

Regulatory Plan for SFY2021

Iowa Department of Natural Resources

Introduction

This plan is intended to implement the Governor's Executive Order #9. It provides the Iowa Department of Natural Resources' (DNR) expected regulatory actions for State Fiscal Year 2021, which began July 1, 2020.

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.

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 The goal of the review is to identify and eliminate rules that are outdated, redundant, or inconsistent with statute or other rules.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 table lists 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.

**SFY21 Regulatory Plan
Iowa Department of Natural Resources**

Chapter	Title
567 IAC 1	Operation of the Environmental Protection Commission
567 IAC 9, 40, 41, 42, 43, 52, 53, 81 and 83	Drinking Water Rules – Delegated Permitting Authority, Public Water Supply, Water Use, Operator Certification, and Environmental Laboratory Certification
567 IAC 20 - 23, 25, 30-31 and 33	Air Quality Electronic Submittal
567 IAC 20 - 35	Air Quality Federal Updates
567 IAC 22, 31 and 33	Air Quality PSD Rule Updates
567 IAC 23	Affordable Clean Energy (ACE) Rule
567 IAC 40, 41, 43, 49, 60, 62, 63, 64, 67, 69 and 81	Cleanup and Modification of Separation Distance, Wastewater, Private Sewage System, Sewage Sludge, and Operator Certification Rules.
567 IAC 51, 52, 70, 71,72,73	Dam Safety
567 IAC 60, 61 and 63	Antidegradation Rule Improvements
567 IAC 61	Updates to Chapter 61: Water Quality Standards - 401 Certification
567 IAC 61	Updates to Chapter 61: Water Quality Standards – Stream Use Designations (Batch 6)
567 IAC 64	Renewal of General Permit 5 for Mine and Quarry Discharges
567 IAC 64	Renewal of General Permit 7 for Pesticide Discharges
567 IAC 64	Revisions to the Iowa Wastewater Facilities Design Standards (IWFDS) Chapter 21
567 IAC 64	Wastewater Construction and Operation Permits - Revisions to the Iowa Wastewater Facilities Design Standards and Other Rule Cleanup for Review Criteria and Updates to Separation distances
567 IAC 103,105, 106, 110 (new), 113, 114, 115, 117, 118, 120, 121 and 122	Financial Assurance
567 IAC 104	Rescission of IAC 567 Chapter 104 Sanitary Disposal Projects with Processing
567 IAC 106	Citizen Convenience Centers and Transfer Stations
567 IAC 122	Cathode Ray Tube Device Recycling
567 IAC 131	Notification of Hazardous Conditions Update
567 IAC 134, 135 and 136	Technical Standards and Corrective Action Requirements for Owners and Operators of Underground Storage Tanks
567 IAC 215	Rescission of 567 IAC 215 Mercury-Added Switch Recovery From End-of Life Vehicles
571 IAC 1	Operation of the Natural Resource Commission
571 IAC 14	Concessions
571 IAC 22, Part 2	Habitat and Public Access Program
571 IAC 40	Boating speed and distance zoning
571 IAC 72.2(4)	Timber Buyers
571 IAC 61	State Parks, Recreation Areas and State Forest Camping
571 IAC 81	Fishing regulations
571 IAC 91	Waterfowl and Coot Hunting Seasons
571 IAC 101 and 102	Falconry Rules
571 IAC 104	Wildlife Importation, Transportation, and Disease Monitoring
571 IAC 106	Deer Hunting by Residents
571 IAC 111	Review and Update of Scientific Collecting, Wildlife Salvage, Wildlife Rehabilitation, and Education Project Permit Rules; Create Game Breeders Rules

REGULATORY ACTION DESCRIPTION FOR SFY 2021

Title of Regulatory Action Operation of Environmental Protection Commission

Rule Chapter(s) Involved 567 IAC 1

Rule Making Authority Director
 Environmental Protection Commission (EPC)
 Natural Resource Commission (NRC)

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 making will conform DNR rules to Iowa Code section 68B.4 regarding the sale and lease of foods and services by members of the EPC. This rule making will also amend the existing rule to be up to date with the current processes currently being implemented within the EPC. The rule making will implement a portion of the DNR’s 5-year rule review plan to accomplish the requirements of Iowa Code subsection 17A.7(2) to identify rules that can be amended because they are outdated.

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

Iowa Code section 68B. 4 and Iowa Code subsection 17A.7(2).

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

This rule making would make the DNR’s rules consistent with the Iowa Code regarding the sale and lease of foods and services by members of the EPC.

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

Other Affected/Interested Rule Making Authorities

Iowa Ethics Commission

Potential Public Groups Impacted

None

Schedule: (Actions & month/year)

Submit to Governor’s office for preclearance by August 2020
Notice of Intended Action to be filed by October 2020
Public hearings in November 2020
Final rule by January 2021

Staff Contact/Phone # Kelli Book, 515-210-3408

REGULATORY ACTION DESCRIPTION FOR SFY 2021

Title of Regulatory Action	Drinking Water Rules – Delegated Permitting Authority, Public Water Supply, Water Use, Operator Certification, and Environmental Laboratory Certification
Rule Chapter(s) Involved	567 IAC Chapters 9, 40, 41, 42, 43, 52, 53, 81, and 83
Rule Making Authority	<input type="checkbox"/> Director <input checked="" type="checkbox"/> Environmental Protection Commission (EPC) <input type="checkbox"/> Natural Resource Commission (NRC)

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)

Changes are needed to include definitions of emergency/standby connections, contact time, individual filter effluent, combined filter effluent, source/entry point, and potable water. Additional changes are needed to adopt federal rule changes in analytical methods, the provisions of the Reduction of Lead in Drinking Water Act (if the final federal rule is promulgated by July 15, 2020), and the changes needed from primacy revision in 2019. Other changes modernize the rules.

The rule making will:

1. Adopt the legislative action required from the 2020 Legislative session (HF2475 signed by Governor Reynolds on June 1, 2020) regarding amending 567 IAC Chapter 9 to allow local public works departments to include the ability to “retain” a licensed engineer and change “commission” for “department” in adopting the standards.
2. Update the self-monitoring requirements for systems with treatment to include new treatment and monitoring technologies, correct turbidity grab sample frequency when continuous read equipment fails at systems over 100,000, and update the disinfection contact time tables for removal and inactivation of *Giardia* to include requirements for pH above 9.0.
3. Update the engineering standards to the current versions of American Water Works Association and Ten States Standards, clarify minimum and working pressures in the distribution system, clarify construction permit extension request criteria, require only total chlorine monitoring at systems using chloramination, require raw water testing for typical water quality parameters in new sources, and require lead and copper testing of a new source.
4. Allow for variance in minor water main construction permits under certain conditions, clarify construction permit renewal/extension timeframe, include requirements for emergency provision of water and emergency protocol for public water supply systems, identifying microbial sources of contamination for reduced coliform monitoring, include the lead-free National Sanitation Foundation (NSF) standard 372, and provide clarification of NSF61 requirements.
5. Update reference in water use rules to the latest U.S. Geological Service low-flow characteristics report and rescind the restrictions to stream intakes and to wells in unconfined aquifers in streams draining less than 50 square miles since the protected flow restrictions and 7Q10 (the lowest average flow over 7 days with a recurrence of every 10 years) restrictions are sufficient to address any flow concerns.
6. Establish a groundwater protection area for land affected by the Iowa Army Ammunition Plant site near Middleton in Des Moines County and an adjacent 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 groundwater at these locations, currently found at levels in the groundwater above the EPA’s lifetime drinking water health advisory of 2 parts per billion. This process requires the well construction permits to be issued by the DNR with special conditions in order to prevent further contamination of groundwater in the area, protecting the quality and quantity of water for sustained beneficial use.
7. Clarify the transient noncommunity public water supply system Grade A operator certification language.
8. Correct the citation of 561-7.16(455B) in Chapter 83 and include state laboratory language from the Iowa Code.

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

For the first item, authorizing legislation is HF2475, signed into law by Governor Reynolds on June 1, 2020. Though the remaining rule changes are not required by a statute or court order they are needed to modernize the existing rules. DNR has the authority to amend the rules through Iowa Code sections 455B.113, 455B.172, 455B.173, 455B.213, and 455B.263.

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

Improving the existing public water supply rules will reduce risk to public health. Rule changes are needed that clarify engineering design standards and permitting, update the self-monitoring requirements of existing treatment processes and include new treatment technology, include basic requirements for the emergency provision of water, and clarify existing rules. Rule making is also required to adopt federal rule changes which are required as part of primacy under the Safe Drinking Water Act.

The Des Moines and Lee counties’ protected source areas will create defined permitting, construction, and documentation requirements for wells in the limited areas affected by the contaminant plume. These measures will provide greater protections for the region’s currently uncontaminated aquifers and preserve the resource for the areas’ well users.

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

Other Affected/Interested Rule Making Authorities

Department of Public Health (DPH), Des Moines County Board of Health, Lee County Board of Health, Economic Development Authority (EDA), Department of Commerce’s Professional Licensing Bureau (Engineering and Land Survey), Department of Agriculture and Land Stewardship (DALs), DALs’s Soil Conservation and Water Quality Division, Homeland Security and Emergency Management, and Board of Regents.

Potential Public Groups Impacted

All 1,800 public water supplies in Iowa, Iowa Association of Municipal Utilities, Iowa Section – American Water Works Association, Iowa Rural Water Association, Iowa Association of Water Agencies, Iowa Farm Bureau Federation, Sierra Club, Association of Consulting Engineers, certified environmental laboratories, certified water and wastewater operators, landowners and residents in Des Moines and Lee Counties.

Schedule: (Actions & month/year)

Submit to Governor’s office for preclearance by September 2020
Notice of Intended Action to be filed by November 2020
Public hearings in January 2021
Final rule by March 2021

Staff Contact/Phone # Diane Moles, 515-725-0281

REGULATORY ACTION DESCRIPTION FOR SFY 2021

Title of Regulatory Action Air Quality Federal Updates

Rule Chapter(s) Involved 567 IAC Chapters 20-35

Rule Making Authority

Director

Environmental Protection Commission (EPC)

Natural Resource Commission (NRC)

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 purpose of this anticipated rule making is to offer uniform rules by making changes that match federal regulations and eliminate inconsistencies between federal regulations and state administrative rules.

Anticipated changes include the following:

- **Adoption of Federal Regulations for New Source Performance Standards and National Emission Standards for Hazardous Air Pollutants:** The U.S. Clean Air Act (CAA) obligates the EPA to issue standards to control air pollution. Two categories of standards, the New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAP), set standards and deadlines for industrial, commercial or institutional facilities to meet uniform standards for equipment operation and air pollutant emissions. DNR and EPA have a long-standing delegation agreement whereby upon state adoption of the standards, the DNR becomes the delegated authority for the specific NSPS or NESHAP and is the primary implementation agency in Iowa. Iowa's rules, including all compliance deadlines, are identical to the federal NSPS and NESHAP as of a specific date.

The DNR is anticipating adopting by reference recently updated federal NSPS and NESHAP regulations for the following industries and processes:

- Integrated Iron and Steel Manufacturing
 - Hydrochloric Acid Productions
 - Municipal Solid Waste Landfills
 - Engine Test Cells
 - Cellulose Products Manufacturing
 - Paper and Other Web Coatings
 - Ethylene Production
 - Organic Liquids Distribution
 - Reinforced Plastic Composites
 - Boat Manufacturing
 - Surface Coating (numerous different standards that apply to automobiles, light duty trucks, miscellaneous metal parts, plastics parts and products, large appliances, metal furniture and printing, metal cans, metal coil, and coating and dyeing of fabrics and other textiles)
 - Solvent Extraction for Vegetable Oil Production
 - Combustion Turbines
 - Stationary Compression Ignition Internal Combustion Engines
- **Title V Operating Permit Rules:** The DNR anticipates the need for minor procedural and administrative updates.

Preliminary Estimates of Costs: While adoption of new and amended federal regulations may impact private sector jobs, the proposed amendments are only implementing federally mandated regulations. 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 updates allow the DNR rather than the 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. Affected businesses and the public benefit from clear and up-to-date air quality requirements. Rule changes would match federal regulations and eliminate inconsistency between federal and state rules. In some cases, revised federal standards provide more flexibility and potential cost savings for affected businesses, offering a positive impact on private sector jobs.

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

The specific rule changes will implement Iowa Code sections 455B.133 and 455B.134, 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 rules changes are needed to ensure that Iowa's rules are consistent with federal regulations. Inconsistency would cause regulatory uncertainty and confusion for affected facilities. Having current federal regulations adopted into state rules and included in air permits facilitates compliance and improved air quality in Iowa.

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

Other Affected/Interested Rule Making Authorities

U.S. EPA, Iowa Economic Development Authority, Iowa Department of Agriculture and Land Stewardship, Linn and Polk County air quality programs, Iowa Homeland Security and Emergency Management, Iowa Department of Commerce's Professional Licensing Bureau (Engineering and Land Surveying), Iowa Department of Public Safety, Iowa Department of Transportation, and the Board of Regents.

Potential Public Groups Impacted

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

Schedule: (Actions & month/year)

Submit to Governor's office for preclearance by: September 2020

Notice of Intended Action to be filed by: November 2020

Public hearings in: December 2020

Final rule by: February 2021

Staff Contact/Phone # Christine Paulson, 515-725-9510

REGULATORY ACTION DESCRIPTION FOR FY 2021

Title of Regulatory Action Air Quality PSD Rule Updates

Rule Chapter(s) Involved 567 IAC Chapters 22, 31, and 33

Rule Making Authority Director
 Environmental Protection Commission (EPC)
 Natural Resource Commission (NRC)

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)

Background: The goals of the Prevention of Significant Deterioration (PSD) program as set forth under the federal U.S. Clean Air Act (CAA) are to protect human health and welfare while ensuring that economic growth can continue. Before construction, new major stationary sources and major modifications to existing major stationary sources are required to obtain a construction permit under the federal New Source Review (NSR) provisions of the CAA. In attainment and unclassifiable areas of the state, the relevant federal NSR program is the PSD program. In areas not attaining the National Ambient Air Quality Standards, Nonattainment New Source Review (NNSR) is the applicable program. The DNR operates both the NNSR and PSD programs in Iowa through an EPA-approved State Implementation Plan (SIP), which includes the administrative rules in Chapters 22, 31, and 33.

Contemplated Regulatory Action: On December 20, 2019, EPA published proposed rules entitled “Error Corrections to New Source Review Regulations” (Error Corrections). EPA’s stated intent for the proposed updates is to, “Correct typographical and grammatical errors, remove court vacated rule language, remove or update outdated or incorrect cross references, conform certain provisions to changes contained in the 1990 Clean Air Act (CAA or Act) Amendments, and remove certain outdated exemptions (grandfathering/ transitional).”

At this time, EPA has not yet issued final rules for the “Error Corrections” rulemaking. DNR does anticipate, however, that EPA will finalize these regulations in late FY 2020 or in FY 2021. Although EPA’s revisions to the federal PSD and NNSR programs are generally not substantive, the proposed changes are numerous and will likely require many minor changes to the state administrative rules for PSD and NNSR, as well as a few minor analogous changes to the rules for the Title V Operating Permit Program (Chapter 22). The DNR is therefore including the possible updates in its 2021 Regulatory Agenda.

Additionally, DNR plans to adopt previously finalized federal provisions for the rescission of a PSD permit.

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

The specific rule changes will implement Iowa Code sections 455B.133 and 455B.134, as well as the United States Clean Air Act sections 110(a)(2)(C) (42 USC § 7410) 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 are expected to update, correct, and remove rules for air quality programs, including PSD, Title V, and NNSR. Additionally, the rule changes are needed to ensure that Iowa’s rules are consistent with federal regulations. Inconsistency would cause regulatory uncertainty and confusion for affected facilities. Further, adoption of the federal provisions for rescission of PSD permits will increase transparency and potentially provide regulatory flexibility for affected facilities. Having current federal regulations adopted into state rules and included in air permits facilitates compliance and improved air quality in Iowa.

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

Other Affected/Interested Rule Making Authorities

U.S. EPA, Iowa Economic Development Authority, Iowa Department of Agriculture and Land Stewardship, Linn and Polk County air quality programs, Iowa Homeland Security and Emergency Management, Iowa Department of Commerce’s Professional Licensing Bureau (Engineering and Land Surveying), Iowa Department of Public Safety, Iowa Department of Transportation, and the Board of Regents.

Potential Public Groups Impacted

Affected industries and businesses, utility associations and co-ops, Iowa Association of Business and Industry, Iowa Environmental Council, and other environmental and citizen groups.

Schedule: (Actions & month/year)

Submit to Governor’s office for preclearance by: April 2021

Notice of Intended Action to be filed by: June 2021

Public hearings in: July 2021

Final rule by: September 2021

Staff Contact/Phone # Christine Paulson, 515-725-9510

REGULATORY ACTION DESCRIPTION FOR SFY 2021

Title of Regulatory Action Affordable Clean Energy (ACE) Rule

Rule Chapter(s) Involved 567 IAC Chapter 23

Rule Making Authority Director
 Environmental Protection Commission (EPC)
 Natural Resource Commission (NRC)

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)

Under the federal Affordable Clean Energy (ACE) rule, states are required to establish performance standards for existing coal-fired electric utility steam generating units (also referred to as EGUs, coal-fired power plants, and utilities). Each source (facility)-specific standard must be based on EPA-established Best System of Emissions Reduction (BSER) and in the form of an emission rate for carbon dioxide (CO₂) emissions.

For the ACE rule, EPA has determined that the BSER for affected utilities is heat rate improvements (HRI, also referred to as efficiency improvements). EPA has specified seven “candidate technologies” for the HRI.

Three utilities with 11 facilities are currently affected by ACE. The DNR has been working with the utilities to determine the appropriate candidate technologies for each facility. However, it will be each utility’s responsibility to submit their specific HRI technology proposals and completed construction permit applications to the DNR. The rulemaking will facilitate these requirements to set appropriate expectations and schedules to ensure that the DNR can submit to EPA an approvable State Plan by the July 2022 deadline.

Preliminary Estimates of Costs:

Affected facilities are currently evaluating their options under the federal ACE rule. Since the specific candidate technologies selected by affected facilities are unknown at this time, costs estimates cannot be determined.

Benefits of the Action:

EPA states in the ACE rule that the candidate technologies are available, broadly applicable, and result in significant HRI at a reasonable cost. Additionally, affected utilities may be able to take advantage of already planned facility decommissions, fuel switches, or currently-employed HRI technologies.

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

This action is intended to implement the U.S. Clean Air Act (CAA) Section 111(d), and Iowa Code section 455B.133.

The federal ACE rule is currently subject to numerous legal challenges. The DNR and EPC rulemaking action will be contingent on the schedule and progression of the litigation.

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

CAA Section 111(d) and 40 CFR Part 60, Subpart Ba and UUUUa require states to establish and submit to EPA a State Plan for existing coal fired power plants by July 8, 2022. The planned rulemaking is a component of the State Plan, along with the permits issued to the affected facilities, and any additional technical documentation.

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, Iowa Office of the Consumer Advocate, Iowa Economic Development Authority, Linn County air quality program, Iowa Homeland Security and Emergency Management, Iowa Department of Commerce’s Professional Licensing Bureau (Engineering and Land Surveying), Iowa Department of Public Safety, and Iowa Department of Transportation.

Potential Public Groups Impacted

Affected industries and businesses, Iowa Association of Business and Industry, utility associations, Iowa Renewable Fuel Association, other trade associations, Iowa Environmental Council, Sierra Club, Environmental Law & Policy Center, and other environmental and citizen groups.

Schedule: (Actions & month/year)

Submit to Governor’s office for preclearance by October 2020

Notice of Intended Action to be filed by December 2020

Public hearings in January 2021

Final rule by March 2021

Staff Contact/Phone # Marnie Stein, 515-725-9555

REGULATORY ACTION DESCRIPTION FOR SFY 2021

Title of Regulatory Action	Cleanup and Modification of Separation Distance, Wastewater, Private Sewage System, Sewage Sludge, and Operator Certification Rules
Rule Chapter(s) Involved	567 IAC Chapters 40, 41, 43, 49, 60, 62, 63, 64, 67, 69 and 81
Rule Making Authority	<input type="checkbox"/> Director <input checked="" type="checkbox"/> Environmental Protection Commission (EPC) <input type="checkbox"/> Natural Resource Commission (NRC)

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. **Wastewater and Drinking Water Separation Distance Conformance:** Bring consistency to the descriptions of and distances established for the separation of water supply wells from potential sources of contamination, including wastewater treatment and conveyance facilities. Due to the independent nature of the development of the various chapters and rules, there are discrepancies between the language used and the separation distances established in the various existing rule provisions. This rule change will remove such discrepancies and will incorporate all required separation distances for wastewater treatment into an easily accessible location and rule instead of the current scattered locations. As these distances will be applicable to future installations and the maximum current separation distances should not be exceeded, no additional costs will be incurred.
2. **Nutrient Reduction Practice Registry (Nutrient Reduction Exchange):** Develop rules to provide a regulatory framework to support possible future regulatory incentive programs. The Nutrient Reduction Exchange (NRE) is a tracking system developed by the DNR, United States Department of Agriculture, Iowa League of Cities, and United States Army Corps of Engineers that allows nutrient sources from across the state to register and track nutrient reductions resulting from the installation of non-point source best management practices (BMPs). Permittees may be eligible for potential regulatory incentives depending on the specifics of the investments they make in these registered BMPs. No additional costs are anticipated to be incurred as a result of this rule change, as the rule will not require the installation of non-point source BMPs.
3. **Wastewater Rule Changes:**
 - **Forms:** Remove the list of wastewater forms from rule while maintaining the requirement to submit the appropriate forms as provided by the DNR. It is no longer necessary to list the wastewater forms in rule, as all of the forms are now available on the internet. The existing rule was written before the forms could be easily obtained on the DNR's website. No additional costs will be incurred as a result of the form list removal. This rule change will benefit permittees by removing unnecessary form references.
 - **Effluent Guidelines:** Add a reference to the new federal effluent standard for the Dental Office Point Source Category in 40 CFR Part 441 to the list of referenced federal effluent and pretreatment standards. The federal effluent standard for the dental category became effective on July 14, 2017. The addition of this reference will complete the list of referenced federal effluent and pretreatment standards. The requirements of the new dental federal effluent standard have already been implemented and no additional costs will be incurred from the inclusion of the rule reference. The rule change will benefit permittees by completing the list of federal effluent standards.
 - **Rule-referenced monitoring determination document:** Revise the rule-referenced document "Supporting Document for Permit Monitoring Frequency Determination, August 2008" and the associated reference language. This document is used in conjunction with the monitoring tables in 567 IAC Chapter 63 to determine the monitoring frequencies in permits for organic and inorganic waste dischargers and for significant industrial users. The document has not been updated since 2008, and it needs to be revised to incorporate changes to the Water Quality Standards (567 IAC Chapter 61), to incorporate new parameters, to correct rule citations, and to correct typographical errors. These changes will have a minimal effect on permittees for two reasons. First, the monitoring frequencies for the parameters currently included in the document will not change. Second, the monitoring frequencies in permits for the parameters that are not currently included in the document are based on the frequencies for similar parameters, thus the addition of these parameters to the document will not increase the monitoring requirements in permits. As this rule change will not increase monitoring requirements for permittees, no additional costs will be incurred. The revision to the Supporting Document will benefit permittees by clarifying the wastewater permit monitoring requirements.
 - **Land Application Monitoring Table:** Rescind the table "Minimum Self-Monitoring in Permits for Land Application Systems" (Table III in 567 IAC Chapter 63). The monitoring requirements in this table 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 industrial wastewater. Monitoring requirements need to be determined on a case-by-case basis, as industries land apply a wide variety of pollutants. This rule change will reduce the number of variances that the DNR needs to review, and it will allow monitoring requirements to be tailored to fit each facility. It is not anticipated that the removal of this table will change the monitoring costs for most land application facilities, but a further analysis of costs will be done as part of the rule making. This removal will benefit permittees by clarifying land application permit monitoring requirements.

- **Electronic reporting requirements:** Revise the wastewater permit reporting requirements to include the new federal electronic reporting requirements. The federal NPDES Electronic Reporting rule (40 CFR part 127) finalized on December 21, 2016, requires the electronic submittal of all documents related to NPDES permits, except for individual permit applications. This is intended to result in a more complete and accurate set of NPDES program data. The rule does not change the information that permitted facilities are required to submit; it simply changes the format of the submittal. Existing EPA regulations require states to update their rules to conform with the federal NPDES Electronic Reporting rule. States must update their rules to clarify that electronic reporting is required and that electronic submissions must be compliant with federal code. This rule change will result in costs to the state associated with modifications to the DNR's wastewater program databases. EPA addressed these database costs in the federal rule preamble, and the costs are necessary to comply with the federal rule. As most permittees already utilize existing DNR online databases to report electronically, it is not anticipated that this rule change will result in significant costs to permittees. However, a further analysis of potential costs for permittees will be done as part of the rule making.
- **Public Notice and Public Hearing Requirements:** Update the rule regarding public notices for wastewater permits to match federal code, to allow notices to be posted on the DNR website and transmitted electronically, and to remove obsolete notice posting and publication requirements. Update the rules regarding public hearings on wastewater permits to allow for web-based hearings, to remove the newspaper publication requirement, and to allow hearing materials to be obtained electronically. No additional costs will be incurred as a result of this rule change. These rule changes will benefit permittees by simplifying the wastewater public notice and public hearing process and by removing the obsolete posting and publication requirements.
- **Eligibility for disadvantaged community Clean Water State Revolving Fund (SRF) loan interest rate:** Currently, the disadvantaged community rules only allow owners of wastewater disposal systems or unsewered communities to apply for disadvantaged status when there are new requirements in a proposed or reissued NPDES permit or administrative order, regardless of whether they are applying for an extended compliance schedule or applying for the disadvantaged community clean water SRF loan interest rate. Iowa Code section 455B.199B, which establishes the disadvantaged community criteria, does not make such a restriction for those entities applying for the disadvantaged community loan interest rate. This rule change will revise the disadvantaged community eligibility requirements to allow entities to apply for consideration of a disadvantaged community loan interest rate independent of the requirements in an NPDES permit or administrative order, as the code intends. As this is correcting the rules to accord with the current requirements in Iowa Code, no additional costs will be incurred as a result of this rule change.
- **Operation Permit effective period:** This rule change will allow Land Application Operation Permits (LAOPs) to remain in effect for longer than five years, in accordance with the DNR's new LAOP procedure. Current rules require all operation permits to expire after five years, and this is no longer necessary for land application operation permits. No additional costs will be incurred as a result of this rule change. This rule change will benefit these permittees by clarifying the effective term of the permits.
- **Fee Amounts and Cleanup:** The specific fee amounts established in Iowa Code section 455B.197 for the NPDES and operation permit fees and construction permit fees will be added to the rules. This will not change the fee amounts as established in Iowa Code. The rule change will also clarify portions of the fee rules. No additional costs will be incurred as a result of this rule change.
- **General Permit Rule Cleanup:** Update the General Permit language in Chapter 64 to accord with the reissued general permits, the proposed general permit renewals, and the new general permits. The general permit language to be adjusted includes the portions on general permit fees, general permit suspension and revocation, and general permit public notice. No additional costs will be incurred as a result of this rule change, as none of the requirements in any of the General Permits will change. This rule change will benefit permittees by clarifying the general permit rule requirements.

4. Private Sewage System Rule Cleanup: Cleanup the language regarding private sewage disposal systems. The DNR is considering possible changes to the language regarding system management plans. It is not anticipated that this rule change will result in significant costs to permittees. However, a further analysis of potential costs for permittees will be done as part of the rule making.
5. Sewage Sludge Land Application Rule Updates: Update the sewage sludge land application pathogen reduction methods in rule to accord with 40 CFR 503. The biosolids classification and terms need to be consistent with 40 CFR part 503. The time-temperature method for biosolids pathogen reduction defined in 40 CFR part 503 will be added to the rules. Additional pathogen reduction methods in 40 CFR part 503 will be reviewed and incorporated as appropriate. This rule change will also revise the biosolids annual reporting rules to comply with EPA's biosolids electronic reporting requirements in 40 CFR part 127 (NPDES Electronic Reporting). The electronic submittal of the biosolids annual program reports saves permittees' time and avoids the submittal of duplicate information. As biosolids facilities in Iowa are already complying with the requirements in 40 CFR part 503, and as they have already submitted their annual reports electronically to EPA, no additional costs are anticipated as result of this rule change.
6. Wastewater Operational Grade Classification Table and Operator Certification Eligibility Requirement Modifications: Revise the Operational Grade Classification Table in subrule 81.3(1), as the table is outdated. New technologies and a lower level certification classification for the extremely small community systems need to be added to the table. As the correct operational grades for new and very small facilities have already been assigned to facilities based on their treatment type and on Best Professional Judgement, it is not anticipated that this rule change will result in significant costs to permittees. However, a further analysis of potential costs for operators and facilities will be done as part of the rule making.

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

DNR is authorized to make the changes per Iowa Code sections 455B.134, 455B.173, 455B.213, and 455B.223, as well as 40 CFR parts 127, 441, and 503.

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

1. There are currently inconsistencies in the applicable separation distances in existing regulations. The drinking water and wastewater rules have separation distances from the same or similar potential sources of contamination that are different from each other. These requirements need to be revised to be the same to provide regulatory consistency and transparency.
2. Development of a nutrient reduction registration and tracking system will encourage point source facilities to make immediate investments in non-point source best management practices (BMPs). Without a system in place for tracking the nutrient reductions attributable to those investments, facilities cannot be confident that their investment will qualify for any future regulatory incentive programs. Rule changes may be the best avenue to provide facilities with such assurance.
3. The wastewater rule changes will ensure that:
 - monitoring frequencies in permits are being determined using the most recent Water Quality Standards;
 - monitoring requirements for land application systems are appropriate and land application operation permits do not expire;
 - DNR complies with the federal NPDES electronic reporting rule;
 - public notice requirements accord with 40 CFR part 124;
 - entities can apply for consideration of a disadvantaged community loan interest rate independent of the requirements in an NPDES permit or administrative order;
 - language regarding fees is clear and matches the fee amounts set in Iowa Code section 455B.197; and
 - general permit language in Chapter 64 matches the requirements in the reissued, proposed, and new general permits.
4. This rule change will clarify the private sewage disposal system rules.
5. This rule change will ensure that the biosolids rules comply with the federal regulations in 40 CFR part 503, and that the DNR complies with the biosolids portion of the federal NPDES electronic reporting rule.
6. This rule change will ensure that the operator certification grade for facilities designed with new technologies and smaller facilities can be properly determined using the Operational Grade Classification Table in Chapter 81.

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

Other Affected/Interested Rule Making Authorities

EPA, EDA, DALS, DALS's Soil Conservation and Water Quality Division, DPH, Department of Corrections, Department of Commerce, DOT, Department of Human Rights, Beef Industry Council, Egg Council, Iowa Comprehensive Petroleum UST Fund Board, Sheep and Wool Promotion Board, and Turkey Marketing Council, and Department of Commerce's Professional Licensing Bureau (Engineering and Land Survey).

Potential Public Groups Impacted

All NPDES Regulated Facilities, contracted land applicators, consulting engineers, certified wastewater operators, applicants for wastewater and drinking water construction 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, Iowa Renewable Fuels Association, and Iowa Rural Water Association, Agribusiness Association of Iowa, and Iowa State University.

Schedule: (Actions & month/year)

- Submit to Governor's office for preclearance by September 2020
- Notice of Intended Action to be filed by December 2020
- Public hearings in February 2021
- Final rule by April 2021

Staff Contact/Phone # Courtney Cswercko, 515-725-8411

REGULATORY ACTION DESCRIPTION FOR SFY 2021

Title of Regulatory Action Dam Safety

Rule Chapter(s) Involved 567 IAC Chapters 51, 52, 70, 71, 72, and 73

Rule Making Authority Director
 Environmental Protection Commission (EPC)
 Natural Resource Commission (NRC)

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 making will review all processes and criteria associated with dam design, construction and inspections. Specific items that will be reviewed include the definitions of hazard class potential, thresholds for when a permit is required, design criteria, and dam maintenance and inspections. Early estimations show that potential rule changes will be cost neutral. As the rule changes are refined, more detailed cost analysis will be performed.

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

Iowa Code sections 455B.276, 455B.103(2), 455B.275 (3)(b), 455B.275(9), and 455B.278(1)

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

As part of its five-year rule review process, the DNR is reviewing all rules associated with dam safety in the state of Iowa. The rules governing Dam approval, construction, maintenance and inspections are currently written across three different rule chapters and a rule-referenced technical bulletin. Water storage permits also involve dam safety and are being incorporated into the amended rules. The proposed amendments combine all rules regarding dam safety into one chapter and decrease the regulatory burden on applicants. The proposed amendments also bring Iowa regulations in line with other states.

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

Other Affected/Interested Rule Making Authorities

IDALS, IDALS's Division of Soil Conservation and Water Quality, Beef Industry Council, EDA, Egg Council, Department of Commerce's Professional Licensing Bureau (Engineering and Land Surveying), Sheep and Wool Promotion Board, Turkey Marketing Council, and Homeland Security and Emergency Management.

Potential Public Groups Impacted

Iowa Farm Bureau Federation, Iowa League of Cities, Iowa State Association of Counties, Iowa County Association of Engineers, Iowa Floodplain and Stormwater Managers Association, IEC, Iowa Drainage District Association, Iowa's County Conservation System, Conservation Districts of Iowa, Iowa Emergency Management Association, DAL'S' Division of Soil Conservation & Water Quality and Iowa Association of Realtors.

Schedule: (Actions & month/year)

Submit to Governor's office for preclearance by August 2020

Notice of Intended Action to be filed by October 2020

Public hearings in November 2020

Final rule by January 2021

Staff Contact/Phone # Jonathan Garton 515-725-8360

REGULATORY ACTION DESCRIPTION FOR SFY 2021

Title of Regulatory Action Antidegradation Rule Improvements

Rule Chapter(s) Involved 567 IAC Chapters 60, 61, and 63

Rule Making Authority Director
 Environmental Protection Commission (EPC)
 Natural Resource Commission (NRC)

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)

Transfer the requirements for antidegradation from the rule-cited Antidegradation Implementation Procedure document into rule. Clarify, simplify, and update the requirements to reflect the last 10 years of implementation. Costs will either be the same or less due to the clarification of requirements for chemical additive changes and the treatment of industries that discharge to publicly-owned treatment works. Chronic toxicity monitoring may be investigated as a way to improve water quality protections from the effects of chemical additives.

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 action will unlock barriers for facilities to switch to less toxic chemical additives and will streamline efforts to locate and regulate industries that discharge to publicly-owned treatment works. Identification of contributing industries allow us to place appropriate protections on the discharges from publicly-owned treatment works.

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

Other Affected/Interested Rule Making Authorities

DOT, EPA, DALs, EDA, and Board of Regents

Potential Public Groups Impacted

IEC, 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, ABI, Iowa Farm Bureau Federation, Iowa Renewable Fuels Association, Raccoon River Watershed Association, Trout Unlimited, Iowa Rural Water Association, Iowa Drainage District Association, and county engineers and cities.

Schedule: (Actions & month/year)

Submit to Governor's office for preclearance by March 2021

Notice of Intended Action to be filed by May 2021

Public hearings in June 2021

Final rule by October 2021

Staff Contact/Phone # Wendy Hieb 515-725-8405

REGULATORY ACTION DESCRIPTION FOR SFY 2020

Title of Regulatory Action Updates to Chapter 61: Water Quality Standards - 401 Certification

Rule Chapter(s) Involved 567 IAC Chapter 61

Rule Making Authority Director
 Environmental Protection Commission (EPC)
 Natural Resource Commission (NRC)

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 Chapter 61 to be more understandable 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 Army 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 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 sections 455B.173 and 455B.105, and 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

USACE, IDOT, Federal Highway Administration, Board of Regents US EPA, and IDALS

Potential Public Groups Impacted

IEC, Sierra Club, Hawkeye Fly Fishing, Iowa League of Cities, Des Moines Water Works, Iowa Limestone Producers, IAWEA, Iowa Rural Water Association, IAMU, ABI, IFBF, Iowa Renewable Fuels Association, Raccoon River Watershed Association, Trout Unlimited, Iowa Rural Water Association, Iowa Drainage District Association, and county engineers and cities.

Schedule: (Actions & month/year)

Submit to Governor's office for preclearance - DONE

Notice of Intended Action to be filed by August 2020

Public hearings in October 2020

Final rule by February 2021

Staff Contact/Phone # Christine Schwake, 515-725-8399

REGULATORY ACTION DESCRIPTION FOR SFY 2020

Title of Regulatory Action	Updates to Chapter 61: Water Quality Standards – Stream Use Designations (Batch 6)
Rule Chapter(s) Involved	567 IAC Chapter 61
Rule Making Authority	<input type="checkbox"/> Director <input checked="" type="checkbox"/> Environmental Protection Commission (EPC) <input type="checkbox"/> Natural Resource Commission (NRC)

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 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 water quality standards.

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 appropriately 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 water quality criteria.

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

Other Affected/Interested Rule Making Authorities
IEDA, Board of Regents, US EPA, and IDOT

Potential Public Groups Impacted
IEC, Sierra Club, Hawkeye Fly Fishing, Iowa League of Cities, Des Moines Water Works, Iowa Limestone Producers, IAWEA, Iowa Rural Water Association, IAMU, ABI, IFBF, Iowa Renewable Fuels Association, Raccoon River Watershed Association, and Trout Unlimited

Schedule: (Actions & month/year)
Submit to Governor's office for preclearance by March 2021
Notice of Intended Action to be filed by April 2021
Public hearings in June 2021
Final rule by October 2021

Staff Contact/Phone #	Roger Bruner, 515-310-0247
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REGULATORY ACTION DESCRIPTION FOR SFY 2021

Title of Regulatory Action Renewal of General Permit 5 for Mine and Quarry Discharges

Rule Chapter(s) Involved 567 IAC Chapter 64

Rule Making Authority Director
 Environmental Protection Commission (EPC)
 Natural Resource Commission (NRC)

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 rule making will change the expiration date of NPDES General Permit #5 (GP5), which expires July 19, 2021. Renewal is necessary to continue permit coverage for the approximately 350 mines and quarries currently permitted under GP5 and to cover new facilities. GP5 authorizes discharges to surface waters of the state from wash water, material transport water, scrubber water for air pollution control, water used for dust suppression, dewatering and noncontact cooling water from facilities primarily engaged in mining or quarrying. The permit will be renewed in its current form with a few edits for clarification and updated references. There are no additional costs associated with permit renewal.

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)

Ensure that the facilities currently covered under GP5 will be able to maintain coverage after the existing permit expires in July 2021. If GP5 expires, the DNR would need to issue individual NPDES permits to each of the approximately 350 facilities currently permitted under GP5 which would place additional burdens and costs on the permittees and the DNR.

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

Other Affected/Interested Rule Making Authorities

EDA, IDALS' Division of Soil Conservation and Water Quality, DPH, Department of Commerce's Professional Licensing Bureau (Engineering and Land Surveying) and DOT.

Potential Public Groups Impacted

Mine and quarry owners and operators, counties, Iowa Limestone Association, IEC, Sierra Club, Iowa Water Environment Association, and ABI

Schedule: (Actions & month/year)

Submit to Governor's office for preclearance by DONE

Notice of Intended Action to be filed by August 2020

Public hearings in September 2020

Final rule by January 2021

Staff Contact/Phone # Wendy Hieb, 515-725-8405

REGULATORY ACTION DESCRIPTION FOR SFY 2021

Title of Regulatory Action Renewal of General Permit 7 for Pesticide Discharges

Rule Chapter(s) Involved 567 IAC Chapter 64

Rule Making Authority Director
 Environmental Protection Commission (EPC)
 Natural Resource Commission (NRC)

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 rule making will change the expiration date of NPDES General Permit #7 (GP7), which expires May 17, 2021. Renewal is necessary to continue permit coverage for pesticide applications in and over the water. Because of the U.S. Sixth Circuit Court of Appeals decision in National Cotton Council, et al. v. EPA, point source discharges of biological pesticides and chemical pesticides that leave a residue into waters of the U.S. are required to have NPDES permits. Applicable pesticide applications include those for control of mosquitoes and other aquatic nuisance insects, control of weeds, algae, bacteria, fungi, and fish parasites, control of aquatic nuisance animals, and forest canopy pest control. GP7 provides automatic coverage (no application) for the covered activities and relies on best management practices. The permit will be renewed with edits for clarification and updated references. There are no additional costs associated with permit renewal.

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

Iowa Code section 455B.173; January 7, 2009 Sixth Circuit Decision in National Cotton Council, et al. v. EPA

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

Ensure that pesticide applications currently covered under GP7 will maintain coverage after the existing permit expires in March 2021. If GP7 is allowed to expire, the DNR would need to issue individual NPDES permits to every pesticide application that occurs in or over water in Iowa. This would be a tremendous number of permittees (perhaps thousands) that would need to go through the burdensome process of obtaining an individual NPDES permits.

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

Other Affected/Interested Rule Making Authorities

EDA, IDALS' Division of Soil Conservation and Water Quality, DPH, Department of Commerce's Professional Licensing Bureau (Engineering and Land Surveying) and DOT.

Potential Public Groups Impacted

Pesticide application companies, pesticide suppliers, lake homeowners and associations, IEC, Sierra Club, Iowa League of Cities, Iowa Rural Water Association, Iowa Water Environment Association, Iowa Association of Municipal Utilities, Iowa Farm Bureau Federation, and ABI.

Schedule: (Actions & month/year)

Submit to Governor's office for preclearance by DONE

Notice of Intended Action to be filed by August 2020

Public hearings in September 2020

Final rule by January 2021

Staff Contact/Phone # Wendy Hieb, 515-725-8405

REGULATORY ACTION DESCRIPTION FOR SFY 2021

Title of Regulatory Action Revisions to the Iowa Wastewater Facilities Design Standards (IWFDS) Chapter 21

Rule Chapter(s) Involved 567 IAC 64, Chapter 21 of the IWFDS

Rule Making Authority Director
 Environmental Protection Commission (EPC)
 Natural Resource Commission (NRC)

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 land application operation and construction permits. The rule changes will correct outdated code references, update design standards, provide clarification of permit requirements, incorporate new methods and processes and provide consistency with permitting process.

The updates will allow issuance of construction permits and operation permits without delays for all regulated entities such as industries and municipalities. 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.

Update and clarify the review of applications criteria for wastewater construction permits in 567 IAC 64.2(9).

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)

1. The rule making is expected to have positive effect on public health, safety and the environment since the new construction methods are expected to be better and have reliable and longer useful life. The rule making is anticipated to reduce applicant submittal expenditures.
2. The review of applications criteria update will provide regulatory clarity to applicants submitting construction permit applications.
3. The rule making will expedite the operating permit issuance process that will be completed by the DNR review engineer.

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

Other Affected/Interested Rule Making Authorities
EPA, Department of Commerce's Professional Licensing Bureau (Engineering and Land Surveying), DOT, IDALS' Division of Soil Conservation and Water Quality, EDA, and DPH.

Potential Public Groups Impacted
Applicants for wastewater construction permits and operating permits (municipalities, industries), Consulting Engineers, IEC, Iowa League of Cities, Iowa Water Environment Association and ABI.

Schedule: (Actions & month/year)
Submit to Governor's office for preclearance by December 2020
Notice of Intended Action to be filed by February 2021
Public hearings in April 2021
Final rule by June 2021

Staff Contact/Phone # Satya Chennupati, 515-725-8436

REGULATORY ACTION DESCRIPTION FOR SFY 2021

Title of Regulatory Action Wastewater Construction and Operation Permits - Revisions to the Iowa Wastewater Facilities Design Standards and Other Rule Cleanup for Review Criteria and Updates to Separation distances

Rule Chapter(s) Involved 567 IAC Chapter 64

- Rule Making Authority**
- Director
 - Environmental Protection Commission (EPC)
 - Natural Resource Commission (NRC)

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 making will:

1. Revise 567 IAC Chapter 64 to update the Iowa Wastewater Facilities Design Standards for construction permits. The rule 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.
2. Adopt the separation distances required for anaerobic lagoons from Iowa Code section 455B.134(3)(e)(1)(b) into 567 IAC 64.2(3). The reason for the change is to streamline and incorporate all required separation distances for wastewater treatment into an easily accessible location and rule instead of the current scattered locations. The rule change will also revise 567 IAC Chapter 64 and update the Iowa Wastewater Facilities Design Standards (Chapter 14 and Chapter 18C) for construction permits. The changes will update design standards, and provide clarification of permit requirements for separation distances for all wastewater treatment facilities.
3. Update and clarify the review of applications criteria for wastewater construction permits in 567 IAC 64.2(9).

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)

1. To reduce the number of variance requests for construction methods that are not covered by the current design standards. The rule making is expected to have positive effect on public health, safety and the environment since the new construction methods are expected to be better and have reliable and longer useful life. The rule making is anticipated to reduce applicant submittal expenditures.
2. The separation distance streamlining rule change will reduce confusion and create time savings for applicants and consulting engineers when submitting applications for wastewater construction permits. The rule making is expected to have positive effect on public health, safety and the environment since the requirements will be easier to find and follow, and wastewater treatment facilities will be built in a way that is protective of the environment and public health.
3. The review of applications criteria update will provide regulatory clarity to applicants submitting construction permit applications.

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

Other Affected/Interested Rule Making Authorities

EPA, Department of Commerce’s Professional Licensing Bureau (Engineering and Land Surveying), DOT, DALs’ Division of Soil Conservation and Water Quality, EDA, and DPH.

Potential Public Groups Impacted

Applicants for wastewater construction permits (municipalities, industries, semi-public entities and developers), Consulting Engineers, IEC, Iowa League of Cities, Iowa Water Environment Association, Iowa Rural Water Association, Iowa Association of Municipal Utilities and ABI.

Schedule: (Actions & month/year)

- Submit to Governor’s office for preclearance by October 2020
- Notice of Intended Action to be filed by December 2020
- Public hearings in March 2021
- Final rule by June 2021

Staff Contact/Phone # Satya Chennupati, 515-725-8436

REGULATORY ACTION DESCRIPTION FOR SFY 2021

Title of Regulatory Action Financial Assurance

Rule Chapter(s) Involved 567 IAC Chapter 103, 105, 106, 110 (new), 113, 114, 115, 117, 118, 120, 121 and 122

Rule Making Authority Director
 Environmental Protection Commission (EPC)
 Natural Resource Commission (NRC)

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)

Financial assurance requirements for closure, post-closure care, and corrective action are reiterated in 11 administrative rule chapters related to solid waste disposal or management. Much of the requirements are the same in each chapter. This regulatory action will promulgate a chapter dedicated to financial assurance and replace the financial assurance requirements with a reference to the new chapter.

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

Iowa Code sections 455B.304(8) and 455D.11A direct the EPC to establish financial assurance standards and requirements and to establish minimum levels of financial responsibility. Iowa Code section 455B.306(9)(b) states that the EPC shall adopt by rule the amounts to be contributed to closure and post-closure accounts based upon the amount of solid waste received by the facility. Iowa Code section 455D.11A states that financial shall be used to provide for closure of waste tire collection or processing facilities. The need for revisions was identified through the comprehensive five-year rule review that the DNR is undertaking as per Iowa Code section 17A.7(2).

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

Consolidating the financial assurance requirements into one chapter will remove redundant verbiage and improve consistency from one program to another.

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

Other Affected/Interested Rule Making Authorities

US EPA

Potential Public Groups Impacted

Public and private agencies that own or operate sanitary disposal projects or waste management facilities. Iowa Society of Solid Waste Operations, Association of Business and Industry, Iowa State Association of Counties, Iowa League of Cities, Iowa Recycling Association, Iowa Environmental Council, Sierra Club – Iowa Chapter, Environment Iowa, Iowa Farm Bureau Federation, Iowa Citizens for Community Improvement and county environmental health sanitarians.

Schedule: (Actions & month/year)

Submit to Governor's office for preclearance by January 2021

Notice of Intended Action to be filed by March 2021

Public hearings in May 2021

Final rule by July 2021

Staff Contact/Phone # Chad A. Stobbe 515-725-8351

REGULATORY ACTION DESCRIPTION FOR SFY 2021

Title of Regulatory Action Rescission of IAC 567 Chapter 104 Sanitary Disposal Projects with Processing

Rule Chapter(s) Involved IAC 567 Chapter 104 Sanitary Disposal Projects with Processing

- Rule Making Authority**
- Director
 - Environmental Protection Commission (EPC)
 - Natural Resource Commission (NRC)

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 effort will move rule 567—104.25 Operator Certification to another chapter and rescind the rest of the rules in 567 IAC Chapter 104 “Sanitary Disposal Projects With Processing Facilities”.

Legal Basis (Include whether action is required by statute or court order)
Iowa Code section 455B.301 requires the Environmental Protection Commission to establish rules for treatment and disposition of solid waste. Certain solid waste rules have been identified through the DNR’s five-year rule review process per Iowa Code section 17A.7(2) as being outdated or redundant.

Need for Regulatory Action (Include if applicable how the action will reduce risk to public health, safety, or the environment)
This chapter provides requirements for processing operations at sanitary disposal projects (SDPs). The intent of this administrative chapter was to provide requirements for processing operations at SDPs; however, it has been misconstrued over time to imply that all facilities that mechanically process solid waste, with the exception of source separated recycling operations, are SDPs. Additionally, the requirements in the chapter are outdated and currently not applicable to any facility in Iowa. Rescinding this chapter will eliminate this misunderstanding and remove unnecessary regulations without causing any negative environmental impacts.

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

Other Affected/Interested Rule Making Authorities
None

Potential Public Groups Impacted
None

Schedule: (Actions & month/year)
Submit to Governor’s office for preclearance by October 2020
Notice of Intended Action to be filed by December 2020
Public hearings in February 2021
Final rule by March 2021

Staff Contact/Phone # Theresa Stiner 515-725-8315

REGULATORY ACTION DESCRIPTION FOR SFY 2021

Title of Regulatory Action Citizen Convenience Centers and Transfer Stations

Rule Chapter(s) Involved 567 IAC Chapter 106

Rule Making Authority Director
 Environmental Protection Commission (EPC)
 Natural Resource Commission (NRC)

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. 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 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: The proposed revisions would streamline the permitting process for the DNR and the permit applicant, resulting 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, as well as reducing the time needed for the DNR to review and issue permits.

Benefits of the Action: The adoption of these amendments will maximize effectiveness and efficiency of the permitting program, while still ensuring that CCC and transfer station facilities undertake best management practices in siting, design, and operation.

Legal Basis (Include whether action is 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(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 April 2021

Notice of Intended Action to be filed by May 2021

Public hearings in June 2021

Final rule by August 2021

Staff Contact/Phone # Theresa Stiner, 515-725-8315

REGULATORY ACTION DESCRIPTION FOR SFY 2021

Title of Regulatory Action Cathode Ray Tube Device Recycling

Rule Chapter(s) Involved 567 IAC Chapter 122 Cathode Ray Tube Device Recycling

Rule Making Authority Director
 Environmental Protection Commission (EPC)
 Natural Resource Commission (NRC)

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)

A number of potential changes were identified through the five year regulatory review process to improve 567 IAC 122 Cathode Ray Tube Device Recycling. The proposed changes will focus on simplifying and streamlining the chapter by removing regulations that exceed federal regulations and focusing on preventing excessive stockpiling of CRTs and materials derived from CRTs. The DNR will work with stakeholders to refine the proposed changes.

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

EPC is directed by Iowa Code section 455D.6(5) to adopt rules for recycling, disassembling, and removing toxic parts from electronic goods.

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

The need for revisions was identified through the comprehensive five year rule review that the DNR is undertaking 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

US EPA

Potential Public Groups Impacted

Electronics recyclers, Iowa League of Cities, Iowa State Association of counties (ISAC), Iowa Society of Solid Waste Operations (ISOSWO), Iowa Recycling Association (IRA), Iowa Retail Federation

Schedule: (Actions & month/year)

Submit to Governor's office for preclearance by August 2020

Notice of Intended Action to be filed by November 2020

Public hearings in December 2020

Final rule by February 2021

Staff Contact/Phone # Theresa Stiner 515-725-8315

REGULATORY ACTION DESCRIPTION FOR SFY 2021

Title of Regulatory Action Notification of Hazardous Conditions Update

Rule Chapter(s) Involved 567 IAC 131

Rule Making Authority Director
 Environmental Protection Commission (EPC)
 Natural Resource Commission (NRC)

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)
Reportable Quantities: The addition of reportable quantities for specific chemicals will provide regulatory certainty for when hazardous conditions need to be reported to DNR to protect Iowa's natural resources and public health.

Code Correction/Phone # Update: The rule currently references the incorrect code of Iowa and contains the previous reporting hotline telephone number. These need to be updated to reduce confusion and simplify compliance.

Estimate of cost: No additional cost is expected.

Legal Basis (Include whether action is required by statute or court order)
Iowa Code section 455B.383 allows the DNR to promulgate rules to protect Iowans from hazardous substances.

Need for Regulatory Action (Include if applicable how the action will reduce risk to public health, safety, or the environment)
Clarifying when notification of hazardous conditions must occur, will allow DNR to focus its efforts on protecting human health and the environment. Correction of outdated information will reduce confusion and improve compliance.

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

Other Affected/Interested Rule Making Authorities
None

Potential Public Groups Impacted
Businesses, property owners, and environmental consultants

Schedule: (Actions & month/year)
Submit to Governor's office for preclearance by December 2020 (estimate)
Notice of Intended Action to be filed by January 2021 (estimate)
Public hearings in February 2021 (estimate)
Final rule by April 2021 (estimate)

Staff Contact/Phone # Adam Broughton; 515-725-0386

REGULATORY ACTION DESCRIPTION FOR SFY 2021

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
Rule Making Authority	<input type="checkbox"/> Director <input checked="" type="checkbox"/> Environmental Protection Commission (EPC) <input type="checkbox"/> Natural Resource Commission (NRC)

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 of this regulatory action is to incorporate federal U.S. EPA underground storage tank (UST) regulations that are required for state implementation of the UST program. Federal requirements include improved fuel-dispensing systems, inspections, and equipment testing to reduce the number and impact of fuel releases into the environment. In addition, this regulatory action will incorporate changes from the DNR's five-year regulatory review: removing or changing outdated rules, updating references, and adding clarifications. Changes are proposed which update operator training and other UST professional licensing requirements; update analytical methods; and add current guidance into rule.

In many cases the costs of UST system inspections and testing will be offset by a reduction in the number of fuel releases into the environment and the resulting reduction in costs of environmental assessment and cleanup, as well as a reduction in costs associated with a loss of fuel product.

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

Federal rules implementing UST provisions of the 2005 Energy Policy Act became effective in October 2015. Changes in UST regulations by US EPA require changes in Iowa UST regulations. The DNR has the jurisdiction to regulate UST systems via 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 must be added to maintain federal approval of the state UST program. Should Iowa fail to adopt these proposed rules, the U.S. EPA has advised it will withdraw our State Program Approval (SPA). This could result in loss of federal funding to administer the state UST program. Further, with SPA in place, EPA allows states to implement state rules in lieu of the federal rules, which delays implementation dates for compliance. Failure to maintain SPA would result in regulated facilities having to meet EPA rules and compliance schedules which are currently in effect.

Changes are also needed to update procedures to industry standards and conform to fire code, add guidance procedures already in practice, and remove rules that are no longer relevant. The rule changes are intended to improve fuel release prevention measures and provide better oversight to reduce the risk to public health, safety and the environment. Preventing petroleum releases protects surface waters and groundwater used as a drinking water source; and reduces explosive and vapor inhalation hazards associated with petroleum spills. 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

US EPA, Iowa DOT, Economic Development Authority, Homeland Security & Emergency Management, Board of Regents, and Department of Public Safety, UST Fund Board.

Potential Public Groups Impacted

UST owners and operators; UST equipment installers, testers and inspectors; environmental groups; public interest groups; petroleum industry associations, groundwater and UST professionals; Petroleum Marketers Management Insurance Company; municipalities; and counties.

Schedule: (Actions & month/year)

Submitted to Governor's office for preclearance on June 2020
Notice of Intended Action to be filed by August 2020
Public hearings in September 2020
Final rule by January 2021

Staff Contact/Phone # James Gastineau, 515-725-8450

REGULATORY ACTION DESCRIPTION FOR SFY 2021

Title of Regulatory Action Rescission of 567 IAC 215, Mercury-Added Switch Recovery From End-of Life Vehicles

Rule Chapter(s) Involved 567 IAC 215 Mercury-Added Switch Recovery From End-of Life Vehicles

Rule Making Authority Director
 Environmental Protection Commission (EPC)
 Natural Resource Commission (NRC)

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 rescind and reserve 567 IAC chapter 215, "Mercury-Added Switch Recovery From End of Life Vehicles." The Mercury-Free Recycling Act, passed in 2006, required auto manufacturers to implement and fund a system to recover mercury switches from scrap vehicles before they were crushed or shredded for recycling. The use of mercury switches in convenience lighting (hood and trunk lights) in vehicles ended in 2002. The Mercury-Free Recycling Act included a sunset date of July 1, 2020 based on the expectation that the vast majority of vehicles containing the switches would be scrapped by July 2020. The requirement for mercury switches to be removed from vehicles prior to delivery to a scrap recycling facility and the requirements did not sunset, however, these rules are taken verbatim from Iowa Code sections 455B.804 and 455B.809 so there is no need to also have it in administrative code

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

Iowa code section 455B.803(2) directs the EPC to cease enforcement of the removal, collection and recovery plans for mercury added switches in end of life vehicles on July 1, 2020.

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

This chapter needs to be removed from the Administrative Code because it no longer has statutory backing. This will keep the Administrative code consistent with Iowa Code and prevent any confusion for regulated parties.

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

Other Affected/Interested Rule Making Authorities

None

Potential Public Groups Impacted

Vehicle manufacturers, End of Life Vehicle Solutions (ELVS), Iowa Automotive Recyclers, Eclectic arc furnaces, vehicle recyclers, scrap yards

Schedule: (Actions & month/year)

Submit to Governor's office for preclearance by July 2020

Notice of Intended Action to be filed by September 2020

Public hearings in October 2020

Final rule by January 2021

Staff Contact/Phone # Theresa Stiner, 515-725-8315

REGULATORY ACTION DESCRIPTION FOR SFY 2021

Title of Regulatory Action Operation of Natural Resource Commission

Rule Chapter(s) Involved 571 IAC 1

Rule Making Authority Director
 Environmental Protection Commission (EPC)
 Natural Resource Commission (NRC)

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 making will conform DNR rules to Iowa Code section 68B.4 regarding the sale and lease of foods and services by members of the NRC. This rule making will also amend the existing rule to be up to date with the current processes currently being implemented within the NRC. The rule making will implement a portion of the DNR's 5-year rule review plan to accomplish the requirements of Iowa Code subsection 17A.7(2) to identify rules that can be amended because they are outdated.

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

Iowa Code sections 68B. 4 and 17A.7(2).

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

This rule making would make the DNR's rules consistent with the Iowa Code regarding the sale and lease of foods and services by members of the NRC.

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

Other Affected/Interested Rule Making Authorities

Iowa Ethics Commission

Potential Public Groups Impacted

None

Schedule: (Actions & month/year)

Submit to Governor's office for preclearance by August 2020

Notice of Intended Action to be filed by October 2020

Public hearings in November 2020

Final rule by January 2021

Staff Contact/Phone # Kelli Book, 515-210-3408

REGULATORY ACTION DESCRIPTION FOR SFY 2021

Title of Regulatory Action Concessions

Rule Chapter(s) Involved 571 IAC Chapter 14

Rule Making Authority Director
 Environmental Protection Commission (EPC)
 Natural Resource Commission (NRC)

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 Department would like to amend the rules to allow for a longer concession contract term for concession operations in which a private concession operator is required to make a significant capital investment for the operation such as constructing and operating rental cabins. The longer term would allow the private operator assurance of a number of years in order to see a return on the financial investment made.

Legal Basis (Include whether action is required by statute or court order)
Iowa code sections 455A.5(6)"a", 461A.3, 461A.4(2), and 461A.25. This action is not required by court order, nor is it required by statute although concession operations generally may not be operated on lands under the department's or NRC's jurisdiction without a written contract with the department.

Need for Regulatory Action (Include if applicable how the action will reduce risk to public health, safety, or the environment)
The current administrative rules that govern concessions really do not address a concession in which a private operator makes a large capital investment to expand and enhance the types of facilities and services available to users in a park. Specifically, a concession contract with a longer term than five years would provide the opportunity for a private operator to get a return on the investment made. This change could result in more recreational opportunities for park visitors using a public/private investment.

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

Other Affected/Interested Rule Making Authorities
None known

Potential Public Groups Impacted
Park visitors

Schedule: (Actions & month/year)
Submit to Governor's office for preclearance by mid October 2020
Notice of Intended Action to be filed by December 2020
Public hearings in January 2021
Final rule by February 2021

Staff Contact/Phone # Sherry Arntzen, 515-725-8486

REGULATORY ACTION DESCRIPTION FOR SFY 2021

Title of Regulatory Action Habitat and Public Access Program

Rule Chapter(s) Involved 571 IAC Chapter 22, Part 2

Rule Making Authority Director
 Environmental Protection Commission (EPC)
 Natural Resource Commission (NRC)

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)

First, the adoption by reference of the Habitat and Public Access Program’s agreement template will be removed from administrative rule. Second, the Commission is proposing to strike language that requires the DNR to directly hire the habitat contractor.

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

This rule making is proposed under the authority provided in Iowa Code section 483A.3B(3)“c”(1).

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

During the program’s initial roll-out, the program’s agreement template was adopted by reference to provide extra levels of transparency. Nearly a decade into this very popular program, this is no longer necessary and prevents the DNR from modifying or expanding the program. The second change will enable the DNR to pay the enrolled landowner directly if they are competent to do the habitat work, or allow the landowner to personally hire the contractor of their choice and pay for that work with their allotted IHAP funds.

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 hunters, agriculture and tourism groups.

Schedule: (Actions & month/year)

Submit to Governor’s office for preclearance by June 2020

Notice of Intended Action to be filed by July 2020

Public hearings in September 2020

Final rule by October 2020

Staff Contact/Phone # Brian Hickman 712-250-0518

REGULATORY ACTION DESCRIPTION FOR SFY 2021

Title of Regulatory Action No wake zones in interior Upper Mississippi River Habitat Rehabilitation Projects (HREPs)

Rule Chapter(s) Involved 571--Chp. 40

Rule Making Authority Director
 Environmental Protection Commission (EPC)
 Natural Resource Commission (NRC)

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 no wake zones in interior Upper Mississippi River Restoration (UMRR) projects. No other actions being considered as options to slow boat traffic. Cost of action is boat signage that will be placed along shoreline areas and staff time to place signage; \$2,000 initial cost.

Legal Basis (Include whether action is required by statute or court order)
Iowa Code chapter 462A

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

One of the lessons learned from previous projects of this type on the Mississippi River is that no-wake zones protect newly-restored habitat from boat wakes. This was successfully demonstrated in the Mud Lake Restoration in Pool 11 (circa 2006). These are multi-million dollar restoration projects which can quickly be adversely-impacted by excessive boat wakes once work is completed. Additionally, prior to many dredging projects, the interior of these habitat reconstruction sites was not a highspeed boating area because of shallow nature and numerous dead tree snags. However, post dredging, boaters have learned they can now motor at a high rate of speed in dredged areas causing shoreline damage with their boat wakes. This is also a safety concern to high speed boaters.

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

Other Affected/Interested Rule Making Authorities
None

Potential Public Groups Impacted

Anglers and Hunters. Since the area was shallow previous to the restoration work, boaters could rarely go fast in this area previously. In reality, therefore, there is no impact.

Schedule: (Actions & month/year)

Submit to Governor's office for preclearance by Fall 2020

Notice of Intended Action to be filed by Fall 2020

Public hearings in early winter 2020

Final rule by late winter 2020/2021

Staff Contact/Phone # Randall Schultz (319) 217-9317

REGULATORY ACTION DESCRIPTION FOR SFY 2021

Title of Regulatory Action State Parks, Recreation Areas and State Forest Camping

Rule Chapter(s) Involved 571 IAC Chapter 61

Rule Making Authority

Director

Environmental Protection Commission (EPC)

Natural Resource Commission (NRC)

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. Update a number of definitions:
 - Cabins - to correctly reflect the different sizes/styles of cabins that are now available in the park system.
 - Camping – to address hammock camping as a form of camping
 - Chaperoned Organized Youth Group – to allow parents or guardians to camp with their child if a scouting organization's rules require a parent or guardian of each scout to participate
 - Person with a physical disability – update if needed to be in compliance with ADA guidelines/requirements
 - Recreation Area – to update the correct chapters referenced for public hunting
 - State Park – to include Honey Creek Resort
3. Remove definitions that may not be needed or are longer referenced in Chapter 61:
 - State Park managed by a management company
4. Update reservation system operating procedures and policies rule. The reservation system has been in place for over 10 years. Use and acceptance of the system has increased during this time. The current rule does not allow flexibility to respond to changing park and visitor trends, unforeseen situations such as a pandemic, and the increased use of technology and technology advancements. In addition, the DNR continues to gather data to review use of its parks and facilities to make data driven decisions. DNR is interested in removing this section from administrative rule and making it a DNR policy document. If it is not possible to remove this section from rule, DNR would then look to update the following subrules:
 - Currently there are three satellite area campgrounds which are excluded from being on the reservation system in rule. DNR would like the ability to add facilities to the reservation system without going through rule making each time. The determination to add facilities would be based on use, ease of use for park visitors and if it is cost-effective to manage through the reservation system. DNR is interested in adding other items such as forest hike-in campsites or DNR.
 - The DNR is interested in updating the rule that discusses the percentage of reservable campsites that are available on the reservation system. Almost all of the campgrounds are now at 75% reservable so the DNR would like to remove the requirement of a biennial review to change the percentage of campsites. In addition, the DNR is interested in doing a pilot program in a couple of parks to determine the effectiveness and feasibility of 100% reservable campsites. Lastly, the DNR is interested in extending the months that camping reservations are accepted based on occupancy use and demand.
 - The DNR is reviewing the reservation windows for making reservations for camping and rental facilities. Use and acceptance of the reservation has changed over the last 10 years. One example may be changing the last day to make a camping reservation from two days prior to arrival to one day prior to arrival. A change like this could allow customers more time to make last minute decisions to reserve a campsite rather than driving to the park to see if the reservable campsites are still available as a walk-in.
5. Update camping rules to clarify the number of hammocks allowed in campsites.

6. Update the check-out time for campsites to be consistent between reservable and nonreservable campsites.
7. 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.
8. Update the rule regarding accessible campsites to be in compliance with ADA guidelines/requirements and allow for use by other campers if the campsites are the last sites available. Additionally, the DNR is reviewing the motor vehicle restrictions rules to ensure there is no conflict with any federal ADA guidelines/requirements.
9. The DNR would like to establish a rule to allow the director the ability to establish camping requirements on a case-by-case basis for camping associated with a special event permit. Examples of special events that involve camping include RAGBRAI, Scout jamborees, and buckskinner rendezvous that involve camping by participants. These events typically do not conform to the current camping rules for designated campgrounds. This rule would allow for a case-by-case review of the camping needs associated with the event permit and determination of specific stipulations to address the camping needs.
10. The DNR is interested in changing the week-long minimum stay requirement for modern family cabins to allow for flexibility to change the minimum stay for lesser-occupied cabins. DNR would use this in conjunction with short-term promotion opportunities to try to get additional reservations or longer stays from current renters.
11. The DNR is reviewing the damage deposit rules to allow flexibility when and how a damage deposit is collected as the centralized reservation system has evolved to provide a function to handle those payments.
12. . Update park use rules on offensive speech and disorderly conduct to reflect current law and jurisprudence.
13. The DNR would like to establish rules for assigning and managing rental dock slips and dry dock storage managed by DNR.
14. Ensure that rules are structured to apply to state parks, recreation areas, and state forests, as appropriate.

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)

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. The definitions are outdated and need to be updated to reflect current practices.
3. The rule needs to be updated to reflect the closure of the Springbrook Conservation Education Center in 2017 and to allow the DNR to manage future facilities such as satellite campgrounds and dock slips without rulemaking.
4. The centralized reservation system has been operating for 10 years and is an essential management tool for park staff. With almost all park campgrounds at 75% reservable, it is not necessary to do a biennial review as the rules prohibit more than 75% campsites to be reservable. The DNR would like the ability to test the effectiveness, feasibility and acceptance of 100% reservable campsites in a couple of park campgrounds. As part of the test pilot, DNR would also look at the technology available, including self-registration pay stations to maximize the use of the reservation system.
5. Currently, reservation booking windows are addressed in rule and any change would need to go through rule making. As technology evolves, there is opportunity to use the reservation system to allow more customers the ability to make last minute camping decisions without having to physically drive to the park to see what sites may be available and then be able to secure the campsite through the reservation window.

6. Hammock camping has grown in popularity and the current rule regarding occupancy needs to be clarified for hammock camping.
7. There is no longer a need to have different check-out times for reservable and nonreservable campsites. One check-out time for all campsites will be easier for campers to understand and afford the same amount of time for park staff to prepare campsites for the next use.
8. 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 to remember the reservation booking rule. 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.
9. The current camping rules address camping in designated campgrounds. Certain events in parks which require a special event permit include camping as part of the event (i.e.: RAGBRAI, Boy Scout Jamborees, buckskinner rendezvous, festivals). The camping associated with these approved events does not necessarily conform to the existing camping rules. By establishing a new rule, the director would have the ability to determine appropriate camping stipulations or restrictions on a case-by-case basis that will protect the resource while affording the opportunity for the event to take place.
10. Minimum stay requirements for cabins are established in rule. In order to maximize occupancy of cabins, it is necessary to have flexibility to adjust the minimum stay requirements for under-used park cabin. Therefore, the rule needs to be changed.
11. The current rules direct when and how damage deposits are collected and returned. In order to take advantage of the functionality of the reservation system, the rules need to be changed.
12. If any of the current motor vehicle restriction rules in this chapter conflict with federal ADA regulations/guidelines, the DNR will update the rules accordingly.
13. There is an increased interest in the rental dock slips and dry dock storage areas managed by DNR. There are no clear procedures or policies in place to administer and manage rental of these facilities.

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

Other Affected/Interested Rule Making Authorities

None known

Potential Public Groups Impacted

Park visitors, campers and facility renters

Schedule: (Actions & month/year)

Submit to Governor’s office for preclearance by September 2020

Notice of Intended Action to be filed by October 2020

Public hearings in November/December 2020

Final rule by February 2021

Staff Contact/Phone # Sherry Arntzen, 515-725-8486

REGULATORY ACTION DESCRIPTION FOR SFY 2021

Title of Regulatory Action Timber Buyers

Rule Chapter(s) Involved 571 IAC 72.2(4)

Rule Making Authority Director
 Environmental Protection Commission (EPC)
 Natural Resource Commission (NRC)

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 making is required to conform DNR rules to a recent legislative change to the Iowa Code section 456A.25, as amended by Senate File 2250. This Code change increased the minimum and maximum bond requirements for bonded timber buyers. The current minimum and maximum bond amounts are \$3,000 and \$15,000 respectively. The rule will be changed to accurately reflect the new Code required bond amounts of \$25,000 and \$50,000.

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

This rule making is required to conform DNR rules to the provisions of Senate File 2250 which was signed by Governor Reynolds on March 12, 2020.

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

The purpose of these changes is to provide forest landowners greater financial protection for the wrongful taking of timber, and to conform the existing rule to Senate File 2250.

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 Wood Products Association, Iowa Woodland Owners, Tree Farms

Schedule: (Actions & month/year)

Submit to Governor's office for preclearance by September 2020

Notice of Intended Action to be filed by October 2020

Public hearings in November 2020

Final rule by January 2021

Staff Contact/Phone # Aron Flickinger, 515-725-8455 or Jeff Goerndt, 515-725-8452

REGULATORY ACTION DESCRIPTION FOR SFY 2021

Title of Regulatory Action Missouri and Big Sioux River catfish bag & length limit regulations

Rule Chapter(s) Involved 571 IAC chapter 81

Rule Making Authority Director
 Environmental Protection Commission (EPC)
 Natural Resource Commission (NRC)

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 purpose of this proposed rulemaking is to do the following:

1. Establish a daily catch limit of 10 Channel catfish, 5 Flathead catfish (only 1 > 30") and 1 Blue catfish in the Missouri and Big Sioux Rivers. This change would make our regulations the same as NE & SD.
2. Include reciprocity language should the State of Nebraska or South Dakota establishes a Missouri and Big Sioux rivers paddlefish snagging season.

Only one alternative was considered which would keep current regulation as is.
There would be monetary cost to this proposed rule change.

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

This action is not required by law. The proposed changes are discretionary pursuant to authority granted to the NRC under Iowa Code sections chapters 462A and 481A.

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

Paddlefish and catfish anglers along with conservation officers have approached DNR Fisheries Bureau managers requesting rules changes that will simplify border river catfish regulations and state boundary issues.

1. The DNR currently has daily combined catch limit of 15 catfish (channel, flathead or blue) with no length limits in our portion of the Missouri and Big Sioux border rivers which is different than Nebraska's and South Dakota's regulations.
2. This rule change would make catfish regulations and state boundary regulations less confusing to anglers who fish the Missouri and Big Sioux border rivers.
3. This rule change would make law enforcement of catfish regulations and state boundary regulations easier to enforce.
4. South Dakota recently changed their catfish regulations to be the same as Nebraska's for these same reasons.
5. Paddlefish snagging is only allowed in Iowa's portion of the Missouri River.

There are some sections of the Missouri River that are entirely in Iowa or Nebraska which is confusing to anglers and creates challenges for law enforcement on both sides of the river.

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

Other Affected/Interested Rule Making Authorities

None

Potential Public Groups Impacted

Missouri River and Big Sioux River anglers

Schedule: (Actions & month/year)

Submit to Governor's office for preclearance by later summer 2020

Notice of Intended Action to be filed by early fall 2020

Public hearings in Fall 2020 and winter of 2021

Final rule by spring 2021

Staff Contact/Phone # Chris Larson 712-250-0001

REGULATORY ACTION DESCRIPTION FOR SFY 2021

Title of Regulatory Action Waterfowl and Coot Hunting Seasons

Rule Chapter(s) Involved 571 IAC Chapter 91

- Rule Making Authority** Director
 Environmental Protection Commission (EPC)
 Natural Resource Commission (NRC)

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)

Amends season dates, bag limits, and zone boundaries to comply with updated federal regulations.

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

Iowa Code sections 481A.2, 481A.5, 481A.6, 481A.38, 481A.39, and 481A.48

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

Action is proposed to comply with federal regulations and for the responsible management of Iowa's waterfowl populations.

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

Other Affected/Interested Rule Making Authorities

Migratory birds are subject to federal regulation via the Migratory Bird Treaty Act

Potential Public Groups Impacted

Iowa hunters, agriculture and tourism groups.

Schedule: (Actions & month/year)

Submit to Governor's office for preclearance by December 2020

Notice of Intended Action to be filed by January 2021

Public hearings in February 2021

Final rule to Commission by April 2021

Staff Contact/Phone # Orrin Jones, 641-357-3517

REGULATORY ACTION DESCRIPTION FOR SFY 2021

Title of Regulatory Action Falconry rules

Rule Chapter(s) Involved 571 IAC 101 and 102

Rule Making Authority Director
 Environmental Protection Commission (EPC)
 Natural Resource Commission (NRC)

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 peregrine falcon permit drawing allotment and address discrepancies between this chapter and other chapters (take of jackrabbits, falcon trails, etc.).

Legal Basis (Include whether action is required by statute or court order)
This rule making is proposed under the authority provided in Iowa Code sections 455A.5(6) and 481A.48(3).

Need for Regulatory Action (Include if applicable how the action will reduce risk to public health, safety, or the environment)
The rule needs to be updated to reflect that permits are allotted by USFWS and distributed by DNR and to make the falcon trial rules to easier and more in line with existing dog trial rules.

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's falconers

Schedule: (Actions & month/year)
Submit to Governor's office for preclearance by December 2020
Notice of Intended Action to be filed by January 2021
Public hearings in February 2021
Final rule to Commission by April 2021

Staff Contact/Phone # Karen Kinkead 712-330-8461

REGULATORY ACTION DESCRIPTION FOR SFY 2021

Title of Regulatory Action Wildlife Importation, Transportation, and Disease Monitoring

Rule Chapter(s) Involved 571 Iowa Administrative Code chapter 104

- Rule Making Authority**
- Director
 - Environmental Protection Commission (EPC)
 - Natural Resource Commission (NRC)

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)

Prohibit the importation into the state of any cervid carcass from a CWD-positive area; however, deboned meat, skull plates, capes, and antlers may be imported.

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

Iowa Code sections 456A.23, 456A.24(5), 481A.32, 481A.39, and 481A.47

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

Action is proposed to ensure the responsible management of Iowa's wild white-tailed deer population to better control the importation into this state of a contagious and fatal disease.

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 sportsmen and women

Schedule: (Actions & month/year)

Submit to Governor's office for preclearance by August 2020

Notice of Intended Action to be filed by September 2020

Public hearings in October 2020

Final rule by December 2020

Staff Contact/Phone # Chris Ensminger, 515-725-8499

REGULATORY ACTION DESCRIPTION FOR SFY 2021

Title of Regulatory Action Deer Hunting by Residents

Rule Chapter(s) Involved 571 IAC Chapter 106

- Rule Making Authority**
- Director
 - Environmental Protection Commission (EPC)
 - Natural Resource Commission (NRC)

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)

Annual updates to deer hunting seasons, antlerless quotas, and method of take.

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

Iowa Code sections 481A.2, 481A.38, 481A.39, and 481A.48

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

Annual action is required to manage Iowa’s deer population at levels consistent with Deer Study Advisory Group recommendations.

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

Other Affected/Interested Rule Making Authorities

None

Potential Public Groups Impacted

Hunters, agricultural, and tourism groups are all potentially impacted.

Schedule: (Actions & month/year)

Submit to Governor’s office for preclearance by January 2021

Notice of Intended Action to be filed by February 2021

Public hearings in March 2021

Final rule to Commission by May 2021

Staff Contact/Phone # Tyler Harms, 515-777-5378

REGULATORY ACTION DESCRIPTION FOR SFY 2021

Title of Regulatory Action Review and Update of Scientific Collecting, Wildlife Salvage, Wildlife Rehabilitation, and Education Project Permit Rules; Create Game Breeders rules

Rule Chapter(s) Involved 571 IAC Chapter 111

Rule Making Authority Director
 Environmental Protection Commission (EPC)
 Natural Resource Commission (NRC)

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 and clarify classifications, definitions, reference materials, and qualifications within rule to be consistent with national animal welfare guidelines.

Create new regulations to implement Iowa Code section 481A.60 et seq, which holds that the Commission may promulgate rules over game breeders to ensure that all animals handled and confined are provided with humane care and treatment, and clarify that violation of any game breeder rules is cause for license revocation.

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

Iowa Code sections 481A.60--65

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

The proposed rulemaking will add the classifications of Assistant and Mentor/Sponsor to permits listed, animal welfare guidelines, zoonotic disease and nuisance wildlife definitions as well as clarify facility review requirements. This will improve consistency of training, permitting, and animal welfare across the state and give permit holders a clearer understanding of the DNR's expectations. The rulemaking will also amend the qualifications for a wildlife rehabilitation or an educational project permit holder to be consistent with rules adopted by IDALS for qualifications to work at an animal shelter. The application form will be updated to include a signature from the veterinary consultant as recommended by the Iowa Board of Veterinary Medicine.

Additionally, the rules would implement other law assuring the humane treatment of all animals held by a licensed game breeder, and clarify that a game breeder's violation of laws and regulations around the program is cause for license revocation.

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

Other Affected/Interested Rule Making Authorities

IDALS

Potential Public Groups Impacted

Individuals who are currently licensed by the DNR

Schedule: (Actions & month/year)

Submit to Governor's office for preclearance by October 2020

Notice of Intended Action to be filed by December 2020

Public hearings in January 2021

Final rule by March 2021

Staff Contact/Phone # Karmin Klingenberg, 515-725-8273
