

Regulatory Plan for SFY2022

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 2022, which began July 1, 2021.

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 in 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 The goal of the review is to identify and eliminate rules that are outdated, redundant, or inconsistent with statute or other rules.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 20-35	Air Quality Federal Updates/Rule Clean-up
567 IAC 20, 21, 22	Air Electronic Submittal
567 IAC 22, 31, and 33	Air Quality PSD-NSR Rule Updates
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 40, 41, 42, 43, 50, 52, 53, and 54	Public Water Supply and Water Use Rules
567 IAC 60, 68, 69	Revision of 567 IAC Chapter 60, "Scope-Definitions-Forms-Rules of Practice", 567 IAC Chapter 68, "Commercial Septic Tank Cleaners", 567 IAC Chapter 69, "Private Sewage Disposal Systems"
567 IAC 61	Water Quality Standards – Chapter 61 Table 1
567 IAC 61	Water Quality Standards – Iowa Antidegradation Implementation Procedure
567 IAC 61	Water Quality Standards – Stream Use Designations, UAAs
567 IAC 61	Water Quality Standards – Surface Water Classification
567 IAC 64	Reissuance of Storm Water General Permits 1, 2 and 3
567 IAC 64	Renewals of General Permits 5, 6, 7, 8, and 9
567 IAC 64	Renewal of National Pollution Discharge Elimination System (NPDES) General Permit #4 for Private Sewage Disposal Systems
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 72	DNR Floodplain Permitting of Replacement Bridges
567 IAC 83	Environmental Laboratory Certification
567 IAC 100, 102, 104	Cleanup of Solid Waste Chapters
567 IAC 103, 106, 110 (new), 113, 114, and 115,	Financial Assurance
567 IAC 116, 117	Financial Assurance for Waste Tire Haulers, Processors and Stockpiles
567 IAC 122	Cathode Ray Tube Device Recycling
567 IAC 131	Notification of Hazardous Conditions Update
571 IAC 16	Docks and Other Structures on Public Waters
571 IAC 40	Boating Speed and Distance Zoning
571 IAC 52	Wildlife Refuges
571 IAC 72	Timber Buyers
571 IAC 91	Waterfowl and Coot Hunting Seasons
571 IAC 96	Pheasant, Quail and Gray (Hungarian) Partridge Hunting Seasons
571 IAC 101, 102	Falconry Rules
571 IAC 106	Deer Hunting by Residents
571 IAC 107	Rabbit and Squirrel Hunting
571 IAC 111	Review and Update of Scientific Collecting, Wildlife Salvage, Wildlife Rehabilitation, and Education Project Permit Rules; Create Game Breeders rules
571 IAC 112	Hunting Preserves (Ungulate)

REGULATORY ACTION DESCRIPTION FOR SFY 2022

Title of Regulatory Action	Air Quality Federal Updates/Rule Clean-up
Rule Chapter(s) Involved	567 IAC Chapters 20-35
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 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. Additionally, rule clean-up comprising of the removal or minor updates may also be included.

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 U.S. Environmental Protection Agency (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.

Depending, in part, on the status of legal challenges to the federal regulations, the DNR anticipates potentially adopting by reference updated federal NSPS and NESHAP regulations for the following industries and processes:

- Integrated Iron and Steel Manufacturing
- Municipal Solid Waste Landfills
- Ethylene Production
- Organic Liquids Distribution
- Combustion Turbines
- Site Remediation
- Lime Manufacturing
- Miscellaneous Organic Chemical Manufacturing (MON)
- Plywood & Composites Manufacturing
- Pulp Mills
- Oil and Natural Gas
- Phosphoric Acid
- General provisions for startup, shutdown, and malfunction
- Reclassification of major sources as area sources
- Adopt existing federal exemptions for federal incinerator regulations

Other NSPS or NESHAP regulations finalized by EPA in SFY 2022 may also be included in this rulemaking, as appropriate.

DNR will not take action to initiate rulemaking on any of these items until they are finalized by EPA, and all substantive reconsiderations or challenges have been resolved.

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. Moreover, 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

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 October 2021
Notice of Intended Action to be filed by December 2021
Public hearings in February 2022
Final rule by April 2022

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

REGULATORY ACTION DESCRIPTION FOR SFY 2022

Title of Regulatory Action	Air Electronic Submittal
Rule Chapter(s) Involved	567 IAC Chapters 20, 21, and 22
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 rule making will take the next step toward requiring electronic air emissions reporting and air permit application submittal.

Background

This rule making will propose requiring electronic submission of all air emissions reporting, air permit applications, and other air quality documents.

Under the planned rule, minor sources¹ of air emissions would, by May 15, 2023, be required to file emissions data into the State and Local Emission Inventory System (SLEIS). It is a well-utilized resource already, with approximately 70% of minor sources choosing to electronically submit their data in 2020. Major sources² have been required to use SLEIS since 2019.

Additionally, under the planned rule, both major and minor sources of air emissions would, by January 1, 2023, be required to use the Iowa Environmental Applications System for Air (EASY Air) for all air construction and Title V operating permit applications. EASY Air is a popular resource, and has been since its release in 2019. Over the past year, approximately 89% of Title V new and renewal permits and approximately 80% of construction permit applications are voluntarily submitted through the system.

Preliminary Estimate of Costs and Benefits

The rule changes are expected to have a neutral impact on private-sector jobs and no fiscal impact. The proposed rule would ultimately benefit the private sector by streamlining the implementation of air quality programs.

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

The specific rule changes would implement Iowa Code section 455B.133.

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

Emissions inventory data collection and analysis is critical to understanding and improving Iowa's air quality. Having all emissions data in one electronic system makes it easier for the DNR to track data, report to the national emissions inventory, and respond to external and internal requests for emissions data. For several years, all paper emission inventories have been manually entered by DNR staff into SLEIS. Staff data entry of paper inventories can be time consuming and costly. A fully electronic submission system will eliminate the need to do this, freeing up support staff to work on other tasks.

EASY Air makes permit application preparation and other submissions easier and more efficient. This expedites the DNR's ability to issue permits and increases data accuracy, thereby cutting costs for both applicants and the DNR. Additionally, data available in EASY Air supplies the DNR's downstream electronic systems, helping to lessen the data entry burden by industry and the DNR.

Electronic submittals allow permit applications and emissions inventories to be filed from any location at any time. It likewise enables DNR staff to process the submittals remotely. In tandem, this removes the delays inherent in mailing and scanning paper documents.

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

¹ Minor sources are limited by permit or rule to emit air pollutants at lesser amounts than major sources (see footnote 2).

² Major sources are permitted in pre-construction permits to emit 100 tons or more of National Ambient Air Quality Standard pollutants, or 10 tons or more of an individual Hazardous Air Pollutant (HAP), or 25 tons or more of all HAP combined.

Other Affected/Interested Rule Making Authorities

U.S. EPA, Iowa Utilities Board, Iowa Office of the Consumer Advocate, Board of Regents, Iowa Department of Agriculture and Land Stewardship, Iowa Economic Development Authority, 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, 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, and other environmental and citizen groups.

Schedule: (Actions & month/year)

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

Notice of Intended Action to be filed by: December 2021

Public hearings in: February 2022

Final rule by: May 2022

Staff Contact/Phone #

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REGULATORY ACTION DESCRIPTION FOR SFY 2022

Title of Regulatory Action	Air Quality PSD-NSR Rule Updates
Rule Chapter(s) Involved	567 IAC Chapters 22, 31, and 33
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)

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, which includes the administrative rules in Chapters 22, 31, and 33.

Contemplated Regulatory Action: On January 4, 2021, the U.S. Environmental Protection Agency (EPA) signed final federal regulations entitled "Error Corrections to New Source Review Regulations" (Error Corrections). EPA's stated intent for the updates is to "[c]orrect 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 is reviewing the final signed regulations. The final regulations have not yet been published in the Federal Register and are not yet in effect. DNR does anticipate, however, that the Error Corrections regulations may be published and become effective in late SFY 2021 or in SFY 2022. 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 2022 Regulatory Agenda.

Additionally, DNR plans to adopt previously finalized federal provisions for the rescission of a PSD permit. DNR may also propose to adopt other final and effective corrections or clarifications to federal PSD regulations that occur in SFY 2022.

DNR will not take action to initiate rulemaking on any of these items until they are finalized by EPA, and all substantive reconsiderations or challenges have been resolved.

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

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 February 2022

Notice of Intended Action to be filed by April 2022

Public hearings in June 2022

Final rule by August 2022

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

REGULATORY ACTION DESCRIPTION FOR SFY 2022

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 National Pollutant Discharge Elimination System (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; and 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. The time-temperature method for biosolids pathogen reduction defined in 40 CFR part 503 will be added. 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

U.S. Environmental Protection Agency, Economic Development Authority, Iowa Department of Agriculture and Land Stewardship (IDALS), IDALS's Soil Conservation and Water Quality Division, Department of Public Health, Department of Corrections, Department of Commerce, Department of Transportation, 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 July 2021
Notice of Intended Action to be filed by October 2021
Public hearings in December 2021
Final rule by March 2022

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

REGULATORY ACTION DESCRIPTION FOR SFY 2022

Title of Regulatory Action	Public Water Supply and Water Use Rules
Rule Chapter(s) Involved	567 IAC Chapters 40, 41, 42, 43, 50, 52, 53, and 54
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, and the changes needed from primacy revisions in 2019. Other changes modernize the rules.

The rule making will:

1. 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.
2. 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 chlorination.
3. 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 at 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.
4. Update form references.
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.

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

The 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.172, 455B.173, 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.

Update the form references in the water use rules, and modernize the language regarding the withdrawals from streams and groundwater. 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, Des Moines County Board of Health, Lee County Board of Health, Economic Development Authority, Department of Commerce's Professional Licensing Bureau (Engineering and Land Survey), Iowa Department of Agriculture and Land Stewardship (IDALS), IDALS's Soil Conservation and Water Quality Division, Homeland Security and Emergency Management, and Board of Regents.

Potential Public Groups Impacted

All 1,850 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, landowners and residents in Des Moines and Lee Counties.

Schedule: (Actions & month/year)

Submit to Governor's office for preclearance by September 2021

Notice of Intended Action to be filed by November 2021

Public hearings in January 2022

Final rule by March 2022

Staff Contact/Phone # Mark Moeller, P.E., 515-725-0275

REGULATORY ACTION DESCRIPTION FOR SFY 2022

Title of Regulatory Action Revision of 567 IAC Chapter 60, "Scope-Definitions-Forms-Rules of Practice", 567 IAC Chapter 68, "Commercial Septic Tank Cleaners", 567 IAC Chapter 69, "Private Sewage Disposal Systems"

Rule Chapter(s) Involved 567 IAC Chapters 60, 68, 69

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 revise definitions, scope of practice, and associated requirements. These rules cover the process and requirements associated with design, permitting, installation, and inspection of private sewage disposal systems. Rules also define the licensure and processes involved with licensing Time of Transfer Inspectors and commercial septic tank cleaners. The revisions are necessary to reflect changes or new technology used to properly treat private sewage and wastewater. The rules will be revised for clarification and updated references. The benefits will be continued protection of Iowa waterways from malfunctioning septic systems, and updated language and process language for the private sewage disposal industry and local administrative authority. It is not anticipated that these rule changes will result in significant costs to private homeowners or businesses. A further analysis of costs will be done as part of rulemaking.

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

DNR is authorized to make changes per Iowa Code sections 455B.171--172, 455B.172A, 455B.173--175, 455B.176A, 455B.181--186

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

Revision and clarification of these rules will continue to ensure that private sewage disposal systems will meet the requirements necessary to protect public health and the environment.

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

Other Affected/Interested Rule Making Authorities

Revision and clarification of these rules will continue to ensure that private sewage disposal systems will meet the requirements necessary to protect public health and the environment.

Potential Public Groups Impacted

Property owners, consulting engineers, Private septic maintenance companies or business associations, Iowa Environmental Health Association, Iowa Onsite Wastewater Association, Department of Public Health, Iowa Environmental Council

Schedule: (Actions & month/year)

Submit to Governor's office for preclearance by December 2021

Notice of Intended Action to be filed by May 2022

Public hearings in June 2022

Final rule by October 2022

Staff Contact/Phone # Cory Frank, 515-689-7941

REGULATORY ACTION DESCRIPTION FOR SFY 2022

Title of Regulatory Action Water Quality Standards – Chapter 61 Table 1

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)

This regulatory action will focus on updating and correcting 567 IAC Chapter 61 “Water Quality Standards” Table 1: “Criteria for Chemical Constituents”. Examples include fixing misspellings, adding or removing in-text references as needed, and correcting units. There will be no costs to the state or regulated community due to this rule change.

Legal Basis (Include whether action is required by statute or court order)
Required by 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 rulemaking will make Chapter 61 clearer and more accurate.

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

Other Affected/Interested Rule Making Authorities

U.S. Environmental Protection Agency, Iowa Department of Agriculture and Land Stewardship, Iowa Economic Development Authority, Board of Regents, Iowa Department of Transportation, U.S. Army Corps of Engineers

Potential Public Groups Impacted

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

Schedule: (Actions & month/year)

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

Staff Contact/Phone # Marie Todey, 515-204-7569

REGULATORY ACTION DESCRIPTION FOR SFY 2022

Title of Regulatory Action Water Quality Standards – Iowa Antidegradation Implementation Procedure

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)

This regulatory action will focus on updating 567 IAC Chapter 61 “Water Quality Standards”, specifically modifying the language of the Iowa Antidegradation Implementation Procedure to make it clearer and more understandable.

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

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

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

The antidegradation implementation procedure was implemented in 2010 and needs review.

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

Other Affected/Interested Rule Making Authorities

U.S. Environmental Protection Agency, Iowa Department of Agriculture and Land Stewardship, Iowa Economic Development Authority, Board of Regents, Iowa Department of Transportation, U.S. Army Corps of Engineers

Potential Public Groups Impacted

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

Schedule: (Actions & month/year)

Submit to Governor’s office for preclearance by December 2021

Notice of Intended Action to be filed by January 2022

Public hearings in February 2022

Final rule by April 2022

Staff Contact/Phone # Marie Todey, 515-204-7569

REGULATORY ACTION DESCRIPTION FOR SFY 2022

Title of Regulatory Action Water Quality Standards – Stream Use Designations, UAAs

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)

This regulatory action will focus on assessing Iowa's rivers and streams to ensure they are assigned the correct stream use designation. Past rulemaking and legislative action have brought the DNR's water quality rules towards compliance with federal Clean Water Act requirements and U.S. Environmental Protection Agency (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. 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 of Use Assessment and Use Attainability Analysis (UA/UAA) is a step-by-step process to gather site-specific field data on stream features and uses. The DNR then assesses available information to determine the appropriate recreational and aquatic life uses. The DNR prioritizes streams that receives a continuous discharge from a facility with a National Pollutant Discharge Elimination System (NPDES) permit. Prior to issuing a NPDES permit for a facility, the DNR must 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 permitted facilities 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

U.S. Environmental Protection Agency, Iowa Department of Agriculture and Land Stewardship, Iowa Economic Development Authority, Board of Regents, Iowa Department of Transportation, U.S. Army Corps of Engineers

Potential Public Groups Impacted

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

Schedule: (Actions & month/year)

Submit to Governor's office for preclearance by July 2021

Notice of Intended Action to be filed by August 2021

Public hearings in October 2021

Final rule by December 2021

Staff Contact/Phone # Marie Todey, 515-204-7569

REGULATORY ACTION DESCRIPTION FOR SFY 2022

Title of Regulatory Action Water Quality Standards – Surface Water Classification

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)

This regulatory action will focus on correcting and updating 567 IAC Chapter 61 “Water Quality Standards” 61.3(5) “Surface water classification”. Examples include fixing misspellings and making sure segment details match the actual stream segment. There will be no costs to the state or regulated community due to this rule change.

Legal Basis (Include whether action is required by statute or court order)
Required by 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 rulemaking will make the Surface Water Classification document clearer and more accurate.

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

Other Affected/Interested Rule Making Authorities

U.S. Environmental Protection Agency, Iowa Department of Agriculture and Land Stewardship, Iowa Economic Development Agency, Board of Regents, Iowa Department of Transportation, U.S. Army Corps of Engineers

Potential Public Groups Impacted

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

Schedule: (Actions & month/year)

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

Staff Contact/Phone # Marie Todey, 515-204-7569

REGULATORY ACTION DESCRIPTION FOR SFY 2022

Title of Regulatory Action Reissuance of Storm Water General Permits 1, 2 and 3

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 rulemaking is to reissue the three storm water general permits. The only change is to extend the effective date of each general permit to February 29, 2028.

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

Permits cannot be in effect more than 5 years as stipulated in subrule 567 IAC 64.3(7) and in 40 CFR 122.46.

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

Permits cannot be in effect more than 5 years as stipulated in subrule 567 IAC 64.3(7) and in 40 CFR 122.46.

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

Other Affected/Interested Rule Making Authorities

Iowa Department of Transportation, Iowa Department of Agriculture and Land Stewardship, and Iowa Economic Development Authority

Potential Public Groups Impacted

Any entity that engages in construction activity or any other activity classified by the U.S. EPA as discharging storm water associated with industrial activity.

Schedule: (Actions & month/year)

Submit to Governor's office for preclearance by December 2021

Notice of Intended Action to be filed by March 2022

Public hearings in October 2022

Final rule by February 2023

Staff Contact/Phone # Joe Griffin, 515-725-8417

REGULATORY ACTION DESCRIPTION FOR SFY 2022

Title of Regulatory Action	Renewals of General Permits 5, 6, 7, 8, and 9
Rule Chapter(s) Involved	567 IAC Chapter 64
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 rule making will renew National Pollution Discharge Elimination System (NPDES) General Permits #8 (GP8) and #9 (GP9), which expire June 20, 2023. Renewal is necessary to continue permit coverage for discharges from hydrostatic testing, water lines, dewatering activities, and household geothermal systems. GP8 and GP9 will be renewed with edits for clarification and updated references. While not currently up for renewal, the DNR is also proposing to renew General Permits #5 (GP5), #6 (GP6), and #7 (GP7) at the same time. This effort will align the expiration dates for all five permits so that future renewal rule makings can be combined. No other changes are planned for GP5, GP6 or GP7, except that we will remove the authorization renewal requirement for GP5 permittees for this permit cycle. There are no costs associated with these permit renewals.

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 rule making is needed to ensure that wastewater discharges currently covered under GP8 and GP9 will maintain coverage after the existing permits expire in June 2023. If the general permits were allowed to expire, the DNR would need to issue individual NPDES permits to every covered discharge. This would be a tremendous number of permittees (likely hundreds) that would need to go through the lengthy, burdensome process of obtaining individual NPDES permits.

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

Other Affected/Interested Rule Making Authorities

Economic Development Authority, Iowa Department of Agriculture and Land Stewardship' Division of Soil Conservation and Water Quality, Department of Public Health, Department of Commerce's Professional Licensing Bureau (Engineering and Land Surveying), Department of Transportation, and U.S. Environmental Protection Agency.

Potential Public Groups Impacted

Gas station owners, pipeline companies, power companies, construction contractors, new or expanding facilities, utility associations, consulting engineers, other affected industries and businesses, Iowa Section – American Water Works Association, Iowa Association of Water Agencies, Iowa Environmental Council, Sierra Club, Iowa League of Cities, Iowa Rural Water Association, Iowa Water Environment Association, Iowa Association of Municipal Utilities, Iowa Farm Bureau Federation, Iowa Limestone Producers, Iowa Renewable Fuels Association, Iowa Drainage District Association, and Iowa Association of Business and Industry.

Schedule: (Actions & month/year)

Submit to Governor's office for preclearance by December 2021
Notice of Intended Action to be filed by May 2022
Public hearings in June 2022
Final rule by October 2022

Staff Contact/Phone # Wendy Hieb, 515-808-3039

REGULATORY ACTION DESCRIPTION FOR SFY 2022

Title of Regulatory Action Renewal of National Pollution Discharge Elimination System (NPDES) General Permit #4 for Private Sewage Disposal Systems

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 renew National Pollution Discharge Elimination System (NPDES) General Permit #4 (GP4) which expire February 28, 2023. This permit covers legally discharging septic systems that discharge to a designated water of the state or a subsurface drainage tile. The renewal is necessary to continue permit coverage for discharges to ensure that these systems function properly and are not unduly polluting waterways. The permit will be renewed with edits for clarification and updated references. There are no costs associated with these permit renewals. The benefits will be continued protection of Iowa waterways from malfunctioning septic systems.

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

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

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

Renewal of NPDES General Permit #4 will continue to ensure that septic systems that legally discharge to designated waters of the state or subsurface drainage tiles will meet the requirements necessary to protect public health and the environment.

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

Other Affected/Interested Rule Making Authorities

U.S. Environmental Protection Agency

Potential Public Groups Impacted

Property owners, Iowa Environmental Health Association, Iowa Onsite Wastewater Association

Schedule: (Actions & month/year)

Submit to Governor's office for preclearance by December 2021

Notice of Intended Action to be filed by May 2022

Public hearings in June 2022

Final rule by October 2022

Staff Contact/Phone # Cory Frank, 515-689-7941

REGULATORY ACTION DESCRIPTION FOR SFY 2022

Title of Regulatory Action	Revisions to the Iowa Wastewater Facilities Design Standards (IWFDS) Chapter 21
Rule Chapter(s) Involved	567 IAC Chapter 64, Chapter 21 of the IWFDS
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)

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.

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 because the new construction methods are expected to be more reliable and have a 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

U.S. Environmental Protection Agency, Department of Commerce's Professional Licensing Bureau (Engineering and Land Surveying), Department of Transportation, Iowa Department of Agriculture and Land Stewardship's Division of Soil Conservation and Water Quality, Economic Development Authority, and Department of Public Health.

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 2021
Notice of Intended Action to be filed by February 2022
Public hearings in April 2022
Final rule by June 2022

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

REGULATORY ACTION DESCRIPTION FOR SFY 2022

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	<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 rule making will:

1. Revise 567 IAC Chapter 64 to update the Iowa Wastewater Facilities Design Standards for construction permits (Chapters 11, 12, 13, 14 and 18C). 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 (Chapters 11, 12, 13, 14 and 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).
4. Provision for applicants to submit digital construction permit documents to the department.

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 because the new construction methods are expected to be more reliable and have a 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 because the requirements will be easier to find and follow, and wastewater treatment facilities will be built in a way that is more 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

U.S. Environmental Protection Agency, Department of Commerce's Professional Licensing Bureau (Engineering and Land Surveying), Department of Transportation, Iowa Department of Agricultural and Land Stewardship's Division of Soil Conservation and Water Quality, Economic Development Authority, and Department of Public Health.

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 July 2021

Notice of Intended Action to be filed by October 2021

Public hearings in December 2021

Final rule by March 2022

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

REGULATORY ACTION DESCRIPTION FOR SFY 2022

Title of Regulatory Action DNR floodplain permitting of replacement bridges

Rule Chapter(s) Involved 567 Chapter 72

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 proposed rule change will make criteria consistent between new bridges and replacement bridge. Currently, it can be more difficult to permit a replacement bridge, especially when trying to make the roadway more resilient against flood related closures.

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

Iowa statute grants authority to the DNR to regulate floodplain development: 455B.275

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

Currently, the criteria for replacement bridges does not allow any additional rise in upstream flood elevations when there are structures upstream. This has become an issue for bridge replacements that include raising the road embankments on each side of the bridge in order to reduce the frequency of overtopping of the roadway and subsequent required closures. The proposed changes will allow upstream impacts consistent with the criteria used for new bridges and comparable projects.

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

Other Affected/Interested Rule Making Authorities

Potential Public Groups Impacted

Department of Transportation is in favor of this change.

Schedule: (Actions & month/year)

Submit to Governor's office for preclearance by November 2021

Notice of Intended Action to be filed by January 2022

Public hearings in February 2022

Final rule by April 2022

Staff Contact/Phone # Jonathan Garton 515-201-1018

REGULATORY ACTION DESCRIPTION FOR SFY 2022

Title of Regulatory Action Environmental Laboratory Certification

Rule Chapter(s) Involved 567 IAC 83

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 rules will be revised to reflect updated laboratory practices, federal and state changes for analytical methods, provide clarification on definitions and rules, eliminate the need for laboratories to report unregulated contaminants for the safe drinking water program, and correct a code citation.

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

Iowa Code section 455B.113

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

The changes to the rules will make it easier for laboratories to understand and comply with the rules, and use updated analytical methods.

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

Other Affected/Interested Rule Making Authorities

Iowa Department of Public Health

Potential Public Groups Impacted

Municipal and commercial Iowa certified laboratories, county health departments, the State Hygienic Laboratory at the University of Iowa, nongovernmental laboratories, Iowa Association of Municipal Utilities, Iowa Section – American Waterworks Association, Iowa Rural Water Association, Iowa Association of Water Agencies, Iowa Water Environment Association, Iowa Association of Solid Waste Operations, Iowa Environmental Professionals of Iowa

Schedule: (Actions & month/year)

Submit to Governor's office for preclearance by September 2021

Notice of Intended Action to be filed by November 2021

Public hearings in January 2022

Final rule by March 2022

Staff Contact/Phone # Kathy Lee, 515-725-0343

REGULATORY ACTION DESCRIPTION FOR SFY 2022

Title of Regulatory Action	Cleanup of Solid Waste Chapters
Rule Chapter(s) Involved	567 IAC Chapters 100, 102, 104
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 remove redundant and outdated rules as well as organize general solid waste rules into a single chapter to make the administrative code more intuitive to navigate for the regulated community.

Chapter 567 IAC 100 will be limited to scope of title and definitions pertaining to Title VIII, Solid Waste Management and Disposal. Of the remaining rules, two will be moved to chapter 567 IAC 102, and one will be rescinded. Portions of 567 IAC Chapter 102 that are redundant with rules in other chapters will be rescinded and several rules from chapters 567-100 and 567-104 will be incorporated into 567-102. Rule 567—104.25 Operator Certification, will be moved to chapter 567 IAC 102 and the rest of chapter 567 IAC 104 will be rescinded.

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

Iowa Code section 455B.301 requires the EPC to establish rules for treatment and disposition of solid waste. Additionally, 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)

This rulemaking is needed to keep the administrative code current and to make the administrative code more understandable for the regulated community.

Much of what is currently in chapter 567 IAC 102 has been incorporated into the chapters for each specific type of solid waste permit and can, therefore, be removed from chapter 102. The chapter will continue to house solid waste rules that are not related to a sanitary disposal project permit such as disruption and excavation of sanitary landfills or closed dumps; special requirements for farm waste, farm buildings and dead animals; and certification for operators of solid waste incinerators.

Chapter 567 IAC 104 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.

Although this rulemaking will involve rescinding a significant amount of administrative code, because the rules to be rescinded are either redundant or outdated, their removal will have no impact on the environment or the regulated community.

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 2021
Notice of Intended Action to be filed by December 2021

Public hearings in February 2022
Final rule by March 2022

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

REGULATORY ACTION DESCRIPTION FOR SFY 2022

Title of Regulatory Action Financial Assurance

Rule Chapter(s) Involved 567 IAC Chapter 103, 106, 110 (new), 113, 114, and 115,

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 five 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. 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 Environmental Protection Agency

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 April 2022

Notice of Intended Action to be filed by July 2022

Public hearings in August 2022

Final rule by October 2022

Staff Contact/Phone # Chad A. Stobbe, 515-201-8272

REGULATORY ACTION DESCRIPTION FOR SFY 2022

Title of Regulatory Action Financial Assurance for Waste Tire Haulers, Processors and Stockpiles

Rule Chapter(s) Involved 567 IAC Chapters 116 and 117

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)

2021 Iowa Acts, House File 560, signed into law by Governor Reynolds on March 22, 2021, made the following changes related to financial assurance for waste tire collectors, processors, and haulers.

- It removed language related to financial assurance for waste tires collected prior to July 1, 1998,
- It increased the amount of financial assurance required from \$.85 to \$2.50 for each tire stored by a waste tire collector,
- It increased the amount of financial assurance required from \$.85 to \$2.50 for each tire on site beyond the facility's three day processing capacity for waste tire processors, and,
- It changed the bond amount required for waste tire haulers from \$10,000 to \$150,000.

The proposed rule amendments will make the same changes to the administrative rules.

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 455D.11(7) and 455D.11(7) and will implement changes made to Iowa Code sections 455D11A(5) and 455D.11(6) by 2021 Iowa Acts, House File 560.

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

The proposed rule making is needed to make the administrative rules consistent with Iowa Code.

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

Other Affected/Interested Rule Making Authorities

None

Potential Public Groups Impacted

Waste tire haulers and waste tire processors

Schedule: (Actions & month/year)

Submit to Governor's office for preclearance by June 2021

Notice of Intended Action to be filed by August 2021

Public hearings in October 2021

Final rule by December 2021

Staff Contact/Phone # Mel Pins, 515-729-4616

REGULATORY ACTION DESCRIPTION FOR SFY 2022

Title of Regulatory Action Cathode Ray Tube Device Recycling
Rule Chapter(s) Involved 567 IAC Chapter 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)

A number of potential changes were identified through the five year regulatory review process to improve 567 IAC 122 Cathode Ray Tube (CRT) 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 is working 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, Iowa Recycling Association, Iowa Retail Federation

Schedule: (Actions & month/year)

Submit to Governor's office for preclearance by September 2021

Notice of Intended Action to be filed by November 2021

Public hearings in December 2021

Final rule by February 2022

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

REGULATORY ACTION DESCRIPTION FOR SFY 2022

Title of Regulatory Action Notification of Hazardous Conditions Update

Rule Chapter(s) Involved 567 IAC Chapter 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

N/A

Potential Public Groups Impacted

Businesses, property owners, and environmental consultants

Schedule: (Actions & month/year)

Submit to Governor's office for preclearance by December 2021

Notice of Intended Action to be filed by January 2022

Public hearings in February 2022

Final rule by April 2022

Staff Contact/Phone # Adam Broughton, 515-204-3352

REGULATORY ACTION DESCRIPTION FOR SFY 2022

Title of Regulatory Action Docks and Other Structures on Public Waters

Rule Chapter(s) Involved 571 IAC Chapter 16

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)

571 IAC Chapter 16 contains rules governing docks and boat hoists, including Class I permits. This proposed rulemaking would amend subrules 571-16.4(3) and 571-16.17(1). These subrules designate procedures for issuing Class I dock permits. The amendment would change the existing term of the Class I permit from five years to perpetual. The permit would be valid until the property is sold or transferred or the dock no longer meets the criteria for a Class I permit.

Legal Basis (Include whether action is required by statute or court order)
Iowa Code sections 462A.27 and 462A.32(2)

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

Currently, the department manages 7,683 dock permits in its dock program. Of these, 4,854 are a Class I permit. Eliminating routine Class I permit reapplications would significantly reduce the amount of staff time spent assisting Class I dock permittees, making staff available to work on other departmental priorities, without affecting the department's ability to enforce the criteria for permitted Class I docks.

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

Other Affected/Interested Rule Making Authorities
None

Potential Public Groups Impacted
Class I dock permit holders.

Schedule: (Actions & month/year)
Submit to Governor's office for preclearance by August 2021
Notice of Intended Action to be filed by October 2021
Public hearings in November and December 2021
Final rule by February 2022

Staff Contact/Phone # Benjamin K. Bergman, 641-425-0828

REGULATORY ACTION DESCRIPTION FOR SFY 2022

Title of Regulatory Action	Boating Speed and Distance Zoning
Rule Chapter(s) Involved	571 IAC Chapter 40
Rule Making Authority	<input type="checkbox"/> Director <input type="checkbox"/> Environmental Protection Commission (EPC) <input checked="" 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 rulemaking will implement no wake zones in interior Upper Mississippi River Restoration (UMRR) Habitat Rehabilitation and Enhancement Projects (HREPs).

The following HREP's will have a no wake zone proposed:

1. Shore Slough, Lansing Iowa, Allamakee County, River Mile 663.7 Shore Slough
2. Huron Island, Huron, Iowa, Des Moines and Louisa Counties, River Mile 425 – 420
3. Mississippi River backwater area enclosed by Beaver Island in Clinton County
4. Pool 10 islands HREP zones will be established once project scope and construction are completed
5. Hershey Geneva Island, Muscatine, Iowa, Muscatine County, River Mile 460-458; HREP zones will be established once project scope and construction is completed

No other actions being considered as options to slow boat traffic.

Although there will be an initial cost of approximately \$2,000 to place signage, implementing no wake zones in these areas will help protect multi-million dollar projects.

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

Iowa Code sections 462A.32(2) and 455A.5(6)"a"

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

HREPs are multi-million dollar projects constructed through the UMMR partners which include the U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service and the partnering state conservation agencies and other NGO stakeholders. No-wake zones can protect newly restored habitat from boat wakes. This was successfully demonstrated in the Mud Lake Restoration in Pool 11 where no-wake zones were established. Prior to dredging, the interior of these habitat reconstruction sites were not high speed boating areas 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 all constituents.

A major goal of these projects is to restore hardwood mast trees to these backwater areas. This objective is compromised when planted trees simply erode into the water due to boat wakes. This also shortens the project life of the overwintering fish areas as well by deposition of shoreline sediment in the dredge cuts.

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

Other Affected/Interested Rule Making Authorities

U.S. Corps of Engineers and U.S. Fish and Wildlife Service

Potential Public Groups Impacted

Iowa boaters, Ducks Unlimited, Sierra Club, and Friends of Pool 9

Schedule: (Actions & month/year)

Submit to Governor's office for preclearance by October 2021

Notice of Intended Action to be filed by December 2021

Public hearings in January 2022
Final rule by March 2022

Staff Contact/Phone # Randall Schultz, 319-217-9317

REGULATORY ACTION DESCRIPTION FOR SFY 2022

Title of Regulatory Action Wildlife Refuges

Rule Chapter(s) Involved 571 IAC Chapter 52

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)

Change the designation of Hawkeye Wildlife Refuge to Hawkeye Waterfowl Refuge

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

Iowa Code sections 481A.2, 481A.38, 481A.39, and 481A.48. Action is not 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)

Action is being proposed to increase recreation opportunities at the Hawkeye Wildlife Area.

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, hikers, and birdwatchers

Schedule: (Actions & month/year)

Submit to Governor's office for preclearance by December 2021

Notice of Intended Action to be filed by January 2022

Public hearings in February 2022

Final rule by April 2022

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

REGULATORY ACTION DESCRIPTION FOR SFY 2022

Title of Regulatory Action Timber Buyers

Rule Chapter(s) Involved 571 IAC Chapter 72

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 amendments to Iowa Code chapter 456A from 2021 Iowa Acts, Senate File 2250. This Code change increased the minimum and maximum bond requirements for bonded timber buyers, added requirements for the transportation of timber, and made minor changes to definitions. 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. A rule provision implementing the new timber transportation requirements will be added. Additionally, definitions and other minor changes in rule language will be made to conform to the Code language.

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

Schedule: (Actions & month/year)

Submit to Governor's office for preclearance by September 2021

Notice of Intended Action to be filed by October 2021

Public hearings in November 2021

Final rule by January 2022

Staff Contact/Phone # Aron Flickinger, 515-291-2829 and Jeff Goerndt, 515-971-1724

REGULATORY ACTION DESCRIPTION FOR SFY 2022

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 2021

Notice of Intended Action to be filed by January 2022

Public hearings in February 2022

Final rule to Commission by April 2022

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

REGULATORY ACTION DESCRIPTION FOR SFY 2022

Title of Regulatory Action Pheasant, Quail and Gray (Hungarian) Partridge Hunting Seasons

Rule Chapter(s) Involved 571 IAC Chapter 96

Rule Making Authority

- Director
- Environmental Protection Commission (EPC)
- Natural Resource Commission (NRC)

Description of Contemplated Regulatory Action

Proposed update to allow for the collection of upland game harvest data for the purposes of improved population management of those species.

Legal Basis

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

Need for Regulatory Action

This rule making is needed to effectively manage upland game bird populations.

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

Other Affected/Interested Rule Making Authorities

None

Potential Public Groups Impacted

Upland game bird hunters

Schedule:

Submit to Governor's office for preclearance by December 2021
Notice of Intended Action to be filed by January 2022
Public hearings in February 2022
Final rule by April 2022

Staff Contact/Phone # Todd Bogenschutz, 515-979-0828

REGULATORY ACTION DESCRIPTION FOR SFY 2022

Title of Regulatory Action Falconry Rules
Rule Chapter(s) Involved 571 IAC Chapters 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 U.S. Fish and Wildlife Service 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 2021

Notice of Intended Action to be filed by January 2022

Public hearings in February 2022

Final rule to Commission by April 2022

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

REGULATORY ACTION DESCRIPTION FOR SFY 2022

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

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

Legal Basis

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

Need for Regulatory Action

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 2022

Notice of Intended Action to be filed by February 2022

Public hearings in March 2022

Final rule to Commission by May 2022

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

REGULATORY ACTION DESCRIPTION FOR SFY 2022

Title of Regulatory Action Rabbit and Squirrel Hunting

Rule Chapter(s) Involved 571 IAC Chapter 107

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 proposed update will allow for the collection of upland game harvest data for the purposes of improved population management of those species.

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)

Action is needed to effectively manage rabbit and squirrel populations.

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

Other Affected/Interested Rule Making Authorities

None

Potential Public Groups Impacted

Rabbit and Squirrel hunters

Schedule: (Actions & month/year)

Submit to Governor's office for preclearance by December 2021

Notice of Intended Action to be filed by January 2022

Public hearings in February 2022

Final rule by April 2022

Staff Contact/Phone # Todd Bogenschutz, 515-979-0828

REGULATORY ACTION DESCRIPTION FOR SFY 2022

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	<input type="checkbox"/> Director <input type="checkbox"/> Environmental Protection Commission (EPC) <input checked="" 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)

Update and clarify classifications, definitions, reference materials, and qualifications within rule to be consistent with national 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 section 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 department'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

Iowa Department of Agriculture and Land Stewardship

Potential Public Groups Impacted

Individuals who are currently licensed by the DNR

Schedule: (Actions & month/year)

Submit to Governor's office for preclearance by September 2021

Notice of Intended Action to be filed by December 2021

Public hearings in January 2022

Final rule by March 2022

Staff Contact/Phone # Karmin Klingenberg, 515-326-0430

REGULATORY ACTION DESCRIPTION FOR SFY 2022

Title of Regulatory Action Hunting Preserves (Ungulate)

Rule Chapter(s) Involved 571 IAC Chapter 112

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's rules to Iowa Code chapter 484B, which regulates hunting preserves. An inconsistency currently exists between the rules and statute in the definition of "ungulate," which affects what species may be kept and hunted on an ungulate hunting preserve. This rule making will align the rules with the statutory definition, which prohibits livestock from being kept and hunted on an ungulate hunting preserve.

The rule making will also update the "game bird" definition.

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

DNR has the authority to amend the rules under Iowa Code section 484B.2. The rule making pertaining to ungulate hunting preserves is required to bring Chapter 112 into alignment with Ch. 484B. The statute and administrative code were not previously aligned following legislative amendment in 2000 (House File 2277, signed by Governor Vilsack on March 31, 2000) due to an oversight. The rule making pertaining to game birds is required to update the Chapter 112 game bird definition for consistency with House File 747, signed by Governor Reynolds on April 30, 2021.

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

In addition to providing clarity to hunting preserve operators by resolving the inconsistency between rule and statute, the rule making will help address feral hog issues including property damage and disease spread to captive livestock by shifting porcine species away from hunting preserves.

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

Other Affected/Interested Rule Making Authorities

Iowa Department of Agriculture and Land Stewardship

Potential Public Groups Impacted

Ungulate hunting preserve license holders
Ungulate hunting preserve hunters
Property owners and agricultural stakeholders affected by feral hog issues

Schedule: (Actions & month/year)

Submit to Governor's office for preclearance by September 2021
Notice of Intended Action to be filed by November 2021
Public hearings in December 2021/January 2022
Final rule by March 2022

Staff Contact/Phone # Rachel Zander, 515-305-0324
