, 25-28 and 33	Regulatory Certainty Part 1
567 IAC 20-23, 25-28 and 33	Regulatory Certainty Part 2
567 IAC 20-35	Updates for Federal Air Quality Regulations
567 IAC 22	Ease of Application
567 IAC 24	Startup and Shutdown Requirements
567 IAC 30	Clarification to asbestos fee provisions
567 IAC 38, 39, 48, 49, 82	Geothermal Heat Exchange Borehole Regulation
567 IAC 40, 41, 42, 43, 81, 83	Public Water Supply Rulemaking - Groundwater Rule, Lead & Copper Rule Short-Term Revisions, Revised Total Coliform Rule, Analytical Methods
567 IAC 53	Protected Water Sources - Establish a Protected Water Source in Portions of Des Moines and Lee Counties Associated with the Iowa Army Ammunition Plant Site near Middleton
567 IAC 60, 64	General Permit for Dewatering and Residential Geothermal Discharges (General Permit No. 9)
567 IAC 60, 64	General Permit for Hydrostatic Test Water, Underground Storage Tank Ballast Water, and Water Line Discharges (General Permit No. 8)
567 IAC 61	Water Quality Standards - Aluminum/Metals Criteria Update
567 IAC 61	Water Quality Standards - Copper Criteria Update
567 IAC 61	Water Quality Standards - Stream Use Designations (Batch 5)
567 IAC 61	Water Quality Standards - Wasteload Allocation Procedure and E. coli
567 IAC 61	Revision to 567 IAC Chapter 61, 401 Certification Update
567 IAC 63	Effluent Toxicity Testing Rule Revisions
567 IAC 63	Wastewater Monitoring and Reporting Rule Update
567 IAC 64	Renewal of Storm Water General Permits Nos. 1, 2, 3
567 IAC 64	Wastewater Construction and Operation Permits - Revisions to the

	Iowa Wastewater Facilities Design Standards
567 IAC 64	Wastewater General Permit Cleanup
567 IAC 64, 69	Renewal of General Permit No. 4 for Private Sewage Disposal Systems
567 IAC 67	Sewage Sludge Land Application Annual Reporting Requirement
567 IAC 82	Updates to Rules Regarding the Submittal of Drilled Well Records and Samples
567 IAC 103	Coal Combustion Residual Units
567 IAC 106	Citizen Convenience Centers and Transfer Stations
567 IAC 110 (new)	Permit and Fee for Waste Conversion Technologies
567 IAC 123, 144 and 214	Household Hazardous Materials
567 IAC 134, 135 and 136	Technical Standards and Corrective Action Requirements for Owners and Operators of Underground Storage Tanks;
571 IAC 1	Operation of Natural Resource Commission
571 IAC 12	Phase Two Rule Review
571 IAC 15	General License Regulations
571 IAC 21	New Rule to Implement 456A.38 Lease to Beginning Farmers Program
571 IAC 30	Water Recreation Access Grants Cost-Share Program
571 IAC 51 -52, 91, 92, 94 -100, 102, 104 -108, 110	Various Hunting Chapters
571 IAC 54	Restrictions on Introduction and Removal of Plant Life
571 IAC 61	State Parks, Recreation Areas and State Forest Camping
571 IAC 81	Fishing Regulations
571 IAC 86	Turtles
571 IAC 89	Aquaculture

**DNR REGULATORY AGENDA FOR SFY 2017
FORM FOR REGULATORY ACTION DESCRIPTION**

Rule Making Authority Director
Environmental Protection Commission (EPC)
Natural Resource Commission (NRC)
Energy & Geological Resource Division

Title of Regulatory Action Agency Description Update

Rule Chapter(s) involved 561 IAC Chapter 1 - Description of Organization

Description of Contemplated Regulatory Action

(Including, to the extent reasonable and practicable, alternatives to be considered and preliminary estimate of costs and benefits of the Action)

Revise 561 IAC Chapter 1, Description of Organization, to reflect current agency organizational structure

Legal Basis

(Include whether action is required by statute or court order)

This rulemaking will update 567 IAC Chapter 1 to reflect the current agency organizational structure in accordance with the provisions of Iowa Code sections 17A.3(1)(a) and 455A.4(1)(i).

Need for Regulatory Action

(Include if applicable how the action will reduce risk to public health, safety, or the environment)

These rules describe the agency, as required by Iowa Code, and will not directly affect the risk to public health, safety or the environment. Because they describe the internal organization of the agency only, they will not have a job impact nor will they result in additional costs borne by the agency.

Is this action a result of the five year regulatory review? Yes No

**Other Affected/Interested
Rule Making Authorities**

These rules will be of interest to the Environmental Protection Commission and Natural Resource Commission, who work closely with the agency. To the extent the agency modifies its description of its energy program, the Iowa Economic Development Authority (IEDA) may be interested since it is the State Energy Office recognized by the US Department of Energy. Homeland Security & Emergency Management and Iowa Department of Agriculture and Land Stewardship (IDALS), Division of Soil Conservation & Water Quality have indicated an interest in this chapter.

**Potential Public Groups
Impacted**

These rules should not have an impact on any particular public group. The rules will update the chapter to correctly reflect the agency's current organizational structure.

Schedule:

(Actions & month year)

Submit to Governor's Office for preclearance by October 2016
Notice of Intended Action Filed by December 2016
Public Hearings by February 2017
Final Rule by May 2017

Staff Contact/Phone #

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**DNR REGULATORY AGENDA FOR SFY 2017
FORM FOR REGULATORY ACTION DESCRIPTION**

Rule Making Authority Director
Environmental Protection Commission (EPC)
Natural Resource Commission (NRC)
Energy & Geological Resource Division

Title of Regulatory Action Regulatory Certainty Part 1

Rule Chapter(s) involved 567 IAC Chapters 20-23, 25-28 and 33

Description of Contemplated Regulatory Action

(Including, to the extent reasonable and practicable, alternatives to be considered and preliminary estimate of costs and benefits of the Action)

The proposed rule changes will:

1) **Rescind unnecessary rules and update other rules to provide regulatory certainty and flexibility.** The proposed rules will implement a portion of the DNR's 5-year rules review plan to accomplish the requirements of Iowa Code section 17A.7(2). The proposed changes continue previous efforts in the DNR's rules review plan to identify rules that can be rescinded or amended because they are outdated or obsolete. The proposed changes improve rules for several air quality programs, including construction permits, Title V permits, Prevention of Significant Deterioration (PSD), and testing and monitoring methods.

2) **Offer uniform rules by making changes that match federal regulations and eliminate inconsistency between federal and state rules.** By adopting federal updates into state administrative rules, the Environmental Protection Commission (Commission) is ensuring that Iowa's air quality rules are no more stringent than federal regulations. Additionally, the updates allow the DNR, rather than the United States Environmental Protection Agency (U.S. EPA), to be the primary agency to implement the air quality requirements in Iowa, thereby allowing the DNR and its partners to provide compliance assistance and outreach to affected facilities. The rule changes also include adoption of revisions to federal air toxics standards (also known as National Emissions Standard for Hazardous Air Pollutants or NESHAP) and new source performance standards (NSPS) that are not currently under reconsideration or litigation. These include changes affecting existing federal standards that are already adopted by reference, but that U.S. EPA has since amended. Adopting U.S. EPA's amendments allows state rules to be consistent with federal regulations, and provides certainty to affected businesses and other interested stakeholders.

Preliminary Estimates of Costs: After analysis and review, the DNR has determined that most of the proposed changes will have no impact on private sector jobs and other fiscal impacts, or will have a positive impact on private sector jobs and other fiscal impacts. The proposed rules include rescinding unnecessary rules, updating other rules, and streamlining the rules to provide regulatory certainty and, in many cases, regulatory flexibility. For the adoption of new and amended NSPS and NESHAP standards, the DNR has determined that jobs could be impacted. However, the proposed amendments are only implementing federally mandated regulations. The amendments are identical to the federal regulations and would not impose any regulations on Iowa businesses not already required by federal law.

Benefits of the Action: Most of the proposed rule changes would match federal regulations and eliminate inconsistency between federal and state rules. By adopting federal updates into state rules, the Commission would be ensuring that Iowa's air quality rules are no more stringent than federal regulations. Affected businesses and the public benefit from clear and up-to-date air quality requirements. In some cases, the revised federal standards proposed for adoption provide more flexibility and potential cost savings for affected businesses, offering a positive impact on private sector jobs. Further, the updates allow the DNR rather than the U.S. EPA to be the primary agency to implement the standards in Iowa, thereby allowing the DNR and its partners to provide compliance assistance to affected facilities.

Legal Basis

(Include whether action is required by statute or court order)

The rule change will implement Iowa Code sections 455B.133, 455B.139 and 455B.145, as well as the United States Clean Air Act sections 110(a)(2)(C) (42 USC §7410), 111 (42 USC §7411), 112 (42 USC §7412) and 501-507 (42 USC §7661 - §7661f).

Need for Regulatory Action

(Include if applicable how the action will reduce risk to public health, safety, or the environment)

The rule changes would continue previous efforts in Phase 1 of the DNR’s 5-year rules review plan to identify rules that can be rescinded or amended because they are outdated or obsolete. The changes would improve rules for several air quality programs, including construction permits, Title V permits, PSD, and testing and monitoring methods.

The rule changes are needed to ensure that Iowa’s Title V, PSD, NSPS, and NESHAP rules are consistent with federal regulations. Inconsistency would cause regulatory uncertainty and confusion for affected facilities. Further, statute prohibits state air quality rules from being more stringent than federal regulations (Iowa Code section 455B.133(4)).

Is this action a result of the five year regulatory review? Yes No

Other Affected/Interested Rule Making Authorities

United States Environmental Protection Agency (U.S. EPA), IEDA, Linn and Polk County air quality control programs, Homeland Security & Emergency Management, Department of Commerce’s Professional Licensing Bureau (Engineering and Land Surveying), Public Safety Department and Department of Transportation (IDOT)

Potential Public Groups Impacted

Affected industries and businesses, Iowa Association of Business and Industry, Iowa Environmental Council, and other environmental or citizen groups

Schedule:

(Actions & month year)

Submit to Governor’s office for preclearance by June 15, 2016 (already submitted)
Notice of Intended Action to be filed by August 2016
Public hearings in September 2016
Final rule to Commission by November 2016

Staff Contact/Phone #

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**DNR REGULATORY AGENDA FOR SFY 2017
FORM FOR REGULATORY ACTION DESCRIPTION**

Rule Making Authority Director
Environmental Protection Commission (EPC)
Natural Resource Commission (NRC)
Energy & Geological Resource Division

Title of Regulatory Action Regulatory Certainty Part 2

Rule Chapter(s) involved 567 IAC Chapters 20-23, 25-28 and 33

Description of Contemplated Regulatory Action

(Including, to the extent reasonable and practicable, alternatives to be considered and preliminary estimate of costs and benefits of the Action)

Regulatory Certainty Part 2 will include rule changes, as described below, that DNR identifies after Regulatory Certainty Part 1 has been cleared by the Governor's office and approved by the Environmental Protection Commission (Commission) for formal public comment.

The proposed rule changes will:

1) **Rescind unnecessary rules and update other rules to provide regulatory certainty and flexibility.** The proposed rules will implement a portion of the DNR's 5-year rules review plan to accomplish the requirements of Iowa Code section 17A.7(2). The proposed changes continue previous efforts in the DNR's rules review plan to identify rules that can be rescinded or amended because they are outdated or obsolete. The proposed changes improve rules for several air quality programs, including construction permits, Title V permits, Prevention of Significant Deterioration (PSD), and testing and monitoring methods.

2) **Offer uniform rules by making changes that match federal regulations and eliminate inconsistency between federal and state rules.** By adopting federal updates into state administrative rules, the Commission is ensuring that Iowa's air quality rules are no more stringent than federal regulations. Additionally, the updates allow the DNR, rather than the U.S. EPA, to be the primary agency to implement the air quality requirements in Iowa, thereby allowing the DNR and its partners to provide compliance assistance and outreach to affected facilities. The rule changes also include adoption of revisions to federal air toxics standards (also known as National Emissions Standard for Hazardous Air Pollutants or NESHAP) and new source performance standards (NSPS) that are not currently under reconsideration or litigation. These include changes affecting existing federal standards that are already adopted by reference, but that U.S. EPA has since amended. Adopting U.S. EPA's amendments allows state rules to be consistent with federal regulations, and provides certainty to affected businesses and other interested stakeholders.

Preliminary Estimates of Costs: After analysis and review, the DNR has determined that most of the proposed changes will have no impact on private sector jobs and other fiscal impacts, or will have a positive impact on private sector jobs and other fiscal impacts. The proposed rules include rescinding unnecessary rules, updating other rules, and streamlining the rules to provide regulatory certainty and, in many cases, regulatory flexibility. For the adoption of new and amended NSPS and NESHAP standards, the DNR has determined that jobs could be impacted. However, the proposed amendments are only implementing federally mandated regulations. The amendments are identical to the federal regulations and would not impose any regulations on Iowa businesses not already required by federal law.

Description of Contemplated Regulatory Action (cont.)

Benefits of the Action: Most of the proposed rule changes would match federal regulations and eliminate inconsistency between federal and state rules. By adopting federal updates into state rules, the Commission would be ensuring that Iowa's air quality rules are no more stringent than federal regulations. Affected businesses and the public benefit from clear and up-to-date air quality requirements. In some cases, the revised federal standards proposed for adoption provide more flexibility and potential cost savings for affected businesses, offering a positive impact on private sector jobs. Further, the updates allow the DNR rather than the U.S. EPA to be the primary agency to implement the standards in Iowa, thereby allowing the DNR and its partners to provide compliance assistance to affected facilities.

Legal Basis

(Include whether action is required by statute or court order)

The rule change will implement Iowa Code sections 455B.133, 455B.139 and 455B.145, as well as the United States Clean Air Act sections 110(a)(2)(C) (42 USC §7410), 111 (42 USC §7411), 112 (42 USC §7412) and 501-507 (42 USC §7661 - §7661f).

Need for Regulatory Action

(Include if applicable how the action will reduce risk to public health, safety, or the environment)

The rule changes would continue previous efforts in Phase 1 of the DNR's 5-year rules review plan to identify rules that can be rescinded or amended because they are outdated or obsolete. The changes would improve rules for several air quality programs, including construction permits, Title V permits, PSD, and testing and monitoring methods.

The rule changes are needed to ensure that Iowa's Title V, PSD, NSPS, and NESHAP rules are consistent with federal regulations. Inconsistency would cause regulatory uncertainty and confusion for affected facilities. Further, statute prohibits state air quality rules from being more stringent than federal regulations (Iowa Code section 455B.133(4)).

Is this action a result of the five year regulatory review? Yes No

Other Affected/Interested Rule Making Authorities

U.S. EPA, IEDA, Linn and Polk County air quality control programs, Homeland Security & Emergency Management, Department of Commerce's Professional Licensing Bureau (Engineering and Land Surveying), Public Safety Department and IDOT

Potential Public Groups Impacted

Affected industries and businesses, Iowa Association of Business and Industry, Iowa Environmental Council, and other environmental or citizen groups

Schedule:

(Actions & month year)

Submit to Governor's office for preclearance by January 2017
Notice of Intended Action to be filed by April 2017
Public hearings in June 2017
Final rule to Commission by August 2017

Staff Contact/Phone

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**DNR REGULATORY AGENDA FOR SFY 2017
FORM FOR REGULATORY ACTION DESCRIPTION**

Rule Making Authority Director
Environmental Protection Commission (EPC)
Natural Resource Commission (NRC)
Energy & Geological Resource Division

Title of Regulatory Action Updates for Federal Air Quality Regulations

Rule Chapter(s) involved 567 IAC Chapters 20-35 (the specific chapters that may be involved are unknown at this time)

Description of Contemplated Regulatory Action

(Including, to the extent reasonable and practicable, alternatives to be considered and preliminary estimate of costs and benefits of the Action)

This rulemaking will update the air quality rules to match changes to federal regulations that U.S. EPA finalizes in late SFY 2016 or in SFY 2017. Although it is unknown what U.S. EPA's changes will be, U.S. EPA, in any given year, typically makes updates to such air programs as Prevention of Significant Deterioration (PSD), Title V Operating Permits, New Source Performance Standards (NSPS) and associated Emission Guidelines (EGs), National Emission Standards for Hazardous Air Pollutants (NESHAP), and national ambient air quality standards (NAAQS). In particular, the DNR expects that U.S. EPA may make changes to federal regulations to conclude reconsiderations or in response to court decisions. The DNR does not plan to propose rule changes for any federal regulations under active reconsideration or litigation.

Preliminary Estimates of Costs: Since the specific rules that may be updated are unknown at this time, costs estimates cannot be determined. However, any rules changes will be implementing federally mandated regulations. The planned rulemaking will not impose any regulations on Iowa businesses not required by federal law. Since the DNR would adopt any NSPS or NESHAP by reference, the rule changes would be identical to federal requirements, and would be no more or less stringent than federal regulations. Additionally, facilities would be affected by the federal standards regardless of whether the DNR adopts the standards into state administrative rules.

Benefits of the Action: The adoption of these rules would ensure that state rules match current federal regulations and are not more stringent than federal regulations. Upon adoption, the DNR rather than U.S. EPA would be the primary authority to implement these regulations in Iowa, allowing the DNR to provide compliance assistance and outreach to affected facilities as soon as possible.

Legal Basis

(Include whether action is required by statute or court order)

Iowa Code section 455B.133 and United States Clean Air Act (CAA) Title I §111 (42 USC §7411), §112 (42 USC §7412), §501-507 (42 USC §7661-7661f) and §160-169b (42 USC §7470-7492)

Need for Regulatory Action

(Include if applicable how the action will reduce risk to public health, safety, or the environment)

The rule changes are needed to ensure that Iowa's rules are consistent with federal regulations. Inconsistencies may cause regulatory uncertainty and confusion for affected facilities. Further, statute prohibits state air quality rules from being more stringent than federal regulations (Iowa Code section 455B.133(4)).

Is this action a result of the five year regulatory review? Yes No

Other Affected/Interested Rule Making Authorities

Iowa Utilities Board, IEDA, Office of Consumer Advocate, IDOT, IDALS, Department of Commerce's Professional Licensing Bureau (Engineering and Land Surveying), Homeland Security and Emergency Management, Department of Public Health (IDPH), Department of Public Safety, Board of Regents, U.S. EPA and Linn and Polk County air quality control programs

Potential Public Groups Impacted

Affected industries and businesses, Iowa Association of Business and Industry, Utility Associations, Iowa Renewable Fuels Association, other trade associations, Iowa Environmental Council, and other environmental or citizen groups

Schedule:
(Actions & month year)

Submit to Governor's office for preclearance by September 2016
Notice of Intended Action to be filed by November 2016
Public hearings in January 2017
Final rule to Commission by March 2017

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**DNR REGULATORY AGENDA FOR SFY 2017
FORM FOR REGULATORY ACTION DESCRIPTION**

Rule Making Authority Director
Environmental Protection Commission (EPC)
Natural Resource Commission (NRC)
Energy & Geological Resource Division

Title of Regulatory Action Ease of Application

Rule Chapter(s) involved 567 IAC Chapter 22

Description of Contemplated Regulatory Action

(Including, to the extent reasonable and practicable, alternatives to be considered and preliminary estimate of costs and benefits of the Action)

This rulemaking implements changes associated with permit application submittals that were identified during the 2015 Air Quality Construction Permit Lean event.

The proposed rule changes will:

- 1) State that submittal of a Greenhouse Gas (GHG) form is not necessary for applications for construction projects that have no GHG emissions. Form CP can be used to indicate that no GHGs will be emitted.
- 2) Clarify what constitutes a valid electronic signature and acceptable methods to submit electronic media that comply with EPA's Cross-Media Reporting Rule (CROMERR). The requirements will mirror those found in 567 IAC Chapter 15 (Cross-Media Electronic Reporting).
- 3) Clarify that permit applications may be submitted by U.S. mail, private mail delivery services, or electronically. Electronic submissions meeting the requirements of CROMERR, which will be clarified in the rules (see item 2 above).

Preliminary Estimates of Costs: After analysis and review, the DNR has determined that most of the proposed changes will have no impact on private sector jobs and other fiscal impacts, or will have a positive impact on private sector jobs and other fiscal impacts. The proposed rules will update and clarify rules to provide regulatory certainty and, in many cases, regulatory flexibility. Amendments associated with the CROMERR requirements will be identical to the federal regulations and would not impose any regulations on Iowa businesses not already required by federal law.

Description of Contemplated Regulatory Action (cont.)

Benefits of the Action: Affected businesses and the public benefit from clear and up-to-date air quality permit application submittal requirements.

Legal Basis

(Include whether action is required by statute or court order)

The rule change will implement Iowa Code sections 455B.133 and 455B.134.

Need for Regulatory Action

(Include if applicable how the action will reduce risk to public health, safety, or the environment)

The changes will provide additional clarifying information regarding permit application submittal requirements. The changes will improve rules for several air quality programs, including construction permits, Title V permits, and PSD.

Is this action a result of the five year regulatory review? Yes No

Other Affected/Interested Rule Making Authorities

EPA, IEDA, Linn and Polk County air quality control programs, and Department of Commerce's Professional Licensing Bureau (Engineering and Land Surveying)

Potential Public Groups Impacted

Affected industries and businesses, Iowa Association of Business and Industry

Schedule:

(Actions & month year)

Submit to Governor's office for preclearance by September 2016
Notice of Intended Action to be filed by October 2016
Public hearing in November 2016
Final rule to Commission by December 2016

Staff Contact/Phone #

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**DNR REGULATORY AGENDA FOR SFY 2017
FORM FOR REGULATORY ACTION DESCRIPTION**

Rule Making Authority Director
Environmental Protection Commission (EPC)
Natural Resource Commission (NRC)
Energy & Geological Resource Division

Title of Regulatory Action Startup and Shutdown Requirements

Rule Chapter(s) involved 567 IAC Chapter 24

Description of Contemplated Regulatory Action

(Including, to the extent reasonable and practicable, alternatives to be considered and preliminary estimate of costs and benefits of the Action)

Note: The DNR does not plan to proceed with possible rulemaking actions discussed in this agenda until the litigation related to the federal regulations is resolved.

Background: On May 22, 2015, U.S. EPA signed a final action (subsequently published on June 12, 2015), finding that 36 states, including Iowa, had State Implementation Plans (SIPs) that are not fully consistent with the Clean Air Act (CAA) concerning rules for startup, shutdown, and malfunction (SSM) provisions. According to U.S. EPA’s action, affected states will have 18 months, until November 22, 2016, to make changes to their rules to correct the SSM provisions and submit a revised SIP to U.S. EPA.

In Iowa’s case, U.S. EPA found the provisions in 567 IAC subrule 24.1(1) to be deficient. The provisions in 24.1(1) state, “excess emissions during periods of startup, shutdown, or the cleaning of control equipment is not a violation of the emission standard if the startup, shutdown, and cleaning is accomplished expeditiously and in a manner consistent with good practices for minimizing emissions.” U.S. EPA’s action requires Iowa to revise its SIP specifically so that excess emissions during startup and shutdown are not summarily exempted from emission standards. In the same action, U.S. EPA found that Iowa’s provisions for excess emissions occurring during a malfunction are not a SIP deficiency, so no action is needed on the existing rules for malfunctions.

In 2015, nineteen states filed suit against U.S. EPA’s SSM actions. The courts have not made any judgements regarding the litigation at this time, and U.S. EPA has not proposed or finalized any changes to the final SSM regulations published on June 12, 2015. DNR does not plan to proceed with any stakeholder workgroups or rulemaking activities until the litigation is resolved.

Preliminary Estimates of Costs: It is unknown at this time what potential costs will occur because the DNR is waiting until the current litigation and any related U.S. EPA actions are resolved, and will also take recommendations from stakeholders before initiating a rulemaking. If the litigation is resolved in FY 2017, and Iowa is still found to have a SIP deficiency in its startup and shutdown rules, rule changes may be required. Required rule changes may result in some additional costs for affected facilities and the DNR. Based on U.S. EPA’s final action and assuming U.S. EPA’s final action prevails as it is currently written, options range simply from additional reporting and recordkeeping, which should result in minimal additional costs, to alternative emission limits, which could result in more significant costs. If the DC Circuit Court entirely overturns U.S. EPA’s actions, or if the DC Circuit Court decision is appealed, no rulemaking activities would occur in FY 2017.

Potential Benefits: Depending on the outcome of the litigation and any resulting options chosen for revising the startup and shutdown provisions, new rules could result in reduced excess emissions during startup and shutdown of equipment.

Legal Basis

(Include whether action is required by statute or court order)

This action is intended to implement Iowa Code section 455B.133 and Clean Air Act section 110.

Need for Regulatory Action

(Include if applicable how the action will reduce risk to public health, safety, or the environment)

If U.S. EPA prevails in full or in part in the current litigation, the DNR will be required to correct a deficiency in its SIP concerning existing exemptions for excess emissions that occur during startup and shutdown of equipment. If the DNR does not revise rules and submit an adequate SIP to U.S. EPA (regardless of the status of the litigation), U.S. EPA will impose a Federal Implementation Plan (FIP) to correct the deficiency. The FIP may be more stringent and burdensome on affected industries than a SIP developed by the DNR in conjunction with stakeholders.

Is this action a result of the five year regulatory review? Yes No

Other Affected/Interested Rule Making Authorities

U.S. EPA, Iowa Utilities Board, and IEDA

Potential Public Groups Impacted

- Investor owned utilities, municipal utilities, and rural electric cooperatives
- Consumer advocate and other energy and electricity interest groups
- Affected industries
- Sierra Club, Iowa Environmental Council and other environmental groups
- Iowa Association of Business and Industry
- Iowa Renewable Fuels Association and Agribusiness Association of Iowa

Schedule:

(Actions & month year)

Because of the current litigation, and because the DC Circuit Court has not yet set a schedule for hearing the lawsuit, an estimation of a rulemaking schedule cannot be made at this time. It is unknown if U.S. EPA will prevail in full or in part in the lawsuit, and if and when the DNR will proceed with rule changes. If U.S. EPA does prevail in full or in part, it is possible that the schedule for submitting changes to the SIP may be extended, and rule changes will not be needed in FY 2017.

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**DNR REGULATORY AGENDA FOR SFY 2017
FORM FOR REGULATORY ACTION DESCRIPTION**

Rule Making Authority Director
Environmental Protection Commission (EPC)
Natural Resource Commission (NRC)
Energy & Geological Resource Division

Title of Regulatory Action Clarification to asbestos fee provisions

Rule Chapter(s) involved 567 IAC Chapter 30

Description of Contemplated Regulatory Action

(Including, to the extent reasonable and practicable, alternatives to be considered and preliminary estimate of costs and benefits of the Action)

This rulemaking will clarify the provisions for fees associated with asbestos demolition and renovation projects to match Iowa Code.

Iowa Code section 455B.133C(7)(a) states, “The *asbestos* account shall include all fees established by the commission to be imposed and collected by the department for accepting notifications involving demolition or renovation projects under the *asbestos* national emission standard for hazardous air pollutants program pursuant to 567 IAC ch.23.”

Currently, subrule 30.3(1) states that “the owner or operator of a site subject to the national emissions standard for hazardous air pollutants (NESHAP) for asbestos notifications, adopted by reference in 567 paragraph 23.1(2)“a,” shall submit a fee with each original and each annual notification for each demolition or renovation, including abatement.” However, subrule 30.3(2)“a”, which is part of a list stating when fees are **not** required, appears to conflict with subrule 30.3(1), by excluding all demolition and renovation projects when certain thresholds have not been met.

The exception described in subrule 30.3(2)“a”, is meant to apply only to asbestos NESHAP **renovation** projects, and **not** to asbestos NESHAP demolition projects. The asbestos NESHAP requires notification of **all** demolition projects, regardless of whether or not asbestos is present.

The DNR is proposing to rescind paragraph “a” so that owners and operators are not confused about whether a fee is required, and so that rule 567-30.3(455B) is consistent with the Iowa Code.

Preliminary Estimates of Costs: The DNR is collecting fees for all demolition notifications regulated under the asbestos NESHAP, as allowed under Iowa Code section 455B.133C(7)(a). The rule change will remove a potentially misleading provision that may lead owners and operators to believe that fees are not required for certain demolition notifications.

Benefits of the Action: The rule change will make the rules for asbestos notification fees consistent with Iowa Code, thereby eliminating potential confusion for affected stakeholders.

Legal Basis

(Include whether action is required by statute or court order)

The correction to rule is allowed under Iowa Code section 455B.133C(7)(a).

Need for Regulatory Action

(Include if applicable how the action will reduce risk to public health, safety, or the environment)

The rule change is necessary to remove inconsistency between Iowa Code and the asbestos fee provisions in administrative rules.

Is this action a result of the five year regulatory review? Yes No

Other Affected/Interested Rule Making Authorities

U.S. EPA is the only other regulatory agency that implements the asbestos NESHAP.

Potential Public Groups Impacted

- Asbestos abatement contractors
- Demolition contractors
- Industries or businesses undertaking building renovation and demolitions
- Municipalities undertaking a multiple building project
- Iowa League of Cities
- IDOT

Schedule:

(Actions & month year)

- Informal public input by August 2016
- Submit to Governor's office for preclearance by October 2016
- Notice of Intended Action to be filed by November 2016
- Public hearings in December 2016
- Final rule to Commission by February 2017

Staff Contact/Phone #

Christine Paulson 515-725-9510

**DNR REGULATORY AGENDA FOR SFY 2017
FORM FOR REGULATORY ACTION DESCRIPTION**

Rule Making Authority Director
Environmental Protection Commission (EPC)
Natural Resource Commission (NRC)
Energy & Geological Resource Division

Title of Regulatory Action

Geothermal Heat Exchange Borehole Regulation (GHEX)

Rule Chapter(s) involved

567 IAC Chapter 38 Private Water Well Construction Permits 567 IAC Chapter 39 Requirements for Plugging Abandoned Wells 567 IAC Chapter 48 Ground Heat Exchange (GHEX) Loop Boreholes (new chapter) 567 IAC Chapter 49 Nonpublic Water Supply Wells 567 IAC Chapter 82 Well Contractor Certification
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Description of Contemplated Regulatory Action

(Including, to the extent reasonable and practicable, alternatives to be considered and preliminary estimate of costs and benefits of the Action)

<p>This rulemaking will update the DNR’s geothermal heat loop (GHEX) borehole rules so that they are consistent with current voluntary industry standards. The proposed rules and rule amendments are the result of the DNR working directly with the water well and geothermal drilling industries over the last 11 years.</p> <p>This action proposes to: Adopt a new chapter of rules – 567 IAC Chapter 48 - Ground Heat Exchange (GHEX) Loop Boreholes. Amend 567 IAC Chapter 38 to add the classification of “ground heat exchange (GHEX) borehole.” Amend 567 IAC Chapter 39 to add the classification of “ground heat exchange (GHEX) borehole.” Amend 567 IAC Chapter 49 to add a sub-classification to the definition of “well” for “ground heat exchange (GHEX) borehole” and refer to the new 567 IAC chapter 48 rules to specifically address rules for ground heat exchange installations. Replace the setback table in 567 IAC 49.6(1) with an updated table. Amend 567 IAC Chapter 82 to include a new classification of certification and requirements for “Ground Heat Exchange Borehole (GHEX) driller.”</p> <p>Reasonable and practicable alternatives: There are no reasonable alternatives to add the protections needed to all future GHEX borehole systems installations without providing a standard that all installations must use.</p> <p>Preliminary estimates of costs: Private home GHEX borehole systems: A number of the GHEX drilling contractors working in Iowa already use comparable standards to those that are proposed. For these contractors and the property owners they work for, the cost of installation will not increase. For contractors who do not use comparable construction standards, the cost of installation per borehole may increase up to 20 percent.</p> <p>Commercial GHEX borehole systems: A number of the GHEX design engineers and drilling contractors working in Iowa already use comparable standards to those that are proposed. For these contractors and the commercial property owners they work for, the cost of installation will not increase. For design engineers and drilling contractors who do not use construction standards comparable to the standards proposed, the cost of installation per borehole may increase up to 25 percent.</p> <p>Cost to the DNR: The DNR already manages GHEX borehole installations through current rules and anticipates managing the rule changes sought through this action without appreciable cost to the DNR.</p>

Potential Benefits

GHEX systems that are installed using the proposed standards provide protections to Iowa’s groundwater supplies. These supplies provide drinking and consumable water for many of the state’s residents. In addition, the standards create an environment where each borehole is properly connected to the earth through borehole grouting techniques. This helps increase the efficiency of the GHEX systems, meaning they use less energy and cost less to operate. Providing groundwater and aquifer protections through proper GHEX borehole installations helps ensure that the resources will continue to be available for all who need them and the boreholes themselves operate as intended.

Legal Basis

(Include whether action is required by statute or court order)

This action is not required by statute. The DNR has the authority to require all well installations to follow minimum construction requirements, that all well contractors be appropriately certified for each type of well service performed, and to set the experience, education, and examination requirements for the various well contractor classifications (Iowa Code sections 455B.173, 455B.187, 455B.190, and 455B.190A).

Need for Regulatory Action

(Include if applicable how the action will reduce risk to public health, safety, or the environment)

Ground heat exchange boreholes/wells are being installed in increased numbers each year. These boreholes require construction standards which are more specific and more stringent than current private well construction standards in order to provide adequate protection to the groundwater and surrounding private and public drinking water supply wells. Without adequate protections in place, water well users in the vicinity of GHEX borehole systems may need to use expensive water treatment devices to treat their drinking water or seek more alternative water sources to meet their needs. The proposed 567 IAC chapter 48 rules are similar to voluntary standards that the GHEX industry has already adopted in the United States. The amendments to 567 IAC chapters 38, 39, 49, and 82 are also required to add the proposed rules to existing rule chapters.

Is this action a result of the five year regulatory review? Yes No

Other Affected/Interested Rule Making Authorities

IDPH, the Iowa Plumbing and Mechanical Board, local county health departments and IEDA

Potential Public Groups Impacted

The Iowa Geothermal Association, the Iowa Water Well Association, and any of the 380 DNR certified well contractors who install, or have the ability to install, ground heat exchange boreholes. Also affected are the equipment and product manufacturers and distributors of geothermal products, the citizens who may be interested in using GHEX boreholes for heating and cooling purposes, and water supply well owners

Schedule:

(Actions & month year)

Stakeholder rule development through August 2016
Submit to Governor’s office for preclearance by September 2016
Notice of Intended Action to be filed by December 2016
Public hearings in February 2017
Final rule to Commission in April 2017

Staff Contact/Phone #

Russ Tell 515-725-0462
Mark Moeller 515-725-0275

AGENDA FOR SFY 2017
FORM FOR REGULATORY ACTION DESCRIPTION

Rule Making Authority Director
Environmental Protection Commission (EPC)
Natural Resource Commission (NRC)
Energy & Geological Resource Division

Title of Regulatory Action Public Water Supply Rulemaking: Groundwater Rule, Lead & Copper Rule Short-term Revisions, Revised Total Coliform Rule, Analytical Methods

Rule Chapter(s) involved 567 IAC Chapters 40, 41, 42, 43, 81, and 83

Description of Contemplated Regulatory Action

(Including, to the extent reasonable and practicable, alternatives to be considered and preliminary estimate of costs and benefits of the Action)

U.S. EPA promulgated three new public drinking water regulations in 2006, 2007, and 2013, which need to be incorporated into the Iowa Administrative Code in order for the state to retain primacy for the Safe Drinking Water Act (SDWA). The Groundwater Rule, Lead & Copper Rule Short-term Revisions, and Revised Total Coliform Rule are final federal regulations. U.S. EPA has also adopted several changes to approved analytical methods since February 2007, and there are other changes needed to update the rules. As a condition of primacy, states are required to adopt rules equivalent to the federal rules. Failure to retain primacy in Iowa would result in the loss of the federal Public Water Supply Supervision grant (now incorporated into the DNR's Performance Partnership Agreement and Grant with U.S. EPA), which is approximately \$1.4M in FFY2016, as well as loss of the Drinking Water State Revolving Loan Fund of \$16M/year.

Legal Basis

(Include whether action is required by statute or court order)

Action is required in order to retain primacy for SDWA in Iowa. The DNR has the jurisdiction to administer the drinking water program in Iowa (Iowa Code subsection 455B.172(1)). Duties of the Environmental Protection Commission include rulemaking relating to drinking water supplies (Iowa Code subsections 455B.173(3), (5) and (6)).

Need for Regulatory Action

(Include if applicable how the action will reduce risk to public health, safety, or the environment)

Action is required in order to retain primacy for the SDWA in Iowa. The federal regulations are meant to reduce the risk to public health from public drinking water supplies through new contaminant standards and operation requirements, and to inform the public when a problem is detected so that they may take the appropriate action to protect their health.

Is this action a result of the five year regulatory review? Yes No

Other Affected/Interested Rule Making Authorities

IEDA, Department of Commerce's Professional Licensing Bureau (Engineering and Land Surveying), IDPH, and Board of Regents

Potential Public Groups Impacted

All 1,900 public water supplies in Iowa and 4,433 Iowa Certified Operators; stakeholders: Iowa Association of Municipal Utilities, Iowa Section – American Water Works Association, Iowa Rural Water Association, Iowa Association of Water Agencies; and any group interested in water and water quality (e.g., Iowa Farm Bureau Federation and Sierra Club)

Schedule:

(Actions & month year)

Submit to Governor's office for preclearance by October 2016
Notice of Intended Action to be filed by December 2016
Public hearings in February 2017
Final rule to Commission by March 2017

Staff Contact/Phone #

Diane Moles 515-725-0281
Mark Moeller 515-725-0275

**DNR REGULATORY AGENDA FOR SFY 2017
FORM FOR REGULATORY ACTION DESCRIPTION**

Rule Making Authority

Director
Environmental Protection Commission (EPC)
Natural Resource Commission (NRC)
Energy & Geological Resource Division

Title of Regulatory Action

Protected Water Sources – Establish a Protected Water Source in Portions of Des Moines and Lee Counties Associated with the Iowa Army Ammunition Plant Site near Middleton

**Rule Chapter(s)
Involved**

567 IAC Chapter 53

Description of Contemplated Regulatory Action

(Including, to the extent reasonable and practicable, alternatives to be considered and preliminary estimate of costs and benefits of the Action)

Establish a Protected Water Source Area for a portion of the Iowa Army Ammunition Plant (IAAP) site near Middleton in Des Moines County and an area south of the current Plant site extending into Lee County. Royal Demolition Explosive (RDX) (or hexahydro-1,3,5-trinitro-1,3,5-triazine) is a contaminant found in the shallow groundwater at these locations. The current RDX levels in the groundwater are above the U.S. EPA's lifetime drinking water health advisory of 2 parts per billion. Water supply wells installed into the contaminated aquifer can create health concerns with well users. In addition, the contaminant can migrate into currently unaffected groundwater if the shallow aquifer is used or new deeper water wells are not properly designed, constructed, and monitored. Protecting the source water is the only reasonable manner of keeping the contamination from migrating.

Preliminary Estimates of Costs:

Cost to the DNR: The DNR already manages other protected water source areas and DNR does not anticipate any appreciable increase in costs for implementing this rule.

Cost to potential well owners: For potential well owners whose property falls within the protected water source area, there may be increases in the cost of their well construction to ensure the well doesn't cause the contaminant to move from the current location and the well users' water remains contaminant free. The increase in cost for new well installations will vary depending on water use, well depth and well capacity.

Potential Benefits: Establishing this protected water source area will help reduce the chance that contamination will move from the current location; it provides protection of the state's aquifers from further RDX contamination; and it helps maintain a viable source of groundwater for all of the well users currently outside of the area of contamination.

Legal Basis

(Include whether action is required by statute or court order)

This action is not required by statute or court order. The U.S. EPA and the IAAP request that access to the groundwater be limited in the areas of known contamination to protect public health and reduce the migration of the RDX contaminant. The DNR has the jurisdiction to conduct the water use program in Iowa (Iowa Code section 455B.262). Duties of the Environmental Protection Commission include rulemaking relating to water use/allocation (Iowa Code subsection 455B.263(8)).

Need for Regulatory Action

(Include if applicable how the action will reduce risk to public health, safety, or the environment)

This action is needed to assist the DNR in protecting the public health of well users in the proposed locations, preserving the quality and quantity of water available in the local aquifers for sustained beneficial use, and limit the migration of the RDX contaminant into currently unaffected groundwater. By designating a protected source area and increasing the protections used during well construction within the designated area, the contamination plume will be less likely to impact well users and aquifers that are currently protected.

The DNR is the private well permitting authority for the protected source area, relieving the local county permitting authorities from implementing the requirements created by this action.

Is this action a result of the five year regulatory review? Yes No

Other Affected/Interested Rule Making Authorities

IDPH, Des Moines County Boards of Supervisors and Public Health, Lee County Boards of Supervisors and Public Health and IEDA

Potential Public Groups Impacted

Landowners and water well users limited to the local specified contaminated area and a buffer area and those areas directly surrounding the proposed area

Schedule:
(Actions & month year)

Submit to Governor’s office for preclearance by July 2016
Notice of Intended Action to be filed by September 2016
Public hearings in October 2016
Final rule to Commission December 2016

Staff Contact/Phone #

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**DNR REGULATORY AGENDA FOR SFY 2017
FORM FOR REGULATORY ACTION DESCRIPTION**

Rule Making Authority Director
Environmental Protection Commission (EPC)
Natural Resource Commission (NRC)
Energy & Geological Resource Division

Title of Regulatory Action

General Permit for Dewatering and Residential Geothermal Discharges (General Permit No. 9)

Rule Chapter(s) involved

567 IAC Chapters 60 and 64

Description of Contemplated Regulatory Action

(Including, to the extent reasonable and practicable, alternatives to be considered and preliminary estimate of costs and benefits of the Action)

Adopt a general permit according to the requirements in 567 IAC 64.4(2) for dewatering activities that are not covered under the current categories of general permits. Dewatering activities would include the removal and control of ground water from pores or other open spaces in soil or rock formations to the extent that allows construction activities to proceed as intended. A general permit would allow for faster permitting of emergency dewatering situations that happen several times throughout the year. It will also authorize discharges to waters of the United States from small residential open-loop geothermal systems. Currently, these discharges can only be authorized by an individual NPDES permit. Usually the nature and concentration of pollutants in these discharges present a low risk to water quality. The permit will establish eligibility requirements and best management practices to ensure the discharges meet state water quality standards. The eligibility and notification requirements of the permit will reduce the burden for dischargers to obtain permit coverage (compared to individual permits) but ensure that higher-risk discharges are reviewed by the DNR and only authorized if water quality will be protected.
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Legal Basis

(Include whether action is required by statute or court order)

Iowa Code section 455B.173

Need for Regulatory Action

(Include if applicable how the action will reduce risk to public health, safety, or the environment)

This permit will prescribe the appropriate best management practices to protect water quality in these instances and legally protect the discharger when discharging wastewater.
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Is this action a result of the five year regulatory review? Yes No

Other Affected/Interested Rule Making Authorities

U.S. EPA, IEDA, IDALS' Division of Soil Conservation & Water Quality, Iowa Turkey Marketing Council, IDPH, Department of Commerce's Professional Licensing Bureau (Engineering and Land Surveying) and IDOT

Potential Public Groups Impacted

Construction contractors and engineers, new or expanding facilities, homeowners with open loop geothermal systems, Iowa Environmental Council, Sierra Club, Iowa League of Cities, Iowa Water Environment Association, Iowa Association of Business and Industry and Iowa Farm Bureau Federation
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Schedule:
(Actions & month/year)

Submit to Governor's office for preclearance by November 2016
Notice of Intended Action to Commission February 2017
Public hearings in March 2017
Final rule to Commission by May 2017

Staff Contact/Phone #

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Eric Wiklund 515-725-0313

**DNR REGULATORY AGENDA FOR SFY 2017
FORM FOR REGULATORY ACTION DESCRIPTION**

Rule Making Authority Director
Environmental Protection Commission (EPC)
Natural Resource Commission (NRC)
Energy & Geological Resource Division

Title of Regulatory Action General Permit for Hydrostatic Test Water, Underground Storage Tank Ballast Water, and Water Line Discharges (General Permit No. 8)

Rule Chapter(s) involved 567 IAC Chapters 60 and 64

Description of Contemplated Regulatory Action

(Including, to the extent reasonable and practicable, alternatives to be considered and preliminary estimate of costs and benefits of the Action)

Adopt a general permit according to the requirements in 567 IAC 64.4(2) for discharges resulting from hydrostatic testing, underground storage tank ballasting, and potable water line testing, disinfection, and flushing. It will authorize discharges to waters of the United States, surface waters of the state and to the ground surface. The permit will also establish eligibility requirements and best management practices to ensure the discharges meet state water quality standards. Currently, these discharges can only be authorized by an individual NPDES or state operation permit. The discharges often occur over a short time period. Usually the nature and concentration of pollutants in these discharges present a low risk to water quality. Acquiring an individual permit is an investment of time and money that is usually disproportionate to the impact of these discharges. Issuing individual permits for these discharges diverts permitting resources away from other issues. The eligibility and notification requirements of the permit will reduce the burden for dischargers to obtain permit coverage (compared to individual permits) but ensure that higher-risk discharges are reviewed by the DNR and only authorized if water quality will be protected.

Legal Basis

(Include whether action is required by statute or court order)

Iowa Code section 455B.173

Need for Regulatory Action

(Include if applicable how the action will reduce risk to public health, safety, or the environment)

This permit will prescribe the appropriate best management practices to protect water quality in these instances and legally protect the discharger when discharging wastewater.

Is this action a result of the five year regulatory review? Yes No

Other Affected/Interested Rule Making Authorities

U.S. EPA, IEDA, IDALS' Division of Soil Conservation & Water Quality, Iowa Turkey Marketing Council, IDPH, Department of Commerce's Professional Licensing Bureau (Engineering and Land Surveying) and IDOT

Potential Public Groups Impacted

Construction contractors and engineers, new or expanding facilities, gas station owners, pipeline companies, power companies, Iowa Environmental Council, Sierra Club, Iowa League of Cities, Iowa Water Environment Association, Iowa Rural Water Association, Iowa Association of Municipal Utilities, Iowa Association of Business and Industry, Iowa Farm Bureau Federation, and Iowa Renewable Fuels Association

Schedule:
(Actions & month/year)

Submit to Governor's office for preclearance by November 2016
Notice of Intended Action to Commission February 2017
Public hearings in March 2017
Final rule to Commission by May 2017

Staff Contact/Phone #

Wendy Hieb 515-725-8405
Eric Wiklund 515-725-0313

**DNR REGULATORY AGENDA FOR SFY 2017
FORM FOR REGULATORY ACTION DESCRIPTION**

Rule Making Authority Director
 Environmental Protection Commission (EPC)
 Natural Resource Commission (NRC)
 Energy & Geological Resource Division

Title of Regulatory Action Water Quality Standards – Aluminum / Metals Criteria Update

Rule Chapter(s) involved 567 IAC Chapter 61

Description of Contemplated Regulatory Action

(Including, to the extent reasonable and practicable, alternatives to be considered and preliminary estimate of costs and benefits of the Action)

This regulatory action will focus on updating the 567 IAC Chapter 61 metal criteria by using dissolved concentration in place of total recoverable concentration to better reflect the biologic impacts of metals in discharge waters.

For those metals that are not amenable to this approach, a U.S. EPA approved species deletion approach may be used to provide Iowa appropriate criteria for selected metal criteria.

Legal Basis

(Include whether action is required by statute or court order)

Required by Iowa Code sections 455B.105 and 455B.173

Need for Regulatory Action

(Include if applicable how the action will reduce risk to public health, safety, or the environment)

Stakeholders have requested this action to enhance flexibility while maintaining water quality protection.

Is this action a result of the five year regulatory review? Yes No

**Other Affected/Interested
Rule Making Authorities**

U.S. EPA, IDALS, IEDA, IDOT, and Board of Regents

**Potential Public Groups
Impacted**

Iowa Environmental Council, Sierra Club, Hawkeye Fly Fishing, Iowa League of Cities, Iowa Water Environment Association, Iowa Rural Water Association, Iowa Association of Municipal Utilities, Iowa Association of Business and Industry, Iowa Farm Bureau Federation, Iowa Renewable Fuels Association, and Trout Unlimited

Schedule:

(Actions & month year)

Submit to Governor's office for preclearance by February 2017
Notice of Intended Action to be filed by June 2017
Public hearings in August 2017
Final rule to Commission by December 2017

Staff Contact/Phone #

Connie Dou 515-725-8400
Roger Bruner 515-310-0247

**DNR REGULATORY AGENDA FOR SFY 2017
FORM FOR REGULATORY ACTION DESCRIPTION**

Rule Making Authority Director
Environmental Protection Commission (EPC)
Natural Resource Commission (NRC)
Energy & Geological Resource Division

Title of Regulatory Action Water Quality Standards – Copper Criteria Update

Rule Chapter(s) involved 567 IAC Chapter 61

Description of Contemplated Regulatory Action

(Including, to the extent reasonable and practicable, alternatives to be considered and preliminary estimate of costs and benefits of the Action)

This regulatory action will focus on updating the 567 IAC Chapter 61 copper criteria by adding the U.S. EPA developed “Biotic Ligand Model” (BLM) as an alternate way of developing copper criteria for NPDES permitting use.

Copper criteria: After Iowa adopted the copper criteria in 2007, U.S. EPA published new copper criteria. The U.S. EPA’s new copper criteria use the Biotic Ligand Model (BLM). The Biotic Ligand Model (BLM) is a metal bioavailability model that uses receiving water body characteristics to develop site-specific water quality criteria. Iowa will update its current copper criteria to add the new U.S. EPA copper criteria that have the advantage of using site-specific water chemistry data.

A complete fiscal analysis has been completed as part of this rulemaking.

Legal Basis

(Include whether action is required by statute or court order)

Required by Iowa Code sections 455B.105 and 455B.173

Need for Regulatory Action

(Include if applicable how the action will reduce risk to public health, safety, or the environment)

Stakeholders have requested this action to enhance flexibility while maintaining water quality protection.

Is this action a result of the five year regulatory review? Yes No

Other Affected/Interested Rule Making Authorities

U.S. EPA, IDALS, IEDA, IDOT and Board of Regents

Potential Public Groups Impacted

Iowa Environmental Council, Sierra Club, Hawkeye Fly Fishing, Iowa League of Cities, Iowa Water Environment Association, Iowa Rural Water Association, Iowa Association of Municipal Utilities, Iowa Association of Business and Industry, Iowa Farm Bureau Federation, Iowa Renewable Fuels Association, and Trout Unlimited

Schedule:

(Actions & month year)

Submit to Governor's office for preclearance in January 2016 and was pre-cleared in March 2016
Notice of Intended Action to be filed by August 2016
Public hearings in September 2016
Final rule to Commission by November 2016

Staff Contact/Phone #

Connie Dou 515-725-8400
Roger Bruner 515 310-0247

**DNR REGULATORY AGENDA FOR SFY 2017
FORM FOR REGULATORY ACTION DESCRIPTION**

Rule Making Authority Director
 Environmental Protection Commission (EPC)
 Natural Resource Commission (NRC)
 Energy & Geological Resource Division

Title of Regulatory Action Water Quality Standards (WQS) – Stream Use Designations (Batch 5)

Rule Chapter(s) involved 567 IAC Chapter 61

Description of Contemplated Regulatory Action

(Including, to the extent reasonable and practicable, alternatives to be considered and preliminary estimate of costs and benefits of the Action)

This regulatory action will focus on continuing work to assess Iowa’s rivers and streams to ensure they are assigned the correct stream use designation. Past rulemaking and legislative action have brought the DNR’s water quality rules towards compliance with federal Clean Water Act requirements and U.S. EPA regulations, establishing new levels of protection for water quality. As an outcome of these efforts, all 26,000 miles of Iowa’s perennial (flowing year-round) streams are initially protected at the highest levels for recreation and aquatic life uses. These actions provide initial protection for many miles of perennial streams that were previously not designated for one or both of the aquatic life or recreational uses. Under these rules, it is presumed that all perennial streams and rivers are attaining the highest level of recreation and aquatic life uses and should be protected for things such as fishing and swimming. This concept of assigning all perennial streams the highest use designation, unless assessments show that the stream does not deserve that level of protection, is referred to as the “rebuttable presumption.”

The concept of Use Assessment and Use Attainability Analysis (UA/UAA) is being applied by the DNR as a step-by-step process to gather site-specific field data on stream features and uses. The DNR then assesses available information to determine if the “presumed” recreational and aquatic life uses are appropriate. The DNR will evaluate any newly designated stream that receives a continuous discharge from a facility with a National Pollutant Discharge Elimination System (NPDES) permit. Prior to issuing a NPDES permit for an affected facility, the DNR will complete a UA/UAA for the receiving stream or stream network. Each stream use designation decision is required to go through the state rulemaking process.

Benefits: Stream reaches will be better protected for aquatic life and recreational uses due to more accurate designated use assignments. Water quality improvements will occur locally where these treatment plants are located and implementing new processes to comply with the WQS.

Legal Basis

(Include whether action is required by statute or court order)

Required by Iowa Code sections 455B.173 and 455B.176A

Need for Regulatory Action

(Include if applicable how the action will reduce risk to public health, safety, or the environment)

Stream reaches will be better protected for aquatic life and recreational uses due to more accurate designated use assignments. Water quality improvements will occur locally where these treatment plants are located and implementing new processes to comply with the WQS.

Is this action a result of the five year regulatory review? Yes No

Other Affected/Interested Rule Making Authorities

IEDA, Board of Regents, and IDOT

Potential Public Groups Impacted

Iowa Environmental Council, Sierra Club, Hawkeye Fly Fishing, Iowa League of Cities, Des Moines Water Works, Iowa Limestone Producers, Iowa Water Environment Association, Iowa Rural Water Association, Iowa Association of Municipal Utilities, Iowa Association of Business and Industry, Iowa Farm Bureau Federation, Iowa Renewable Fuels Association, Raccoon River Watershed Association, and Trout Unlimited

Schedule:

(Actions & month year)

Submit to Governor's office for preclearance by December 2016
Notice of Intended Action to be filed by February 2017
Public hearings in April 2017
Final rule to Commission by July 2017

Staff Contact/Phone #

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**DNR REGULATORY AGENDA FOR SFY 2017
FORM FOR REGULATORY ACTION DESCRIPTION**

Rule Making Authority Director
Environmental Protection Commission (EPC)
Natural Resource Commission (NRC)
Energy & Geological Resource Division

Title of Regulatory Action Water Quality Standards (WQS) – Wasteload Allocation Procedure and *E. coli*

Rule Chapter(s) involved 567 IAC 61

Description of Contemplated Regulatory Action

(Including, to the extent reasonable and practicable, alternatives to be considered and preliminary estimate of costs and benefits of the Action)

The major proposed rule revisions include the following:

I. *E. coli* Water Quality Standards Update
Eliminate the sample maximum values of 235 organisms/100 mL for Recreational Use Class A1/A3 and 2880 organisms/100 mL for Recreational Use Class A2 from the Bacteria Criteria Table in 567 – 61.3(3)“a”(2) and only have a geometric mean *E. coli* standard. Also, the current threshold value of 235 organisms/100 mL will be replaced with a Beach Action Value (BAV) of 410 organisms/100 mL to make short term decisions for designated beach advisory purposes.

II. Update of IAC 567 – 62.8(2)
To eliminate the reference in IAC 567 – 62.8(2) to the implementation of the sample maximum *E. coli* standard due to the fact that the *E. coli* sample maximum criterion is eliminated in the proposed rule in 61.3(3)“a”(2) as stated above.

III. Update of Wasteload Allocation Procedure Document
The Wasteload Allocation Procedure document is a rule-referenced document that provides technical methodologies and procedures used to develop wasteload allocations and water quality-based effluent limits that are necessary for the protection of surface water quality standards as described in IAC 567 Chapter 61 – Water Quality Standards.

The proposed revision to the rule referenced document includes the following topics:

- Stream Low Flow Values will be updated for both USGS gauged sites and ungauged sites based on the USGS low flow study report “Methods for Estimating Selected Low-Flow Frequency Statistics and Harmonic Mean Flows for Streams in Iowa”, by David A. Eash and Kimberlee K. Barnes published in 2012 and revised in 2013. The revision incorporates the most up-to-date stream critical low flows published by USGS to better reflect actual stream low flows;
- Statewide default ambient background chemical concentrations will be incorporated using the most up-to-date available monitoring data;
- Statewide default effluent chemical concentrations for different types of wastewater treatment plants will be incorporated using the most up-to-date available effluent monitoring data;
- The default decay value of total residual chlorine in the mixing zone will be replaced with site-specific decay measurements;

- *E. coli* wasteload allocation procedures for both continuous and non-continuous discharges will be revised to reflect *E. coli* criteria changes in IAC 567 - Chapter 61 as stated above and include only a geometric mean *E. coli* limit for point source discharge facilities;
- Revise the *E. coli* decay rate coefficient to be consistent with other DNR programs;
- The Chloride and Sulfate Wasteload Allocation Procedure will be added to incorporate the current implementation procedure for the chloride and sulfate criteria that was adopted in 2009;
- The temperature criteria implementation procedure will be revised to incorporate all elements of the temperature criteria in IAC 567 - Chapter 61 for different designated uses. The proposed implementation procedure for temperature provides flexibility for facilities to explore alternative options in order to achieve permit compliance and is also protective of the designated uses of waterbodies;
- The wasteload allocation procedure for pH will be modified so that the water quality criteria must be met at the boundary of the mixing zone instead of the boundary of the zone of initial dilution. This will result in an increased dilution for pH wasteload allocation calculations.
- The rule will clearly state the use of the acute toxicity data for fathead minnow as the most sensitive representative species to establish effluent limits for general use waterbodies;
- A Site-Specific data collection procedure will be incorporated in order to standardize the site-specific data collection process and add more consistency to site-specific data collection. The revision will have less sampling requirements for site-specific data collection that will in turn result in cost savings for point source discharge facilities in the process of obtaining site-specific permit limits.
- The Water Quality Modeling section will be rewritten to replace previous models with commonly used and modernized QUALIK and Modified Streeter-Phelps models. Decay rates and reaeration rates will be updated to reflect the latest scientific data;
- Add a reference to the antidegradation implementation procedure document adopted in 2010;
- Add a new section on Alternative Site-Specific Methodology for Water Quality Based Limits that provides point source discharge facilities with the flexibility to develop site specific NPDES permit limits.

Other minor revisions include more accurate estimation of ammonia nitrogen decay calculations in discharge pipes and general use segments and the clarification of discharge flow determinations. Language is added to strengthen the current flow variable limits procedure. The proposed revision also includes a title change of the document to “Iowa Wasteload Allocation (WLA) Procedure” to more clearly reflect the contents of the document.

A Fiscal Impact Statement was completed as part of this rulemaking.

Legal Basis

(Include whether action is required by statute or court order)

Required by Iowa Code sections 455B.105 and 455B.173

Need for Regulatory Action

(Include if applicable how the action will reduce risk to public health, safety, or the environment)

The core of this rule referenced document has not been updated for many years. In contrast, there have been new WQS that have become effective as well as new science and better methodologies that have become available. Updating this document will ensure that the calculations used to determine water quality based effluent limits are consistent with our current WQS and are scientifically sound.

Is this action a result of the five year regulatory review? Yes No

Other Affected/Interested Rule Making Authorities

U.S. EPA, IDALS, IEDA, IDOT, and Board of Regents

Potential Public Groups Impacted

Iowa Environmental Council, Sierra Club, Hawkeye Fly Fishing, Iowa League of Cities, Des Moines Water Works, Iowa Limestone Producers, Iowa Water Environment Association, Iowa Rural Water Association, Iowa Association of Municipal Utilities, Iowa Association of Business and Industry, Iowa Farm Bureau Federation, Iowa Renewable Fuels Association, Raccoon River Watershed Association, and Trout Unlimited

Schedule:

(Actions & month year)

Submit to Governor’s office for preclearance by August 2016
Notice of Intended Action to be filed by November 2016
Public hearings in January 2017
Final rule to Commission by June 2017

Staff Contact/Phone #

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**DNR REGULATORY AGENDA FOR SFY 2017
FORM FOR REGULATORY ACTION DESCRIPTION**

Rule Making Authority Director
Environmental Protection Commission (EPC)
Natural Resource Commission (NRC)
Energy & Geological Resource Division

Title of Regulatory Action Revision to 567 IAC Chapter 61, 401 Certification Update

Rule Chapter(s) involved 567 IAC Chapter 61 Water Quality Standards (WQS)

Description of Contemplated Regulatory Action

(Including, to the extent reasonable and practicable, alternatives to be considered and preliminary estimate of costs and benefits of the Action)

Revise 567 IAC 61.2(2)“g” to be easier to understand and better describe the Section 401 Water Quality Certification (Certification) procedure for the regulated public. As written, this section of rule only discusses Certification of Corps of Engineers Section 404 Nationwide Permits and doesn’t mention Certification of Section 404 Individual Permits and other federal permits issued that may require Section 401 Water Quality Certification. There will be no costs to the state or regulated community due to this rule change.

The primary benefit of undertaking this revision of 567 IAC 61.2(2)“g” is to develop rules that are simpler to understand and provide better guidance for the Section 401 Water Quality Certification without imposing unnecessary burdens. This will make it easier for the regulated public to navigate and for the DNR to administer and enforce. The improvements will result in improved program effectiveness and efficiency, thereby allowing the DNR to spend less time explaining how Section 401 Water Quality Certification works in Iowa and instead direct resources toward the review and certification of projects.

Legal Basis

(Include whether action is required by statute or court order)

Required by Iowa Code section 455B.173
33 U.S. Code § 1341 - Certification

Need for Regulatory Action

(Include if applicable how the action will reduce risk to public health, safety, or the environment)

Section 401 of the Clean Water Act (33 U.S. Code § 1341 – Certification) gives states and tribes the authority to issue, waive or deny state water quality certifications for projects that require a federal license or permit that may result in a discharge to navigable waters/waters of the United States. The certification states that the discharge will comply with applicable provisions of the Clean Water Act, including state water quality standards.

Is this action a result of the five year regulatory review? Yes No

Other Affected/Interested Rule Making Authorities

US Army Corps of Engineers, IDOT, Federal Highway Administration, County Engineers, Cities, IEDA and Board of Regents

Potential Public Groups Impacted

General Public, Iowa Environmental Council, Sierra Club, Hawkeye Fly Fishing, Iowa League of Cities, Des Moines Water Works, Iowa Limestone Producers, Iowa Water Environment Association, Iowa Rural Water Association, Iowa Association of Municipal Utilities, Iowa Association of Business and Industry, Iowa Farm Bureau Federation, Iowa Renewable Fuels Association, Raccoon River Watershed Association, Trout Unlimited, Iowa Drainage District Association, and IDALS

Schedule:
(Actions & month year)

Submit to Governor's office for preclearance by August 2016
Notice of Intended Action to be filed by November 2016
Public hearings in January 2017
Final rule to Commission by May 2017

Staff Contact/Phone #

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**DNR REGULATORY AGENDA FOR SFY 2017
FORM FOR REGULATORY ACTION DESCRIPTION**

Rule Making Authority Director
Environmental Protection Commission (EPC)
Natural Resource Commission (NRC)
Energy & Geological Resource Division

Title of Regulatory Action

Rule Chapter(s) involved

Description of Contemplated Regulatory Action

(Including, to the extent reasonable and practicable, alternatives to be considered and preliminary estimate of costs and benefits of the Action)

The proposed changes to Chapter 63 will primarily focus on the inclusion of chronic whole effluent toxicity (WET) testing. Other minor changes will be included to accommodate the inclusion of a chronic WET test program, and a clarification of current acute WET testing rules. There are no alternatives to the chronic WET testing requirements; however, the implementation of the proposed testing can be negotiated with stakeholders, as long as U.S. EPA's basic chronic testing requirements are met. There will be increased costs to certain regulated facilities resulting from new and increased monitoring requirements. The benefits include testing to determine if the effluent from certain regulated facilities does not adversely impact aquatic life in Iowa's rivers, lakes, and streams.

Legal Basis

(Include whether action is required by statute or court order)

Need for Regulatory Action

(Include if applicable how the action will reduce risk to public health, safety, or the environment)

The inclusion of the chronic WET testing program is a need identified by U.S. EPA in order to have a complete toxicity testing program. Iowa is one of the few states that do not have a chronic WET testing program. The benefits to the environment include testing to determine if the effluent from certain regulated facilities adversely impacts aquatic life in Iowa's rivers, lakes, and streams.

**Other Affected/Interested
Rule Making Authorities**

**Potential Public Groups
Impacted**

Schedule:

(Actions & month/year)

Staff Contact/Phone #

**DNR REGULATORY AGENDA FOR SFY 2017
FORM FOR REGULATORY ACTION DESCRIPTION**

Rule Making Authority Director
Environmental Protection Commission (EPC)
Natural Resource Commission (NRC)
Energy & Geological Resource Division

Title of Regulatory Action Wastewater Monitoring and Reporting Rule Update

Rule Chapter(s) involved 567 IAC Chapter 63 – Monitoring, Analytical, and Reporting Requirements

Description of Contemplated Regulatory Action

(Including, to the extent reasonable and practicable, alternatives to be considered and preliminary estimate of costs and benefits of the Action)

Revise the rule-referenced document “Supporting Document for Permit Monitoring Frequency Determinations” and the associated reference language in 567 IAC Chapter 63. This document is referenced in rule 567 IAC 63.3 and is used in conjunction with the monitoring tables in 567 IAC Chapter 63 to determine the monitoring frequencies in permits for organic waste dischargers, inorganic waste dischargers, and significant industrial users. The document is dated August 2008, and it has not been updated since then. The document needs to be revised to incorporate recent changes to the Water Quality Standards (567 IAC Chapter 61), to incorporate new parameters, to correct the rule citations in the document, and to correct typos. These changes will have a minimal effect on permittees for two reasons; 1) the monitoring frequencies for the parameters currently included in the document will not change, and 2) monitoring frequencies in permits for the parameters that are not currently included in the Supporting Document are based on the frequencies for similar parameters, thus the addition of these parameters to the Supporting Document will not increase the monitoring requirements for permittees.

Revise Table IV “Minimum Self-Monitoring in Permits for Land Application Systems” in 567 IAC 63.3. The monitoring requirements in Table VI were based on the assumption that only domestic wastewater is land applied in Iowa. In fact, the vast majority of wastewater that is land applied is not domestic wastewater and as such does not require bacteria monitoring. The table needs to be modified to waive bacteria monitoring requirements for land application facilities that do not apply domestic wastewater. The monitoring frequencies in Table VI are also based on design flows that do not exist for smaller operations. The table should be modified to specify that land application facilities without design flows should monitor at the least frequent rate in the table. These modifications will not affect monitoring costs for most land application facilities and should lessen costs for others. This will also reduce the number of variances that the DNR needs to review.

Revise 567 IAC Chapter 63 to include electronic reporting requirements. The federal NPDES electronic reporting rule (40 CFR part 127) that became final on December 21, 2016, requires NPDES regulated entities to electronically submit NPDES compliance monitoring reports and notices. The rule does not change the information required to be submitted by permitted facilities; it simply changes the format of the submittal. Authorized NPDES programs (such as Iowa DNR) need to update their regulations to make it clear that electronic reporting is required and that these electronic submissions must be compliant with 40 CFR part 127 and 40 CFR part 3. Existing U.S. EPA regulations at 40 CFR 123.62(e) require that rule updates take place within one year of the effective date of the final rule. This action will result in costs to the state associated with the needed changes and additions to DNR’s wastewater program databases. These costs were addressed by U.S. EPA in the federal rule preamble, and are necessary to comply with the federal rule. This action is intended to result in a more complete and more accurate set of NPDES program data.

Legal Basis

(Include whether action is required by statute or court order)

Iowa Code section 455B.173. The revisions to require electronic reporting are required by 40 CFR 123.62(e) and 40 CFR 127.25.

Need for Regulatory Action

(Include if applicable how the action will reduce risk to public health, safety, or the environment)

This rule revision will ensure that the monitoring frequencies in permits are being determined using the most recent Water Quality Standards, that the monitoring requirements for land application systems are appropriate, and that DNR complies with the federal NPDES electronic reporting rule.

Is this action a result of the five year regulatory review? Yes No

Other Affected/Interested Rule Making Authorities

U.S. EPA, IEDA, IDPH, Department of Corrections, and IDOT

Potential Public Groups Impacted

All NPDES regulated facilities, Iowa Environmental Council, Sierra Club, Iowa League of Cities, Iowa Water Environment Association, Iowa Rural Water Association, Iowa Association of Municipal Utilities, Iowa Association of Business and Industry, Iowa Farm Bureau Federation, and Iowa Renewable Fuels Association

Schedule:

(Actions & month/year)

Submit to Governor’s Office for preclearance by August 2016
Notice of Intended Action to Commission by October 2016
Public hearings in December 2016
Final rule to Commission by February 2017

Staff Contact/Phone #

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Eric Wiklund 515-725-0313

**DNR REGULATORY AGENDA FOR SFY 2017
FORM FOR REGULATORY ACTION DESCRIPTION**

Rule Making Authority Director
Environmental Protection Commission (EPC)
Natural Resource Commission (NRC)
Energy & Geological Resource Division

Title of Regulatory Action

Rule Chapter(s) involved

Description of Contemplated Regulatory Action

(Including, to the extent reasonable and practicable, alternatives to be considered and preliminary estimate of costs

and benefits of the Action)

Legal Basis

(Include whether action is required by statute or court order)

Need for Regulatory Action

(Include if applicable how the action will reduce risk to public health, safety, or the environment)

Is this action a result of the five year regulatory review? Yes No

**Other Affected/Interested
Rule Making Authorities**

**Potential Public Groups
Impacted**

Schedule:

(Actions & month year)

Staff Contact/Phone #

**DNR REGULATORY AGENDA FOR SFY 2017
FORM FOR REGULATORY ACTION DESCRIPTION**

Rule Making Authority Director
Environmental Protection Commission (EPC)
Natural Resource Commission (NRC)
Energy & Geological Resource Division

Title of Regulatory Action Wastewater Construction and Operation Permits – Revisions to the Iowa Wastewater Facilities Design Standards (rule by reference - 567 IAC 64.2(9)“b”)

Rule Chapter(s) involved 567 IAC Chapter 64 - Construction Permits

Description of Contemplated Regulatory Action

(Including, to the extent reasonable and practicable, alternatives to be considered and preliminary estimate of costs and benefits of the Action)

Revise 567 IAC Chapter 64 to update the Iowa Wastewater Facilities Design Standards for construction permits. The changes will correct outdated code references, update design standards, provide clarification of permit requirements, incorporate new methods and processes and provide consistency with the Recommended Standards for Wastewater Facilities 2014 Edition adopted by the Great Lakes-Upper Mississippi River Board (GLUMRB). The updates will eliminate the need for variances for certain construction methods and processes to allow processing and approval of construction permits without delays for all regulated entities such as municipalities, industries and semi-public facilities. Costs to the regulated entities are expected to decrease due to the expected reduction in application submittal expenditures as a result of the updated standards.

Legal Basis

(Include whether action is required by statute or court order)

This rulemaking will update applicable chapters 11 through 21 of the Iowa Wastewater Facilities Design Standards (rule by reference - 567 IAC 64.2(9)“b”) in accordance with the provisions of Iowa Code 455B.173.

Need for Regulatory Action

(Include if applicable how the action will reduce risk to public health, safety, or the environment)

The benefit of the action is reduction of variance requests and processing of construction methods that are not covered by the current design standards. The action is expected to have positive effect on public health, safety or the environment since the new construction methods are expected to be better and have longer useful life. The action is anticipated to reduce applicant submittal expenditures.

Is this action a result of the five year regulatory review? Yes No

Other Affected/Interested Rule Making Authorities

U.S. EPA, Department of Commerce’s Professional Licensing Bureau (Engineering and Land Surveying) , IDOT, IDALS’ Division of Soil Conservation & Water Quality, IEDA, and IDPH

Potential Public Groups Impacted

Applicants for wastewater construction permits (municipalities, industries, semi-public entities and developers), consulting engineers, Iowa Environmental Council, Iowa League of Cities, Iowa Water Environment Association, Iowa Rural Water Association, Iowa Association of Municipal Utilities, and Iowa Association of Business and Industry

Schedule:

(Actions & month year)

Submit to Governor's office for preclearance by November 2016
Notice of Intended Action to be filed by February 2017
Public hearings in April 2017
Final rule to Commission by June 2017

Staff Contact/Phone #

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**DNR REGULATORY AGENDA FOR SFY 2017
FORM FOR REGULATORY ACTION DESCRIPTION**

Rule Making Authority Director
Environmental Protection Commission (EPC)
Natural Resource Commission (NRC)
Energy & Geological Resource Division

Title of Regulatory Action

Rule Chapter(s) involved

Description of Contemplated Regulatory Action

(Including, to the extent reasonable and practicable, alternatives to be considered and preliminary estimate of costs and benefits of the Action)

The language regarding general permits in 567 IAC chapter 64 needs to be updated to accord with the reissued general permits, the proposed general permit renewals, and the proposed new general permits. The language to be adjusted includes the portions on general permit fees, general permit suspension and revocation, and general permit public notice. There will not be any additional costs to the state or regulated entities as a result of this action. This action will benefit permittees by clarifying the general permit requirements.

Legal Basis

(Include whether action is required by statute or court order)

Need for Regulatory Action

(Include if applicable how the action will reduce risk to public health, safety, or the environment)

This rule revision will ensure that the language regarding general permits in Chapter 64 matches the requirements in the reissued, proposed renewals, and proposed new general permits.

Is this action a result of the five year regulatory review? Yes No

**Other Affected/Interested
Rule Making Authorities**

U.S. EPA, Department of Commerce's Professional Licensing Bureau (Engineering and Land Surveying), IDOT, IDALS' Division of Soil Conservation & Water Quality, IEDA, and IDPH

**Potential Public Groups
Impacted**

Entities covered by NPDES general permits, Iowa Environmental Council, Sierra Club, Iowa League of Cities, Iowa Water Environment Association, Iowa Rural Water Association, Iowa Association of Municipal Utilities, Iowa Association of Business and Industry, Iowa Farm Bureau Federation, and Iowa Renewable Fuels Association

Schedule:

(Actions & month/year)

Submit to Governor's for preclearance by August 2016
Notice of Intended Action to Commission by October 2016
Public hearings in December 2016
Final rule to Commission by February 2017

Staff Contact/Phone #

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**DNR REGULATORY AGENDA FOR SFY 2017
FORM FOR REGULATORY ACTION DESCRIPTION**

Rule Making Authority Director
Environmental Protection Commission (EPC)
Natural Resource Commission (NRC)
Energy & Geological Resource Division

Title of Regulatory Action

Rule Chapter(s) involved

Description of Contemplated Regulatory Action

(Including, to the extent reasonable and practicable, alternatives to be considered and preliminary estimate of costs and benefits of the Action)

National Pollutant Discharge Elimination System (NPDES) General Permit No. 4 expires August 15, 2017. This permit covers legally discharging septic systems that discharge to a designated water of the state or a subsurface drainage tile. The purpose of the permit is to ensure that these systems function properly and are not unduly polluting waterways. The permit will be renewed in its current form with no changes. There are no additional costs associated with the permit renewal. The benefits will be continued protection of Iowa waterways from malfunctioning septic systems.

Legal Basis

(Include whether action is required by statute or court order)

The permit is authorized by 567 IAC chapter 64, "Wastewater Construction and Operation Permits" and its use is described in 567 IAC chapter 69, "Private Sewage Disposal Systems".

Need for Regulatory Action

(Include if applicable how the action will reduce risk to public health, safety, or the environment)

Renewal of NPDES General Permit No. 4 will continue to ensure that septic systems that legally discharge to designated waters of the state or subsurface drainage tiles will meet the requirements necessary to protect public health and the environment.

Is this action a result of the five year regulatory review? Yes No

Other Affected/Interested Rule Making Authorities

Department of Commerce's Professional Licensing Bureau (Engineering and Land Surveying), IDOT, IDALS' Division of Soil Conservation & Water Quality, IEDA, and IDPH

Potential Public Groups Impacted

Iowa Environmental Health Association
Iowa Onsite Wastewater Association

Schedule:

(Actions & month year)

Submit to Governor's office for preclearance by August 2016
Notice of Intended Action to be filed by October 2016
Public hearings in November 2016
Final rule to Commission by January 2017

Staff Contact/Phone #

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**DNR REGULATORY AGENDA FOR SFY 2017
FORM FOR REGULATORY ACTION DESCRIPTION**

Rule Making Authority Director
Environmental Protection Commission (EPC)
Natural Resource Commission (NRC)
Energy & Geological Resource Division

Title of Regulatory Action Sewage Sludge Land Application Annual Reporting Requirement

Rule Chapter(s) involved 567 IAC Chapter 67- Standards for the Land Application of Sewage Sludge

Description of Contemplated Regulatory Action

(Including, to the extent reasonable and practicable, alternatives to be considered and preliminary estimate of costs and benefits of the Action)

Update 567 IAC subrules 67.7(4) and 67.8(4) record keeping for Class I and Class II sewage sludge land application annual reporting requirement. U.S. EPA published its electronic reporting rule for NPDES permit compliance. Publicly owned treatment works (POTWs) for undesignated biosolids program management will need to fulfill annual land application reporting responsibility electronically. Iowa is one of the 42 undesignated states for biosolids program. The deadline for complying with the new final rule for the 42 states is December 21, 2016. Once the federal biosolids land application compliance is in place and electronic reporting starts, it will be important that Iowa POTWs can fulfill the state biosolids reporting in a format similar to what is required by U.S. EPA. This will streamline reporting for land application of biosolids.

Legal Basis

(Include whether action is required by statute or court order)

Iowa Code section 455B.173.

Need for Regulatory Action

(Include if applicable how the action will reduce risk to public health, safety, or the environment)

Currently, biosolids annual reporting for major facilities are reported by paper format and sent to both U.S. EPA and DNR every year. According to the NPDES electronic reporting rule, by December 21, 2016 biosolids annual land application information will have to be reported to U.S. EPA through an electronic data portal. It will be important that DNR changes its requirement to be similar to the federal requirement so that municipalities can save time managing biosolids information.

Is this action a result of the five year regulatory review? Yes No

Other Affected/Interested Rule Making Authorities

U.S. EPA, IEDA, IDPH, and IDALS' Division of Soil Conservation & Water Quality

Potential Public Groups Impacted

Municipalities with POTWs, semi-public entities, contracted land applicators, consulting engineers, Iowa Environmental Council, Iowa League of Cities, Iowa Water Environment Association, Iowa Rural Water Association, and Iowa Association of Municipal Utilities

Schedule:
(Actions & month year)

Submit to Governor's office for preclearance by November 2016
Notice of Intended Action to be filed by February 2017
Public hearings in April 2017
Final rule to Commission by June 2017

All the above dates are dependent on U.S. EPA's pending biosolids reporting method release.

Staff Contact/Phone #

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**DNR REGULATORY AGENDA FOR SFY 2017
FORM FOR REGULATORY ACTION DESCRIPTION**

Rule Making Authority

Director
Environmental Protection Commission (EPC)
Natural Resource Commission (NRC)
Energy & Geological Resource Division

Title of Regulatory Action

Updates to Rules Regarding the Submittal of Drilled Well Records and Samples

**Rule Chapter(s)
Involved**

567 IAC Chapter 82

Description of Contemplated Regulatory Action

(Including, to the extent reasonable and practicable, alternatives to be considered and preliminary estimate of costs and benefits of the Action)

The DNR proposes to update existing rules regarding water wells drilled in the state of Iowa under 567 IAC 82.12. The DNR proposes to update the current rules to:

- 1) Clarify proper well record form requirements and submittal to the state,
- 2) Clarify drill chip collection requirements, standards, and submittal to the state, and
- 3) Clarify pump test requirements, standards and submittal to the state.

The rules regarding the proper timeline and record submittal for the above items are within the DNR's jurisdiction. However, the current rules are outdated with both the DNR structure and how DNR currently functions regarding submittal and standards for water well data.

Preliminary Estimates of Costs:

Cost to the DNR: The DNR implements the rules and regulations regarding all water wells drilled in Iowa. The DNR anticipates no appreciable increase in costs for updating and revising the current rule.

Cost to potential well owners: The DNR anticipates no additional costs to well owners or well drillers. These rules are meant to better clarify how, when, and where the DNR requires information on drilled wells be submitted to the state.

Potential Benefits: Information on constructed wells is vital to understanding both water quantity and water quality concerns. Commonly these issues range from addressing well interference to finding the source and extent of groundwater contamination. Updates in technology have also streamlined the submittal of records and expanded the types of data storage from purely paper forms to online applications, spreadsheets and databases. Well owners and water well contractors will benefit by these changes. The benefits include easier access to well records and well records that contain more meaningful information about wells in their areas. This will improve their ability to plan and execute well services through a better understanding of the local well construction conditions and characteristics of the available aquifers.

Legal Basis

(Include whether action is required by statute or court order)

This action is not required by statute or court order. The DNR is the state agency required to regulate the construction and abandonment of water wells (455B.172).

Need for Regulatory Action

(Include if applicable how the action will reduce risk to public health, safety, or the environment)

This action is needed by the DNR to more consistently and uniformly address water well information submittal to the state. Well information is vital in determining viability of aquifers for public water consumption, addressing natural and anthropogenic contamination issues in specific aquifers, and better characterization of the subsurface environment. The DNR recognizes that the lack of standardization, along with recent changes to DNR structure, has led to confusion about the process for permitting and proper form submittals from well contractors, engineers, and the general public.

Is this action a result of the five year regulatory review? Yes No

Other Affected/Interested Rule Making Authorities

Iowa county public health departments and IEDA

Potential Public Groups Impacted

Well drillers, private engineering firms, well water users.

Schedule:
(Actions & month year)

Submit to Governor’s office for preclearance by August 2016
Notice of Intended Action to be filed by November 2016
Public hearings in December 2016
Final rule to Commission February 2017

Staff Contact/Phone #

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**DNR REGULATORY AGENDA FOR SFY 2017
FORM FOR REGULATORY ACTION DESCRIPTION**

Rule Making Authority Director
Environmental Protection Commission (EPC)
Natural Resource Commission (NRC)
Energy & Geological Resource Division

Title of Regulatory Action Coal Combustion Residual Units

Rule Chapter(s) involved 567 IAC Chapter 103

Description of Contemplated Regulatory Action

(Including, to the extent reasonable and practicable, alternatives to be considered and preliminary estimate of costs and benefits of the Action)

This regulatory action will focus on incorporating the national minimum criteria for the safe disposal and beneficial use of coal combustion residuals (CCR) in 40 CFR Part 257, Subpart D, and revisions identified during the DNR's five-year rule review pursuant to Iowa Code section 17A.7(2). The proposed amendments will ensure compliance with minimum federal regulations while also resulting in a less burdensome environmental framework that will be easier for the regulated public to navigate and for the DNR to administer.

Preliminary Estimate of Costs: It is unknown at this time what potential costs will occur, since the DNR will take recommendations from stakeholders before initiating rulemaking. In addition, because these minimum national criteria are currently in effect, the associated costs will be borne by the affected facilities regardless of the DNR's adoption. Given the scope of the federal CCR regulations in comparison with current 567 IAC chapter 103, the proposed amendments will result in some additional costs for affected facilities and the DNR.

Benefits of the Action: The adoption of these amendments will ensure that state regulations parallel current federal regulations, and that Iowa statutory requirements are being met. Despite the federal regulation's self-implementing construct, upon adoption, the DNR will be able to provide compliance assistance and outreach to affected facilities, providing the regulatory certainty they desire.

Legal Basis

(Include whether action is required by statute or court order)

This action is not required by statute or court order. The DNR has the jurisdiction to regulate the disposal of solid waste via Iowa Code sections 455B.304(1), 455B.304(4) through (6), 455B.304(8), 455B.305(1), 455B.306(7)“a” through “d”, 455B.306(9), 455B.306(12), 455B.381(4) and (5), 455B.381(9), 455B.387, 455E.3(2) and (5), 455E.4, and 455E.5(1) through (6).

Need for Regulatory Action

(Include if applicable how the action will reduce risk to public health, safety, or the environment)

The U.S. EPA published in the *Federal Register* on April 17, 2015, a final rule establishing national minimum criteria for the safe disposal and beneficial use of CCR generated by electric utilities and independent power producers, which became effective on October 19, 2015. U.S. EPA's assessment demonstrates that risks posed to human health and the environment by certain CCR management units and practices warrants regulatory controls. The federal rule provides a comprehensive set of requirements for the disposal of CCR under the solid waste provisions, Subtitle D, of the Resource Conservation and Recovery Act (RCRA). The proposed amendments to Chapter 103 are needed to not only incorporate the minimum national criteria in 40 CFR Part 257, Subpart D, but also those revisions identified by the DNR through the comprehensive five-year rule review completed pursuant to Iowa Code section 17A.7(2).

Is this action a result of the five year regulatory review? Yes No

Other Affected/Interested Rule Making Authorities

IDALS' Division of Soil Conservation & Water Quality, Iowa Utilities Board, U.S. EPA, U.S. Department of Defense, IEDA and Department of Commerce's Professional Licensing Bureau (Engineering and Land Survey)

Potential Public Groups Impacted

General public, Iowa Society of Solid Waste Operations, Association of Business and Industry, Iowa Utility Association, Iowa Association of Municipal Utilities, Iowa Board of Regents, Iowa Recycling Association, Iowa Environmental Council, Sierra Club – Iowa Chapter, Environment Iowa, Iowa Limestone Producers Association, Iowa Farm Bureau Federation, and county environmental health sanitarians.

Schedule:
(Actions & month year)

Submit to Governor's office for preclearance by December 2016
Notice of Intended Action to be filed by April 2017
Public hearings in May 2017
Final rule to Commission by July 2017

Staff Contact/Phone #

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**DNR REGULATORY AGENDA FOR SFY 2017
FORM FOR REGULATORY ACTION DESCRIPTION**

Rule Making Authority Director
Environmental Protection Commission (EPC)
Natural Resource Commission (NRC)
Energy & Geological Resource Division

Title of Regulatory Action Citizen Convenience Centers and Transfer Stations

Rule Chapter(s) involved 567 IAC Chapter 106

Description of Contemplated Regulatory Action

(Including, to the extent reasonable and practicable, alternatives to be considered and preliminary estimate of costs and benefits of the Action)

The primary objective in undertaking this review of Iowa’s solid waste consolidation and transfer regulations is to develop a simpler and less burdensome environmental framework that will be easier for the regulated public to navigate and for the DNR to administer and enforce. This regulatory action will focus on incorporating revisions identified through the five year rule review pursuant to Iowa Code section 17A.7(2), such as removing or revising outdated provisions, updating references and adding needed clarification.

The citizen convenience center (CCC) and transfer station regulatory framework can be simplified, as there are opportunities for “general permits” to be issued for a type of solid waste facility that is representative of a class of facilities across the state, or a “permit-by-rule” approach for CCC facilities that manage solid waste on a smaller scale. These approaches would expedite permit issuance, as well as minimize unnecessary paperwork and DNR staff oversight. Additional advantages include simplified application forms, limited submittal of engineering plans, reduced DNR review and processing times, improved permit consistency, and explicit permit requirements prior to application.

Preliminary Estimate of Costs: It is unknown at this time what potential costs will occur, since the DNR will take recommendations from stakeholders before initiating rulemaking. The proposed revisions would not only streamline the permitting process for the DNR and the permit applicant, but would result in reduced costs realized through those efficiencies. The time and financial resources saved in not having to periodically submit duplicative permit application documentation could be significant, not to mention the shorter timeframe with which the DNR could review and issue permits.

Benefits of the Action: The adoption of these amendments will ensure that CCC and transfer station facilities undertake best management practices in siting, design, and operation to maximize facility effectiveness and efficiency, while minimizing their impact on the surrounding community.

Legal Basis

(Include whether action is required by statute or court order)

This action is not required by statute or court order. The DNR has the jurisdiction to regulate the disposal of solid waste via Iowa Code sections 455B.304(1) and 455B.304(8), 455B.305(1) and 455B.305(4), 455B.306(1) and 455B.306(2), 455B.306(7)“a”, “d” and “e,” and 455B.306(9)“a”, “c” and “d.”

Need for Regulatory Action

(Include if applicable how the action will reduce risk to public health, safety, or the environment)

These changes were identified through the five-year rule review process as per Iowa Code section 17A.7(2). Opportunities exist to restructure and simplify the required plans that must accompany each permit application, and opportunities to reduce paperwork through streamlining and standardizing reporting requirements. There are also opportunities to streamline the permitting process and the DNR’s oversight, thereby reducing the amount of paperwork, engineering consulting, and associated costs needed to maintain a permit.

Is this action a result of the five year regulatory review? Yes No

**Other Affected/Interested
Rule Making Authorities**

IDOT and IEDA

**Potential Public Groups
Impacted**

General public, Iowa Society of Solid Waste Operations, Association of Business and Industry, Iowa League of Cities, Iowa State Association of Counties, Iowa Recycling Association, Iowa Environmental Council, Sierra Club – Iowa Chapter, Environment Iowa, county environmental health sanitarians, and Iowa Farm Bureau Federation

Schedule:
(Actions & month year)

Submit to Governor's office for preclearance by December 2016
Notice of Intended Action to be filed by April 2017
Public hearings in May 2017
Final rule to Commission by July 2017

Staff Contact/Phone #

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**DNR REGULATORY AGENDA FOR SFY 2017
FORM FOR REGULATORY ACTION DESCRIPTION**

Rule Making Authority Director
Environmental Protection Commission (EPC)
Natural Resource Commission (NRC)
Energy & Geological Resource Division

Title of Regulatory Action Permit and Fee for Waste Conversion Technologies

Rule Chapter(s) involved 567 IAC Chapter 110 (new)

Description of Contemplated Regulatory Action

(Including, to the extent reasonable and practicable, alternatives to be considered and preliminary estimate of costs and benefits of the Action)

In response to House File 544, signed by Governor Branstad on June 18, 2015, the DNR will promulgate a new administrative code chapter related to permits for facilities that utilize waste conversion technologies. The chapter will establish an annual fee for the permit. The new chapter will be revenue neutral because the permit fee will be set at a rate that covers the costs of administering the program.

Legal Basis

(Include whether action is required by statute or court order)

Rulemaking is required by Iowa Code section 455D.15A.

Need for Regulatory Action

(Include if applicable how the action will reduce risk to public health, safety, or the environment)

Iowa Code section 455D.15A requires facilities using waste conversion technologies to obtain a permit from the DNR and for the DNR to develop rules for the establishment of a fee for the permits.

Is this action a result of the five year regulatory review? Yes No

Other Affected/Interested Rule Making Authorities

IEDA

Potential Public Groups Impacted

Facilities using waste conversion technologies

Schedule:

(Actions & month year)

Stakeholder engagement; July through September 2016
Submit to Governor's office for preclearance by October 2016
Notice of Intended Action to be filed by February 2017
Public hearings in March 2017
Final rule to Commission by May 2017

Staff Contact/Phone #

Theresa Stiner 515-725-8315

**DNR REGULATORY AGENDA FOR SFY 2017
FORM FOR REGULATORY ACTION DESCRIPTION**

Rule Making Authority Director
Environmental Protection Commission (EPC)
Natural Resource Commission (NRC)
Energy & Geological Resource Division

Title of Regulatory Action Household Hazardous Materials

Rule Chapter(s) involved 567 IAC Chapters 123, 144 and 214

Description of Contemplated Regulatory Action

(Including, to the extent reasonable and practicable, alternatives to be considered and preliminary estimate of costs and benefits of the Action).

This rulemaking is proposed in response to recent changes to Iowa Code 455F made by SF 2181, signed into law by Governor Branstad on March 23, 2016. The purpose of SF 2181 was to streamline programs pertaining to the management of household hazardous materials (HHMs) by updating the law to reflect current program processes, eliminating expired deadlines, updating commonly used terminology, and eliminating redundant reporting requirements. This rulemaking is needed to make the corresponding program efficiency changes to the administrative rules for HHMs.

This proposal supports the Governor's goal to reduce the cost of government through efficiency, streamlining of programs and reducing burden on small businesses.

There are no costs to the private sector or to the state as a result of the proposed rulemaking. There will be cost savings to businesses by removing regulatory barriers and a cost and time savings to DNR by updating and simplifying outdated and unused programs.

Legal Basis

(Include whether action is required by statute or court order)

Authority for 567 IAC Chapters 123, 144 and 214 is found in Iowa Code section 455E.11 and Iowa Code Chapter 455F. The proposed action is a result of changes to Iowa Code made by SF2181.

Need for Regulatory Action

(Include if applicable how the action will reduce risk to public health, safety, or the environment)

This rulemaking is needed to make the administrative rules consistent with the changes made to the Iowa Code. SF2181 removed the Toxic Cleanup Day program which had become obsolete due to the increase in permanent regional collection centers for HHMs. The changes to the administrative rules will reduce regulations for retailers, streamline the administrative code by removing obsolete rules and make the administrative rules more user friendly by combining two chapters and correcting references to the Iowa Code. The impact on risk to public health, safety or the environment is unknown but anticipated to be neutral.

Is this action a result of the five year regulatory review? Yes No

Other Affected/Interested Rule Making Authorities

IEDA and IDPH

Potential Public Groups Impacted

Iowa Association of Business and Industry, Iowa Grocery Industry Association, Petroleum Marketers and Convenience Stores of Iowa, and Iowa Society of Solid Waste Operations

Schedule:

(Actions & month year)

Submit to Governor's office for preclearance by August 2016
Notice of Intended Action to be filed by November 2016
Public hearings in January 2017
Final rule to Commission by March 2017

Staff Contact/Phone #

Tom Anderson 515-725-8323

**DNR REGULATORY AGENDA FOR SFY 2017
FORM FOR REGULATORY ACTION DESCRIPTION**

Rule Making Authority Director
Environmental Protection Commission (EPC)
Natural Resource Commission (NRC)
Energy & Geological Resource Division

Title of Regulatory Action Technical Standards and Corrective Action Requirements for Owners and Operators of Underground Storage Tanks;

Rule Chapter(s) involved 567 IAC Chapters 134, 135 and 136

Description of Contemplated Regulatory Action

(Including, to the extent reasonable and practicable, alternatives to be considered and preliminary estimate of costs and benefits of the Action)

Incorporate changes in federal U.S. EPA underground storage tank (UST) regulations adopted in July 2015. Incorporate changes from a 5 year rule review removing or changing outdated rules, updating references, and adding clarifications. Make some changes to operator training; update analytical methods; and add current policy/guidance into rule.

Legal Basis

(Include whether action is required by statute or court order)

Iowa Code section 455B.474

Need for Regulatory Action

(Include if applicable how the action will reduce risk to public health, safety, or the environment)

New federal requirements need to be added to maintain state program approval. Changes are also needed to update procedures to industry standards and conform to fire code, add guidance procedures already in practice, remove sections no longer relevant and correct problems. The rule changes are intended to improve release prevention measures and provide better oversight to reduce the risk of releases and protect public health, safety and the environment. These changes were identified through the five-year rule review process as per Iowa Code section 17A.7(2).

Is this action a result of the five year regulatory review? Yes No

Other Affected/Interested Rule Making Authorities

State Fire Marshall, DAS General Services Enterprise, IDOT, IEDA, Homeland Security & Emergency Management, Office of the Chief Information Officer, and Iowa Comprehensive Petroleum Underground Storage Tank Fund Board

Potential Public Groups Impacted

UST owners and operators; UST equipment installers, testers and inspectors; environmental groups; public interest groups; groundwater professionals; and municipalities and counties

Schedule:

(Actions & month year)

Submit to Governor's office for preclearance by September 2016
Notice of Intended Action to be filed by December 2016
Public hearings in January 2017
Final rule to Commission by March 2017

Staff Contact/Phone #

Paul Nelson 515-725-8324

**DNR REGULATORY AGENDA FOR SFY 2017
FORM FOR REGULATORY ACTION DESCRIPTION**

Rule Making Authority Director
 Environmental Protection Commission (EPC)
 Natural Resource Commission (NRC)
 Energy & Geological Resource Division

Title of Regulatory Action

Rule Chapter(s) involved

Description of Contemplated Regulatory Action

(Including, to the extent reasonable and practicable, alternatives to be considered and preliminary estimate of costs and benefits of the Action)

Legal Basis

(Include whether action is required by statute or court order)

Need for Regulatory Action

(Include if applicable how the action will reduce risk to public health, safety, or the environment)

Is this action a result of the five year regulatory review? Yes No

Other Affected/Interested Rule Making Authorities

Potential Public Groups Impacted

Schedule:

(Actions & month year)

Staff Contact/Phone #

**DNR REGULATORY AGENDA FOR SFY 2017
FORM FOR REGULATORY ACTION DESCRIPTION**

Rule Making Authority Director
Environmental Protection Commission (EPC)
Natural Resource Commission (NRC)
Energy & Geological Resource Division

Title of Regulatory Action Phase 2 Rule Review

Rule Chapter(s) involved 571 IAC Chapter 12

Description of Contemplated Regulatory Action

(Including, to the extent reasonable and practicable, alternatives to be considered and preliminary estimate of costs and benefits of the Action)

As part of the rules review process outlined in 17A.7(2) the DNR would like to work with major stakeholders and constituent groups to complete a technical review and cleanup of 571 IAC chapter 12, Division II including updating definitions and program information in order to comply with recent federal and state statute changes governing the DNR's Hunter Education, Fur Harvester Education, Bow Hunting Education, ATV Education, Snowmobile Education, Snow Groomer Education, Boating Education, and Shooting Sports Programs. There is also a need for additional rules to be developed pertaining to certification and decertification of coaches and instructors for the Shooting Sports Programs due to the growth and expansion of these programs.

Legal Basis

(Include whether action is required by statute or court order)

Iowa Code sections 321G.2, 321G.23, 321I.2, 321I.25, 462A.1 and 483A.27

Need for Regulatory Action

(Include if applicable how the action will reduce risk to public health, safety, or the environment)

Above statutes require the DNR to adopt rules necessary to administer these programs. Recent changes have been made at the state and federal level to the DNR's safety education programs. A technical review and cleanup is necessary to reflect those program changes in rule. Due to substantial growth and expansion of the DNR's shooting sports programs there is a need for additional rules pertaining to the certification and decertification of coaches and instructors.

Is this action a result of the five year regulatory review? Yes No

Other Affected/Interested Rule Making Authorities None

Potential Public Groups Impacted Iowa State Snowmobile Association, Iowa Hunter Education Instructor Association, Iowa Scholastic Clay Target Program, Inc., Iowa High School Trap Association, U.S. Coast Guard Auxiliary – Iowa Flotillas, Iowa Sail & Power Squadron Chapters, ATV Association of Iowa, and Iowa OHV Association

Schedule:
(Actions & month year)

Submit to Governor's office for preclearance by August 2016
Notice of Intended Action to be filed by November 2016
Public hearings in December 2016
Final rule to Commission by February 2017

Staff Contact/Phone #

Megan Wisecup 515-238-4968

**DNR REGULATORY AGENDA FOR SFY 2017
FORM FOR REGULATORY ACTION DESCRIPTION**

Rule Making Authority Director
Environmental Protection Commission (EPC)
Natural Resource Commission (NRC)
Energy & Geological Resource Division

Title of Regulatory Action

Rule Chapter(s) involved

Description of Contemplated Regulatory Action

(Including, to the extent reasonable and practicable, alternatives to be considered and preliminary estimate of costs and benefits of the Action)

This change would replace the free one year license in subrule 15.24 with a free five-year fishing license for persons who have severe physical or mental disabilities. This change will mutually benefit eligible persons and the DNR by making the application, review, and issuance of such licenses less frequent.

There are no costs associated with this proposed rulemaking.

Legal Basis

(Include whether action is required by statute or court order)

Need for Regulatory Action

(Include if applicable how the action will reduce risk to public health, safety, or the environment)

Currently persons with severe disabilities must prove their disability annually to qualify for a free license; the proposed change will allow them to apply for such a license only once every five years.

Is this action a result of the five year regulatory review? Yes No

Other Affected/Interested Rule Making Authorities

Potential Public Groups Impacted

Schedule:

(Actions & month year)

Staff Contact/Phone #

**DNR REGULATORY AGENDA FOR SFY 2017
FORM FOR REGULATORY ACTION DESCRIPTION**

Rule Making Authority Director
Environmental Protection Commission (EPC)
Natural Resource Commission (NRC)
Energy & Geological Resource Division

Title of Regulatory Action New Rule to Implement 456A.38 Lease to Beginning Farmers Program

Rule Chapter(s) involved 571 IAC Chapter 21

Description of Contemplated Regulatory Action

(Including, to the extent reasonable and practicable, alternatives to be considered and preliminary estimate of costs and benefits of the Action)

Rules will be promulgated to implement Iowa Code section 456A.38 Lease to Beginning Farmers Program that was enacted during the 2013 legislative session (HF 457). The program will give preference to beginning farmers when the DNR is leasing agricultural land for habitat management.

Legal Basis

(Include whether action is required by statute or court order)

HF 457 (2013), signed by Governor Branstad April 24, 2013; Iowa Code section 456A.38

Need for Regulatory Action

(Include if applicable how the action will reduce risk to public health, safety, or the environment)

Iowa Code requires the DNR to adopt rules necessary to administer the program.

Is this action a result of the five year regulatory review? Yes No

**Other Affected/Interested
Rule Making Authorities**

None

**Potential Public Groups
Impacted**

Current lease holders and future lease holders who wish to work as partners with the DNR on habitat management on agricultural ground.

Schedule:

Submit to Governor's office for preclearance by August 2016
Notice of Intended Action to be filed by November 2016
Public hearings in December 2016
Final rule to Commission by January 2017

Staff Contact/Phone #

Todd Rozendaal 515-725-8460

**DNR REGULATORY AGENDA FOR SFY 2016
FORM FOR REGULATORY ACTION DESCRIPTION**

Rule Making Authority Director
Environmental Protection Commission (EPC)
Natural Resource Commission (NRC)
Energy & Geological Resource Division

Title of Regulatory Action Water Recreation Access Grants Cost-Share Program

Rule Chapter(s) involved 571 IAC Chapter 30

Description of Contemplated Regulatory Action

(Including, to the extent reasonable and practicable, alternatives to be considered and preliminary estimate of costs and benefits of the Action)

This rule hasn't been changed or updated for many years. The timeline for submission of applications for the grant for boat ramps or boat docks construction projects need to be aligned with when federal funding is received since the state Marine Fuel Tax fund can and often does match 50/50 with federal US Coast Guard funds. The current rule timeline has successful applicants waiting almost 8 months before they can initiate a project based on when federal funding is received. There are others areas of update as well to clarify what constitutes an acceptable project.

Legal Basis

(Include whether action is required by statute or court order)

No mandate for the rule update – but changes are needed to align with federal funding allocations to the state and to correspond with changes in Chapter 54 concerning counties and cities using chemicals to treat invasive vegetation in waterways.

Need for Regulatory Action

(Include if applicable how the action will reduce risk to public health, safety, or the environment)

Need to align the rule to come closer to federal funding allocations so applicants do not have to wait. Additional changes will also assist with streamlining funding.

Is this action a result of the five year regulatory review? Yes No

Other Affected/Interested Rule Making Authorities

None

Potential Public Groups Impacted

County conservation boards and city governments will be affected as they are currently the only entities allowed to apply for WRAC Grants.

Schedule:

(Actions & month year)

Submit to Governor's office for preclearance in December 2016
Notice of Intended Action to be filed by January 2017
Public hearings in January/February 2017 to align with ISAC conferences (CCB and City Administrators annual conference)
Final rule to Commission by July 2017

Staff Contact/Phone #

Michelle Wilson - Michelle.Wilson@dnr.iowa.gov -515-725-8441

**DNR REGULATORY AGENDA FOR SFY 2017
FORM FOR REGULATORY ACTION DESCRIPTION**

Rule Making Authority Director
Environmental Protection Commission (EPC)
Natural Resource Commission (NRC)
Energy & Geological Resource Division

Title of Regulatory Action Various Hunting Chapters

Rule Chapter(s) involved 571 IAC Chapters: 51, 52, 91, 92, 94, 95, 96, 97, 98, 99, 100, 102, 104, 105, 106, 107, 108, 110

**Description of
Contemplated Regulatory Action**

(Including, to the extent reasonable and practicable, alternatives to be considered and preliminary estimate of costs and benefits of the Action)

DNR, in partnership with the Natural Resource Commission (NRC), is the agency charged with managing the state's wildlife resources, including setting season dates, bag limits, possession limits, shooting hours, areas open to hunting, licensing procedures, means and methods of take, and transportation and reporting requirements.

Legal Basis

(Include whether action is required by statute or court order)

Iowa Code sections 455A.2, 455A.5, 456A.23, 456A.24, 481A.2, 481A.38, 481A.39, 481A.48, 481A.87, 724.1A

Need for Regulatory Action

(Include if applicable how the action will reduce risk to public health, safety, or the environment)

Permits DNR and the NRC to amend hunting regulations as necessary to comply with controlling federal regulations, adjust opening and closing dates to capture weekend recreational opportunities, and generally adjust all other aspects of the regulations (bag and possession limits, methods of take, areas open to hunting) to ensure biological balance of wildlife and land resources is maintained as required by law.

Is this action a result of the five year regulatory review? Yes No

**Other Affected/Interested
Rule Making Authorities**

U.S. Fish and Wildlife Service has regulatory authority for migratory birds included in Chapters 91, 92 and 102

**Potential Public Groups
Impacted**

Hunters, other users of public land, citizens in general, private land owners, conservation organizations, and producer organizations

Schedule:

(Actions & month year)

CHAPTER	NAME	Preclear/ Notify	Notice to NRC	Public hearing	Final to NRC	Potential Changes
51	Game Management Areas	Varies as needed	Varies as needed	Varies as needed	Varies as needed	Restrict access, use of blinds & decoys, etc.
52	Wildlife Refuges	Varies as needed	Varies as needed	Varies as needed	Varies as needed	Open/close refuges, add new refuges
91	Waterfowl and Coot Hunting Seasons	December '16	Jan '17	March '17	June '17	Dates, seasons, bag limits, zones
92	Migratory Game Birds	March '17	April '17	May '17	June '17	Update rule to match federal regulations.
94	Nonresident Deer Hunting	March '17	April '17	May '17	June '17	Dates, seasons, zones, methods of take
95	Game Harvest Reporting and Landowner-Tenant Registration	March '17	April '17	May '17	June '17	Procedures for reporting kill and registering for l/t licenses
96	Pheasant, Quail and Gray Partridge Hunting Seasons	March '17	April '17	May '17	June '17	Dates, bag limits, means and method of take
97	Common Snipe, Virginia Rail and Sora, Woodcock and Grouse Hunting Seasons	March '17	April '17	May '17	June '17	Dates, bag limits, means and method of take
98	Wild Turkey Spring Hunting	March '17	April '17	May '17	June '17	Dates, license quotas, seasons, zones, legal weapons, and methods of take
99	Wild Turkey Fall Hunting	March '17	April '17	May '17	June '17	Dates, license quotas, zones, legal weapons and methods of take
100	Crow and Pigeon Regulations	March '17	April '17	May '17	June '17	Dates, means and methods of take
102	Falconry Regulations for Hunting Game	March '17	April '17	May '17	June '17	Dates, bag limits
104	Wildlife Importation, Transportation and Disease Monitoring	March '17	April '17	May '17	June '17	Update requirements and who is covered.
105	Deer Population Management Areas	March '17	April '17	May '16	June '17	Zones, seasons, license quotas
106	Deer Hunting	March '17	April '17	May '17	June '17	Dates, license quotas, zones, legal weapons and methods of take
107	Rabbit and Squirrel Hunting	March '17	April '17	May '17	June '17	Dates, bag limits, means and methods of take
108	Mink, Muskrat, Raccoon, Badger, Opossum, Weasel, Striped Skunk, Fox (Red and Gray), Beaver, Coyote, Otter and Spotted Skunk Seasons	March '17	April '17	May '17	June '17	Dates, bag limits, means and methods of take
110	Trapping Limitations	March '17	April '17	May '17	June '17	Type and locations of allowable traps

Staff Contact/Phone

Chris Ensminger Wildlife Bureau, 515-725-8499

**DNR REGULATORY AGENDA FOR SFY 2017
FORM FOR REGULATORY ACTION DESCRIPTION**

Rule Making Authority Director
Environmental Protection Commission (EPC)
Natural Resource Commission (NRC)
Energy & Geological Resource Division

Title of Regulatory Action Restrictions on Introduction and Removal of Plant Life

Rule Chapter(s) involved 571 IAC Chapter 54

Description of Contemplated Regulatory Action

(Including, to the extent reasonable and practicable, alternatives to be considered and preliminary estimate of costs and benefits of the Action)

This change would establish an exemption for cities and counties to apply chemicals on public waters as defined by 571 IAC 13.2 (455A, 461A, 462A) to remove plants for navigational purposes. An available alternative is for the DNR to apply chemical under contract and agreement with the city or county for reimbursement of costs incurred by the DNR. The cost to the DNR to implement the proposed change is existing staff time to process permit applications. This cost is much lower than the cost for DNR staff to apply the chemical and enter into written agreements with a city or county to reimburse DNR costs.

Legal Basis

(Include whether action is required by statute or court order)

Iowa Code Chapters 455A, 461A, 462A

Need for Regulatory Action

(Include if applicable how the action will reduce risk to public health, safety, or the environment)

Currently only DNR staff can apply chemicals on public waters as defined by rule 571 IAC13.2 (455A, 461A, 462A). Some cities and counties have management responsibilities on public waters and have concerns with aquatic vegetation growth that is prohibiting boating navigation. The proposed action will allow cities and counties to apply chemical, by permit, to control aquatic vegetation on selected areas where vegetation is inhibiting boating navigation.

Is this action a result of the five year regulatory review? Yes No

Other Affected/Interested Rule Making Authorities

None

Potential Public Groups Impacted

Cities and counties that manage public waters and/or marina facilities on public waters as defined by rule 571IAC 13.2 (455A, 461A, 462A)

Schedule:

(Actions & month year)

Submit to Governor's office for preclearance by August 2016
Notice of Intended Action to be filed by September 2016
Public hearings in October 2016
Final rule to Commission by December 2016

Staff Contact/Phone #

Martin Konrad 515-725-8447

**DNR REGULATORY AGENDA FOR SFY 2017
FORM FOR REGULATORY ACTION DESCRIPTION**

Rule Making Authority

Director
Environmental Protection Commission (EPC)
Natural Resource Commission (NRC)
Energy & Geological Resource Division

Title of Regulatory Action

State Parks, Recreation Areas and State Forest Camping

Rule Chapter(s) involved

571 IAC Chapter 61

Description of Contemplated Regulatory Action

(Including, to the extent reasonable and practicable, alternatives to be considered and preliminary estimate of costs and benefits of the Action)

1. The DNR's State Parks Bureau currently manages a number of small properties which are not designated as a state park or recreation area. These areas may range in size from 1-20 acres and have some form of recreational development such as a boat ramp and parking lot, swimming beach, or picnic area. To provide best management practices for the health, safety, and general welfare of the public and resource, the DNR would like to apply certain state park or recreation area regulations (example: park closing time). However, it is difficult to apply or enforce any park-related regulation without the properties identified as either being a state park or recreation area. The DNR will review the feasibility of designating these areas as an operational unit of an existing state park or recreation area that is close by which would allow the DNR to apply various state park or recreation area use rules. This would also eliminate the need to designate a small parcel of land as a new state park or recreation area in order to apply park rules. If this method is not feasible, the DNR will look at establishing these parcels as state park or recreation areas but only if there is no alternative.
2. Establish rental fee for a new large shelter at Lake Manawa State Park. All rental fees for shelters are established in administrative rule.
3. Change the 4th of July stay requirement for all camping reservations and for reservations for the multifamily cabin at Springbrook State Park. A three-night stay will be required only if the 4th of July is on a Monday which would require a Friday, Saturday and Sunday night mandatory stay. This is the same minimum stay requirement for Memorial Day and Labor Day holidays.
4. The DNR is reviewing the damage deposit rules for cabin and day-use lodge rentals. Staff is interested in removing this requirement and using other existing code and recovering mechanisms in place if damage does occur during a rental.
5. The DNR would like to amend the existing language for reduced fees or waived fees by the director to allow for special promotions that target specific parks or rental types (camping, cabins, etc.). The new language would allow for special rates during slow times of the week or year to encourage higher use which could drive revenue. The same concept could apply to an under-used park.

Legal Basis

(Include whether action is required by statute or court order)

Iowa Code Chapters 455A and 461A

Need for Regulatory Action

(Include if applicable how the action will reduce risk to public health, safety, or the environment)

1. The State Parks Bureau is responsible for managing a number of small properties in the state which are not designated state parks or recreation areas but do provide some forms of recreation found in parks. Because of the small size of the property development may be limited (example: water access with a boat ramp and parking area) and provide little or no natural resource value. In order to provide quality park management of the areas for the protection of the visiting public and protection of infrastructure and any natural resource, a park designation of some kind is necessary. Identifying these properties as an operational unit of an existing state park or recreation area close by will allow staff to apply appropriate park management policy and regulations. Using this approach will also eliminate designations of new state parks/recreation areas when the property is very small in size with limited forms of development or natural resources.
2. In order for the DNR to charge a rental fee for shelters, the fees must be established in administrative rule. If not, the shelters would have to be available free of charge for public use.
3. Currently the minimum stay rules for the 4th of July holiday is based on the day of the week the 4th of July lands. It is difficult to incorporate these rules into the reservation system and is confusing for the public. By changing the minimum stay for the 4th of July holiday to reflect the same stay requirements for Memorial Day and Labor Day holidays, it will create consistency in how holiday stays are handled and easier for customers to understand.
4. Currently customers must pay a damage deposit in advance or upon arrival for their stay for a cabin or use of a day-use lodge. This is in addition to the rental fee that is paid in advance. The damage deposit is held by park staff until the stay has occurred and then returned to the customer if there is no damage. The parks do not have office staff so it can be difficult for customers to find someone to pay the damage deposit to when they arrive and it can be difficult for staff to get the deposit back to the customer depending upon when the customer leaves. The DNR is reviewing how often damage does occur during rentals and how much of the damage deposit is used to cover the cost of damage from renters. It may be more practical to remove the damage deposit requirement and use Iowa Code section 461A.35 "Prohibited destructive acts" to issue a citation (scheduled fine) and take legal action necessary to recover the cost to clean up the facility or repair damage.
5. The current language does not allow flexibility to reduce or waive fees for particular parks or rental types. It requires the promotion to apply to all parks. Amending the language to allow for park specific promotional opportunities can generate new or additional interest from the public and increase use of the park and/or its facilities during times when use is low or if the park is not used as much as other parks.

Is this action a result of the five year regulatory review? Yes No

Other Affected/Interested Rule Making Authorities

Department of Commerce's Alcoholic Beverages Division, Department of Corrections and IEDA.

Potential Public Groups Impacted

Park visitors, campers, and facility (cabin/lodge/shelter) renters who use these areas

Schedule:

(Actions & month year)

Submit to Governor's office for preclearance by September 2016
Notice of Intended Action to be filed by November 2016
Public hearings in January 2017
Final rule to Commission by February 2017

Staff Contact/Phone

Sherry Arntzen 515-725-8486

**DNR REGULATORY AGENDA FOR SFY 2017
FORM FOR REGULATORY ACTION DESCRIPTION**

Rule Making Authority Director
Environmental Protection Commission (EPC)
Natural Resource Commission (NRC)
Energy & Geological Resource Division

Title of Regulatory Action Fishing Regulations

Rule Chapter(s) involved 571 IAC Chapter 81

Description of Contemplated Regulatory Action

(Including, to the extent reasonable and practicable, alternatives to be considered and preliminary estimate of costs and benefits of the Action)

This change proposes modifications to the Missouri and Big Sioux rivers paddlefish fishing season and to permitted catfish tournaments. Suggested paddlefish fishing season modifications are to permit the snagging and harvesting of rough fish with a paddlefish fishing license and unused tags, allow more days to fish, allow the purchase of two licenses and include reciprocity language in the event that the State of Nebraska implements a Missouri River paddlefish fishing season. Changes to permitted catfish fishing tournament includes the culling of catfish and placement of a five fish daily catch limit per tournament boat team.

There are no costs associated with this proposed rulemaking.

Legal Basis

(Include whether action is required by statute or court order)

Iowa Code sections 481A.38, 481A.39, 481A.67 and 481A.76.

Need for Regulatory Action

(Include if applicable how the action will reduce risk to public health, safety, or the environment)

The Missouri/Big Sioux rivers paddlefish fishing season was first implemented in 2015. Since then anglers have approached the DNR suggesting changes to improve fishing opportunities for paddlefish and rough fish. Likewise organizers of catfish fishing tournaments have approached the DNR requesting changes that permit the culling of catfish during catch and release fishing tournaments and the implementation of a five daily catch limit for the purpose of maintaining fish health and survival.

Is this action a result of the five year regulatory review? Yes No

Other Affected/Interested Rule Making Authorities

None.

Potential Public Groups Impacted

This action will benefit anglers fishing the Missouri and Big Sioux rivers for paddlefish and rough fish and anglers fishing in permitted catfish fishing tournaments.

Schedule:

(Actions & month year)

Submit to Governor's office for preclearance by January 2017
Notice of Intended Action to be filed by March 2017
Public hearings in April 2017
Final rule to Commission by June 2017

Martin Konrad 515-725-8447

DNR REGULATORY

AGENDA FOR SFY 2017
FORM FOR REGULATORY ACTION DESCRIPTION

Rule Making Authority Director
 Environmental Protection Commission (EPC)
 Natural Resource Commission (NRC)
 Energy & Geological Resource Division

Title of Regulatory Action Turtles

Rule Chapter(s) involved 571 IAC Chapter 86

Description of Contemplated Regulatory Action

(Including, to the extent reasonable and practicable, alternatives to be considered and preliminary estimate of costs and benefits of the Action)

This change would establish a harvest season and daily catch limits on wild turtles. Turtle species are long-lived, maturing at six to eight years of age, and produce small clutch sizes. High nest predation, low survival and loss of habitat prevent most young turtles from reaching sexual maturity. These characteristics make adults of all harvested species susceptible to over-harvest and threaten their ability to support viable populations. House File 2357 (2016) specifically instructs the DNR to adopt rules establishing a turtle season and daily catch limits on wild turtles.

Legal Basis

(Include whether action is required by statute or court order)

Iowa Code sections 481A.38, 481A.39 and 482.1. See also House File 2357 (signed by Governor Branstad on March 23, 2016).

Need for Regulatory Action

(Include if applicable how the action will reduce risk to public health, safety, or the environment)

House File 2357, signed by Governor Branstad on March 23, 2016, specifically instructs the DNR to adopt rules establishing a turtle season and daily catch limits on wild turtles. The need for a turtle season is based on known turtle life history characteristics, documented harvest trends, and current research. This information indicates that wild turtle populations will decline if management efforts are not taken to control harvest. A season and daily catch limits on the harvest of wild turtles will allow the DNR to manage for self-sustaining wild turtle populations.

Is this action a result of the five year regulatory review? Yes No

Other Affected/Interested Rule Making Authorities

None.

Potential Public Groups Impacted

Commercial turtle harvesters, buyer and helpers, and conservation organizations interested in the proper management of wild turtles.

Schedule:

(Actions & month year)

Submit to Governor's office for preclearance by July 2016
Notice of Intended Action to be filed by August 2016
Public hearings in September 2016
Final rule to Commission by November 2016

Staff Contact/Phone #

Martin Konrad 515-725-8447

**DNR REGULATORY AGENDA FOR SFY 2017
FORM FOR REGULATORY ACTION DESCRIPTION**

Rule Making Authority Director
Environmental Protection Commission (EPC)
Natural Resource Commission (NRC)
Energy & Geological Resource Division

Title of Regulatory Action Aquaculture

Rule Chapter(s) involved 571 IAC Chapter 89

Description of Contemplated Regulatory Action

(Including, to the extent reasonable and practicable, alternatives to be considered and preliminary estimate of costs and benefits of the Action)

The proposed amendment corrects recent changes made to scientific names of approved aquaculture species, removes Channel Catfish Virus Disease (CCVD) as a reportable disease, removes approved aquaculture species that DNR has listed as imperiled or endangered, and adds additional fish species to the importation permit requirement for Viral Hemorrhagic Septicemia Virus (VHSV). VHSV is currently listed in 571 IAC Chapter 89 as a disease detrimental to salmon and trout. This deadly disease has caused mortality, in parts of the U.S., to muskellunge, walleye, bass, bluegill and crappies. Species that are proposed to be added for VHSV disease-free certification are species listed by USDA Animal Plant Health Inspection Service as susceptible species and imported from a state/province that borders the Great Lakes or has had a water body that has tested positive for VHSV. There is no cost to the DNR to implement the amendment. The proposed changes do not affect the public and should benefit private aquaculture producers and protect Iowa's fishery resources. The additional requirement for VHSV certification was discussed at a 2015 meeting with private aquaculture producers and those in attendance were in favor of this requirement.

Legal Basis

(Include whether action is required by statute or court order)

Iowa Code sections 481A.142 and 481A.143.

Need for Regulatory Action

(Include if applicable how the action will reduce risk to public health, safety, or the environment)

The rule change will benefit commercial aquaculture producers in knowing the species approved for aquaculture production and will protect DNR listed imperiled and endangered species. Additionally, since CCVD is endemic to Iowa waters, there is no need for a certification statement for this disease. VHSV is a detrimental disease to Iowa's fishery resources and surveillance efforts have shown that VHSV is not present in Iowa waters. Therefore, this regulation is needed to prevent disease introduction into Iowa through fish importation from infected areas outside of Iowa.

Is this action a result of the five year regulatory review? Yes No

**Other Affected/Interested
Rule Making Authorities**

State Veterinarian (IDALS)

Potential Public Groups Impacted

Private aquaculture producers who propagate and sell listed aquaculture species. Proposed changes will have beneficial impact to aquaculture producers.

Schedule:

(Actions & month year)

Submit to Governor's office for preclearance by January 2017
Notice of Intended Action to be filed by March 2017
Public hearings in April 2017
Final rule to Commission by June 2017

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