

Iowa Department of Natural Resources

Five-Year Rule Review Summary

To

Administrative Rules Coordinator and Administrative Rules Review Committee

June 23, 2017

During the 2012 session of the Iowa General Assembly, Iowa Code section 17A.7(2) was amended to require that agencies conduct ongoing and comprehensive five-year reviews of all their administrative rules. The statute reads:

Beginning July 1, 2012, over each five-year period of time, an agency shall conduct an ongoing and comprehensive review of all of the agency's rules. The goal of the review is the identification and elimination of all rules of the agency that are outdated, redundant, or inconsistent or incompatible with statute or its own rules or those of other agencies. An agency shall commence its review by developing a plan of review in consultation with major stakeholders and constituent groups. When the agency completes the five-year review of the agency's own rules, the agency shall provide a summary of the results to the administrative rules coordinator and the administrative rules review committee.

On January 23, 2013, the Iowa Department of Natural Resources (DNR) completed an "Iowa DNR Five-Year Rule Review Plan", which was presented to the Environmental Protection Commission and the Natural Resource Commission at their April 2013 meetings. The January 2013 report is located on the DNR's website at <http://www.iowadnr.gov/About-DNR/About-DNR/Administrative-Rules>. DNR has an ongoing five-year rule review committee to ensure it conducts a structured and comprehensive approach to rule review.

DNR has conducted a comprehensive two-phase process of review of all DNR rules since the enactment of Iowa Code section 17A.7(2). The initial phase of the review (Phase 1) was intended to identify rules which could be repealed or amended because they were outdated, redundant, or inconsistent with other rules. Rule chapters that were not repealed or amended during the Phase 1 process were subject to Phase 2, which involved a more in-depth review of specific rules, in consultation with stakeholders.

The following is a list of DNR rule chapters that have been rescinded since July 1, 2012.

Rule chapter	Description	Effective date of rule change	ARC number for final adoption
567 IAC 110	Hydrogeological Investigation and Monitoring Requirements (chapter obsolete)	May 20, 2015	1956C
567 IAC 112	Sanitary Landfills: Biosolids Monofill. No landfills accepting only biosolids in Iowa. If a facility	May 20, 2015	1956C

	constructed a landfill to accept biosolids, 567 IAC 113 would apply.		
567 IAC 140	Scope of Title-Definitions-Forms-Rules of Practice (Hazardous Waste)(statutory authority rescinded)	July 18, 2012	0161C
567 IAC 141	Hazardous Waste (statutory authority rescinded)	July 18, 2012	0161C
567 IAC 148	Registry of Hazardous Waste or Hazardous Substance Disposal Sites (statutory authority rescinded)	July 18, 2012	0161C
567 IAC 150	Location and Construction of Hazardous Waste Treatment, Storage and Disposal Facilities (statutory authority rescinded)	July 18, 2012	0161C
567 IAC 151	Criteria for Siting Hazardous Waste Management Facilities (statutory authority rescinded)	July 18, 2012	0161C
567 IAC 210	Beautification Grant Program. Rescinded because the funding for the program expired on June 30, 2014.	May 20, 2015	1956C
567 IAC 218	Waste Tire Stockpile Abatement Program. Rescinded because funding for this program expired at the end of fiscal year 2007.	May 20, 2015	1956C
571 IAC 9	State Migratory Waterfowl, Trout and Habitat Stamp Design Contests. Procedures described were outdated and no longer used.	January 14, 2015	1755C
571 IAC 53	Controlled Hunting Areas. No such areas were designated.	January 14, 2015	1755C
571 IAC 62	State Forest Camping. Combined with 567 IAC 61, "State Parks and Recreation Areas," to make clarifications and avoid redundancy.	November 7, 2012	0383C
571 IAC 85	Trotlines. Combined with another chapter to avoid redundancy.	December 3, 2014	1702C

Attached is a chart of all DNR rulemakings conducted since July 1, 2012. Many of these rule proceedings were undertaken primarily for purposes of the five-year rule review (Phase 1 or Phase 2). Other rule proceedings were conducted as a result of legislative changes, while others were more of a

routine nature, such as adopting the annual hunting seasons or renewing DNR's wastewater general permits for another five-year term. Other rule packages were undertaken to adopt the most recent federal EPA requirements – necessary in order to retain authorization to implement these federal environmental programs. Other rule proceedings were the result of a petition for rulemaking pursuant to Iowa Code section 17A.7(1). Three of the agency rulemakings were stakeholder-driven rule proceedings, pursuant to Executive Order No. 80. Please see the chart for more details.

During the next five-year period (2017-2022), DNR will continue its review of rules, including adopting a new five-year plan in accordance with Iowa Code section 17A.7(2). DNR's contact on its five-year rule review process is Ed Tormey, DNR General Counsel, 515-725-8373 or [ed.tormey@dnr.iowa.gov](mailto:ed.tormey@dnr.iowa.gov).

Rule Chapter(s)	Description	5 Year Rule Review	Effective Date	AIRC Number (Final Adoption)
567 IAC 140, 141, 148, 150, 151	Rescission of Hazardous Waste Rules	Yes (includes updating legislation)	18-Jul-12	0161C
561 IAC 9	Groundwater Hazard Documentation	Yes	18-Jul-12	0167C
571 IAC 108	Resident Deer Hunting	No	15-Aug-12	0189C
571 IAC 91	Waterfowl	No	15-Aug-12	0307C
571 IAC 108	Furbearers	No	15-Aug-12	0188C
567 IAC 68 and 69	Private Sewage Disposal	No - Update Legislation	15-Aug-12	0208C
567 IAC 33	PSD	No	12-Sep-12	0260C
567 IAC 64	NPDES GP 1,2 and 3	No	1-Oct-12	0261C
571 IAC 56	Shooting Sports Grant Program	No	10-Oct-12	0308C
567 IAC 23	NSPS/NESHAP	No	24-Oct-12	0329C
567 IAC 20, 22, and 25	Air Quality Sampling	Yes	24-Oct-12	0330C
571 IAC 61 and 62	Merging two camping chapters - rescinding one	Yes	7-Nov-12	0383C
571 IAC 63	Keg Beer	Yes	7-Nov-12	0382C
567 IAC 135 (Emergency)	Unstaffed UST facilities	No	19-Dec-12	0559C
567 IAC 64	Disadvantaged Communities	No - Update Legislation	16-Jan-13	0529C
567 IAC 17	Compliance and Enforcement Procedures	No	13-Mar-13	0594C
567 IAC 33	PSD (GHG)	No	17-Jul-13	0783C
571 IAC 100	Pigeons	No	14-Aug-13	0829C
571 IAC 106	Resident Deer Hunting	No	14-Aug-13	0830C
571 IAC 52	Wildlife Refuges	Yes	14-Aug-13	0828C
571 IAC 108	Furbearers	No	14-Aug-13	0831C
571 IAC 91	Waterfowl	No	15-Aug-13	1003C
567 IAC 22 and 28	NAAQS	No	23-Oct-13	1013C
567 IAC 23	RICE NESHAP	No	23-Oct-13	1014C
567 IAC 135	Unstaffed UST facilities	No	20-Nov-13	1100C
567 IAC 20, 22, 31, and 33	Nonattainment	No	15-Jan-14	1227C
571 IAC 28 and 47	Snowmobile and ATV Grants	Yes	15-Jan-14	1226C
567 IAC 64	Storm Water General Permit Efficiencies	Yes (includes updating legislation)	26-Mar-14	1337C
567 IAC 93	Nonpoint Source Set Aside Program	No - Update Legislation	26-Mar-14	1336C
567 IAC 61	Water Quality Certification - RP7	No	16-Jul-14	1495C
571 IAC 91	Waterfowl	No	15-Aug-14	1614C
571 IAC 106	Resident Deer Hunting	No	10-Sep-14	1562C
567 IAC 22 and 23	Grain Elevators / NESHAP	Yes	10-Sep-14	1561C

Rule Chapter(S)	Description	5 Year Rule Review	Effective Date	ARC Number (Final Adoption)
567 IAC 64 and 65	CAFO - Work Plan	Yes (includes updating legislation)	22-Oct-14	1627C
571 IAC 40	Boating Speed - Clayton (Petition for Rulemaking)	No	5-Nov-14	1644C
571 IAC 81 and 85	Miscellaneous Fishing (rescind chapter)	Yes	3-Dec-14	1702C
571 IAC 54	Aquatic Vegetation Removal	Yes	3-Dec-14	1703C
571 IAC 9 and 53	Rule Rescissions	Yes	14-Jan-15	1755C
567 IAC 64	NPDES GP 6	No	1-Mar-15	1912C
567 IAC 20, 22, 23, 25, 31, and 33	5 Year Rule Review (rescind Voluntary Operating Permits) (EO 80)	Yes	22-Apr-15	1913C
567 IAC 81	Operators / Military Veterans	No - Update Legislation	22-Apr-15	1911C
567 IAC 107, 110, 112, 210, and 218	Rule Rescissions	Yes	20-May-15	1956C
567 IAC 61	UAAs	No	17-Jun-15	1988C
567 IAC 64	NPDES GP2 (EO 80)	No	12-Aug-15	2054C
567 IAC 50, 52 and 53	Jordan Aquifer (EO 80)	No	12-Aug-15	2053C
571 IAC 91	Waterfowl	No	13-Aug-15	2129C
571 IAC 106	Resident Deer Hunting	No	9-Sep-15	2086C
571 IAC 97	Snipe, Woodcock etc.	No	9-Sep-15	2087C
561 IAC 13	State Lands Volunteer Program	No - Update Legislation	9-Sep-15	2092C
571 IAC 61	Cabin fees / Honey Creek	No	15-Sep-15	2052C
571 IAC 14	Honey Creek exemption	No	7-Oct-15	2133C
567 IAC 20, 22, 23, 30, 31, and 33	Air Quality Fees	No - Update Legislation	16-Dec-15	2352C
567 IAC 209	Landfill Financial Assurance Programs	Yes	27-Jan-16	2314C
561 IAC 12	Special Deer Nonresident License - Disabled Veterans	No - Update Legislation	9-Mar-16	2379C
571 IAC 15	Special Licenses - Disabled Veterans	No - Update Legislation	23-Mar-16	2398C
567 IAC 60, 62, 63, 64, and 67	NPDES Cleanup	Yes	18-May-16	2482C
567 IAC 64	NPDES GP7	No	18-May-16	2572C
571 IAC 91	Waterfowl	No	15-Jun-16	2526C
571 IAC 15	Hunter Apprentice Program	No - Update Legislation	13-Jul-16	2561C
567 IAC 64	NPDES GP5	No	20-Jul-16	2571C
567 IAC 61 and 64	Antidegradation (Petition for Rulemaking)	No	12-Aug-16	2695C
571 IAC 106	Resident Deer Hunting	No	12-Aug-16	2697C
571 IAC 71	Nursery Stock Sale	No	5-Oct-16	2693C

Rule Chapter(s)	Description	5 Year Rule Review	Effective Date	ARC Number (Final Adoption)
567 IAC 105 and 113	Yard Waste	No - Update Legislation	5-Oct-16	2692C
567 IAC 100, 101, and 111	5 Year Rule Review	Yes (includes updating legislation)	16-Nov-16	2756C
567 IAC 70, 71, and 72	Flood Plains	Yes	16-Nov-16	2764C
567 IAC 65	CAFO Updates	Yes - also includes updates to legislation	14-Dec-16	2798C
571 IAC 61	Alcohol Ban	No	Effective date end of session 2017, due to session delay	2694C
567 IAC 61	Copper	Yes	22-Feb-17	2911C
567 IAC 20, 21, 22, 23, 25, 26, 27, 28, 31 and 33	Regulatory Certainty	Yes	22-Mar-17	2949C
571 IAC 86	Turtles	No - Update Legislation	22-Mar-17	2951C
571 IAC 21	Beginning Farmer Program	No - Update Legislation	5-Apr-17	2961C
571 IAC 91, 97, 102	Waterfowl, Coot and Dove Hunting and Falconry	No	14-Jun-17	3060C
571 IAC 106	Deer Hunting by Residents	No	12-Jul-17	3098C