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 2023, which began July 1, 2022.

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 The goal of the review is to identify and eliminate rules that are outdated, redundant, or inconsistent with statute or other rules.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.
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**Description of Contemplated Regulatory Action** (Including, to the extent reasonable and practicable, alternatives to be considered and preliminary estimate of costs and benefits of the Action)

The rule making will implement a portion of the DNR’s 5-year rule review plan to accomplish the requirements of Iowa Code subsection 17A.7(2) to identify rules that can be amended because they are outdated, obsolete, or unnecessary. As part of the 5 Year Rule Review the DNR plans to propose rule revisions to Chapter 2, including the removal of obsolete website addresses and bureaus within the DNR.

**Legal Basis** (Include whether action is required by statute or court order)
Iowa Code section 22.11

**Need for Regulatory Action** (Include if applicable how the action will reduce risk to public health, safety, or the environment)
This rule making will reduce redundancies, provide clarifications, and remove outdated provisions.

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 September 2022
- Notice of Intended Action to be filed by November 2022
- Public hearings in December 2022
- Final rule by February 2023

**Staff Contact/Phone #**
Kelli Book (515) 210-3408
Title of Regulatory Action: Declaratory Orders
Rule Chapter(s) Involved: 561-Chapter 6

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

Description of Contemplated Regulatory Action:
DNR proposes to adopt the Model Rules in full rather than adoption by reference with selective word and address substitutes. This will make the Chapter 6 easier to read and apply.

Legal Basis:
Iowa Code section 17A.9; see also Model Rules

Need for Regulatory Action:
The last several years has seen a significant increase in the use of declaratory orders. It is apparent that streamline Chapter 6 will benefit regulated users, their advocates, and staff alike.

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

Other Affected/Interested Rule Making Authorities:
Public writ large

Potential Public Groups Impacted: NA; non-substantive change, but rather edits for clarity and readability

Schedule:
Submit to Governor’s office for preclearance by: August 2022
Notice of Intended Action to be filed by: October 2022
Public hearings in: November 2022
Final rule by: January 2023

Staff Contact/Phone #:
Tamara McIntosh at 515-901-3294
REGULATORY ACTION DESCRIPTION FOR SFY 2023

Title of Regulatory Action: Contracts for Public Improvements and Professional Services

Rule Chapter(s) Involved: 561-Chapter 8

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):
DNR proposes to amend Chapter 8 to match recent changes adopted by DAS to its public improvement and professional service contract rules.

Legal Basis (Include whether action is required by statute or court order):
Iowa Code section 455A.4

Need for Regulatory Action (Include if applicable how the action will reduce risk to public health, safety, or the environment):
DAS has increased the competitive bid thresholds and processes so DNR proposes to do the same to its related rules.

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

Other Affected/Interested Rule Making Authorities:
See DAS’ contracting processes; 11—117 and 118

Potential Public Groups Impacted: contractors and vendors of private services

Schedule: (Actions & month/year)
- Submit to Governor’s office for preclearance by: July 2022
- Notice of Intended Action to be filed by: August 2022
- Public hearings in: September 2022
- Final rule by: November 2023

Staff Contact/Phone #
Tamara McIntosh at 515-901-3294
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<td>Description of Contemplated Regulatory Action</td>
<td>The rulemaking will update the groundwater hazard statement rules to align them with the recent amendments to Iowa Code section 558.69 from HF 2343 (2022).</td>
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<tr>
<td>Legal Basis</td>
<td>Pursuant to Iowa Code section 558.69, the Department is required to create rules and forms related to groundwater hazard statements.</td>
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<tr>
<td>Need for Regulatory Action</td>
<td>HF2343 amended Iowa Code section 558.69 to no longer require a groundwater hazard statement if no conditions are present. The rules currently align with the prior language of the Code and require statements even if conditions are not present. It also amended the procedure by which county recorders transfer the documents to the Department. Rulemaking is required to ensure the rules do not conflict with the updates to the Code.</td>
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<td>Is this action a result of the five year regulatory review?</td>
<td>Yes ☑ No ☐</td>
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<td>Other Affected/Interested Rule Making Authorities</td>
<td>None.</td>
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<td>Staff Contact/Phone #</td>
<td>Adam Schnieders (515) 238-0551</td>
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**Description of Contemplated Regulatory Action** (Including, to the extent reasonable and practicable, alternatives to be considered and preliminary estimate of costs and benefits of the Action)

DNR proposes to rescind and reserve all of volume 565. These rules lack statutory authority. Legislation removed the DNR’s state energy plan authority and conferred it on the Iowa Economic Development Authority (EDA).

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

No longer exists; see Iowa Code section 473.7(6) and 473.10 and 232A.2(1)(c) (conferring rulemaking authority on EDA)

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

Legal authority for rulemaking has been rescinded

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

**Other Affected/Interested Rule Making Authorities**

EDA

**Potential Public Groups Impacted:**

EDA

**Schedule:** (Actions & month/year)

Submit to Governor’s office for preclearance by: August 2022
Notice of Intended Action to be filed by: September 2022
Public hearings in: October 2022
Final rule by: December 2022

**Staff Contact/Phone #**  Tamara McIntosh at 515-901-3294
REGULATORY ACTION DESCRIPTION FOR SFY 2023

Title of Regulatory Action: Operation of Environmental Protection Commission

Rule Chapter(s) Involved: 567-Chapter 1

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

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

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

Legal Basis: (Include whether action is required by statute or court order)
Iowa Code section 68B.4 and Iowa Code subsection 17A.7(2).

Need for Regulatory Action: (Include if applicable how the action will reduce risk to public health, safety, or the environment)
This rule making would make the DNR’s rules consistent with the Iowa Code regarding the sale and lease of goods and services by members of the EPC.

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

Other Affected/Interested Rule Making Authorities:
Iowa Ethics Commission

Potential Public Groups Impacted:
None

Schedule: (Actions & month/year)
- Submit to Governor’s office for preclearance by September 2022
- Notice of Intended Action to be filed by November 2022
- Public hearings in December 2022
- Final rule by February 2023

Staff Contact/Phone #: Kelli Book (515) 210-3408
Title of Regulatory Action: Air Quality Federal Updates/Rule Clean-up
Rule Chapter(s) Involved: 567-Chapters 20 through 35

Rule Making Authority:
- [ ] Director
- [x] Environmental Protection Commission (EPC)
- [ ] Natural Resource Commission (NRC)

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

The purpose of this anticipated rule making is to offer uniform rules by making changes that match federal regulations and eliminate inconsistencies between federal regulations and state administrative rules. Rule clean-up that includes the removal or correction of outdated rules 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 new and updated federal NSPS and NESHAP regulations for the following industries, processes, and requirements:
- Mercury Cell Chlor-Alkali Plants
- Refractory Products Manufacturing
- Flexible Polyurethane Foam Fabrication
- Carbon Black Production and Cyanide
- Chemicals Manufacturing
- Volatile Organic Liquid Storage Vessels
- Chemical Preparations Industry
- 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
- Addition of 1-bromopropane (1-BP) to the CAA list of hazardous air pollutants (HAP). (The addition of 1-BP is the first time the EPA has added a new compound to the HAP list since Congress provided the original HAP list in the 1990 CAA.)
- Technical corrections to standards for several surface coating processes
General provisions for startup, shutdown, and malfunction  
Reclassification of major sources as area sources  
Existing federal exemptions for federal incinerator regulations

Other NSPS or NESHAP regulations finalized by EPA in SFY 2023 may also be included in this rulemaking, as appropriate.

Additional federal regulations that DNR anticipates potentially adopting by reference include the 2015 revisions to the National Ambient Air Quality Standards for ozone and updates to EPA test methods.

DNR will not act 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 August 2022  
Notice of Intended Action to be filed by September 2022  
Public hearings in November 2022  
Final rule by January 2023

Staff Contact/Phone #  Christine Paulson, 515-725-9510
### REGULATORY ACTION DESCRIPTION FOR SFY 2023

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

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

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

**Contemplated Regulatory Action:** On July 19, 2021, the U.S. Environmental Protection Agency (EPA) published in the Federal Register the 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).”

Although EPA’s revisions to the federal PSD and NNSR programs are generally not substantive, the federal changes are numerous and will require many changes to the state administrative rules for PSD and NNSR, as well as a few analogous changes to the rules for the Title V Operating Permit Program (Chapter 22).

Additionally, DNR plans to adopt previously finalized federal provisions for the rescission of a PSD permit. DNR may also propose to adopt other needed final and effective updates, corrections, or clarifications to federal PSD and NNSR regulations.

DNR will not act to initiate rulemaking on any of these items until any substantive reconsiderations or legal 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?**

- [x] 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 October 2022
Notice of Intended Action to be filed by December 2022
Public hearings in February 2023
Final rule by April 2023

Staff Contact/Phone # Christine Paulson, 515-725-9510
REGULATORY ACTION DESCRIPTION FOR SFY 2023

**Title of Regulatory Action**: Geothermal Heat Exchange (GHEX) Borehole Regulation

**Rule Chapter(s) Involved**: 567-Chapter 38, 39, 48, 49, and 82

**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)
- Amend 567 IAC chapter 38 to add the classification of “ground heat exchange (GHEX) borehole.”
- Amend 567 IAC chapter 39 to add the classification of “ground heat exchange (GHEX) borehole.”
- Amend 567 IAC chapter 49 to add a sub-classification to the definition of “well” for “ground heat exchange (GHEX) borehole” and refer to the new 567 IAC chapter 48 rules to specifically address rules for ground heat exchange installations. Replace setback table in 567 IAC 49.6(1) with updated table.
- Amend 567 IAC chapter 82 to include a new classification of certification and requirements for “Ground Heat Exchange Borehole (GHEX) driller.”

**Legal Basis** (Include whether action is required by statute or court order)
Iowa Code sections 455B.173, 455B.187, 455B.190, and 455B.190A).

**Need for Regulatory Action** (Include if applicable how the action will reduce risk to public health, safety, or the environment)
Ground heat exchange boreholes/wells are being installed in large numbers across the State. These boreholes require construction standards that are more specific and more stringent than current private well construction standards in order to provide adequate protection to the groundwater and surrounding private and public drinking water supply wells. The grouting requirements will provide better protection to the groundwater than the current rules. Surrounding states including Minnesota, Nebraska, Missouri, Illinois, and Wisconsin have separate, more elaborate GHEX rules than Iowa. Many of these other regulatory schemes are modeled after Iowa’s draft GHEX rules from 2014 that was initiated but never finished. The proposed 567 IAC chapter 48 rules will be similar to voluntary standards that the industry has already proposed. The amendments to 567 IAC chapters 38, 39, 49, and 82 are also required to add the proposed rules to existing rule chapters.

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

**Other Affected/Interested Rule Making Authorities**
The Iowa Geothermal Association, the Iowa Water Well Association, and any of the 322 DNR certified well contractors who install, or have the ability to install, ground heat exchange boreholes.

**Potential Public Groups Impacted**
Also affected are the equipment and product manufacturers and distributors of geothermal products and citizens who may be interested in using this technology for heating and cooling.

**Schedule**: (Actions & month/year)
- Submit to Governor’s office for preclearance by September 2022
- Notice of Intended Action to be filed by November 2022
- Public hearings in January 2023
- Final rule by April 2023

**Staff Contact/Phone #**
- Erik Day, DNR - Water Supply Engineering Section, 515-725-0237
- Carmily Stone, DNR – Water Supply Engineering Section, 515-725-0281
Title of Regulatory Action: Public Water Supply and Water Use Rules

Rule Chapter(s) Involved: 567-Chapters 40-43 and 50-54

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)

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, clarify and edit combined filter effluent monitoring requirements.
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)
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 2022
Notice of Intended Action to be filed by November 2022
Public hearings in January 2022
Final rule by March 2022

Staff Contact/Phone #  Carmily Stone, 515-725-0281
### Title of Regulatory Action

### Rule Chapter(s) Involved
567-Chapter 60, 68, and 69

### Rule Making Authority
- [ ] Director
- [x] 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 processes associated with design, permitting, installation, and inspection of private sewage disposal systems. Rules also define 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 clarity 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 the rulemaking.

### Legal Basis
(IInclude whether action is required by statute or court order)
Iowa Code sections 455B.171, 455B.172, 455B.172A, 455B.173, 455B.174, 455B.175, 455B.176A, 455B.181, 455B.182, 455B.183, 455B.184, and 455B.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
- [x] No

### Other Affected/Interested Rule Making Authorities
Iowa Environmental Health Association, Iowa Onsite Wastewater Association, U.S. EPA.

### Potential Public Groups Impacted
Property owners, consulting engineers, private septic maintenance companies or business associations, Iowa Environmental Health Association, Iowa Onsite Wastewater Association, Division of Public Health (DPH) Iowa Environmental Council

### Schedule: (Actions & month/year)
- Submit to Governor’s office for preclearance by December 2022
- Notice of Intended Action to be filed by May 2023
- Public hearings in June 2023
- Final rule by October 2023

### Staff Contact/Phone #
Cory Frank, 515-689-7941
### Title of Regulatory Action
Water Quality Standards – Stream Designations, UAA Protocols

### Rule Chapter(s) Involved
567-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)

If a facility needs a National Pollutant Discharge Elimination System (NPDES) permit as required by the federal CWA, the Iowa DNR is required to complete a Use Attainability Analysis (UAA) for the receiving water body before re-issuing the permit (permits are re-issued after five years). A UAA is a scientific assessment of the factors affecting the attainment of uses specified in Section 101(a)(2) of the Clean Water Act (fishable/swimmable). The UAA is conducted to verify that the presumed uses (A1, BWW1) are accurate for the water body. If the DNR concludes that the presumed uses are not accurate, new designated uses will be proposed. If the receiving water bodies are perennial streams (as identified by the USGS 1:100,000 DLG Hydrography Data Map, published July 1993), the proposed designated uses must go through the state rulemaking process.

Iowa has three rule-referenced UAA protocols: the Cold Water Use Designation Assessment Protocol (2004), the Warm Water Stream Use Assessment and Attainability Analysis Protocol (2006), and the Recreational Use Assessment and Attainability Analysis Protocol (2008). This regulatory action will focus on updating the protocols, modifying the language to make them clearer and more accurate.

Stream reaches will be better protected for aquatic life and recreational uses due to more accurate protocols and designated use classifications. Water quality improvements will occur locally where treatment plants implement new processes to comply with the water quality standards. 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 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 classifications. Water quality improvements will occur locally where treatment plants are located and implementing new processes to comply with the water quality criteria. These actions will be achieved by editing the protocols so the procedures are clearer and more accurate for current and future UAA actions.

### Is this action a result of the five year regulatory review?
- ☐ Yes  ☑ No

### Other Affected/Interested Rule Making Authorities
- U.S. EPA, IDALS, EDA, Board of Regents, IDOT, U.S. Army Corps of Engineers (ACE)

### Potential Public Groups Impacted
- County engineers and cities
- Des Moines Water Works
- Hawkeye Fly Fishing
- Iowa Association of Business and Industry (ABI)
- Iowa Association of Municipal Utilities (IAMU)
- Iowa Drainage District Association
Iowa Environmental Council (IEC)
Iowa Farm Bureau Federation (IFBF)
Iowa League of Cities
Iowa Limestone Producers
Iowa Renewable Fuels Association
Iowa Rural Water Association
Iowa Water Environment Association (IAWEA)
Raccoon River Watershed Association
Sierra Club
Trout Unlimited

Schedule: (Actions & month/year)
Package work due/stakeholder meeting scheduled by November 2022
30-day pre-rulemaking comment period in December 2022
Stakeholder outreach/pre-rulemaking meeting by January 2023
Submit preclearance to Governor’s office by March 2023
Notice of Intended Action to be filed by April 2023
Public hearings in June 2023
Final rule effective by September 2023

Staff Contact/Phone #  Marie Todey (515) 204-7569
Title of Regulatory Action: Water Quality Standards – Stream Designated Uses, UAAs

Rule Chapter(s) Involved: 567-Chapter 61

Rule Making Authority: ☑ Environmental Protection Commission (EPC)
☐ Natural Resource Commission (NRC)

Description of Contemplated Regulatory Action: Pursuant to Iowa Code section 455B.176A, 567 IAC 61.3(1) (Water Quality Standards), the Iowa Department of Natural Resources (DNR) must classify all waters of the state for protection of beneficial uses. To do this, the DNR must assign water bodies the highest levels of protection, which are fishable and swimmable (Warm Water — Type 1 (BWW1), and primary contact recreation (A1)). Iowa’s Water Quality Standards define designated use classifications for the protection of recreational and aquatic life uses and presume that all perennial streams are able to achieve the highest designated uses. The presumption, that all perennial streams are able to achieve the highest designated uses, may be rebutted through the completion of a use attainability analysis (UAA) which demonstrates that actual uses in the water body are different. A UAA is a scientific assessment of the factors affecting the attainment of uses specified in Section 101(a)(2) of the Clean Water Act (fishable/swimmable). Further, this presumption is referred to as the rebuttable presumption. In 2006, when the rebuttable presumption was first adopted in Iowa, it immediately applied protections to ~26,000 miles of Iowa water bodies.

If a facility needs a National Pollutant Discharge Elimination System (NPDES) permit as required by the federal CWA, the Iowa DNR is required to complete a UAA for the receiving water body before re-issuing the permit (permits are re-issued after five years). The UAA is conducted to verify that the presumed uses (A1, BWW1) are accurate for the water body. If the DNR concludes that the presumed uses are not accurate, new designated uses will be proposed. If the receiving water bodies are perennial streams (as identified by the USGS 1:100,000 DLG Hydrography Data Map, published July 1993), the proposed designated uses must go through the state rulemaking process.

Stream reaches will be better protected for aquatic life and recreational uses due to more accurate protocols and designated use classifications. Water quality improvements will occur locally where treatment plants implement new processes to comply with the water quality criteria. There will be no costs to the state or regulated community due to this rule change.

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

Need for Regulatory Action: Stream reaches will be appropriately protected for aquatic life and recreational uses due to more accurate designated use classifications. Water quality improvements will occur locally where 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. EPA, IDALS, EDA, Board of Regents, IDOT, U.S. Army Corps of Engineers (ACE)

Potential Public Groups Impacted:
County engineers and cities
Des Moines Water Works
Hawkeye Fly Fishing
Iowa Association of Business and Industry (ABI)
Iowa Association of Municipal Utilities (IAMU)
Iowa Drainage District Association
Iowa Environmental Council (IEC)
Iowa Farm Bureau Federation (IFBF)
Iowa League of Cities
Iowa Limestone Producers
Iowa Renewable Fuels Association
Iowa Rural Water Association
Iowa Water Environment Association (IAWEA)
Raccoon River Watershed Association
Sierra Club
Trout Unlimited

**Schedule:** (Actions & month/year)
- Package work due/pre-rulemaking stakeholder scheduled by August 2022
- 30-day comment period in September 2022
- Stakeholder outreach/pre-rulemaking meeting in October 2022
- Submit preclearance to Governor’s office by December 2022
- Notice of Intended Action to be filed by January 2023
- Public hearings in March 2023
- Final rule effective by June 2023

**Staff Contact/Phone #** Marie Todey (515) 204-7569
Title of Regulatory Action: Water Quality Standards – Iowa Antidegradation Implementation Procedure

Rule Chapter(s) Involved: 567-Chapter 61

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

Description of Contemplated Regulatory 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 more understandable and straightforward. There will be no costs to the state or regulated community due to this rule change.

Legal Basis: Required by Iowa Code sections 455B.173 and 455B.105.

Need for Regulatory Action: The antidegradation implementation procedure was implemented in 2010 and is due for review.

Is this action a result of the five year regulatory review? Yes

Other Affected/Interested Rule Making Authorities:
- U.S. EPA, IDALS, EDA, Board of Regents, IDOT, U.S. Army Corps of Engineers (ACE)

Potential Public Groups Impacted:
- County engineers and cities
- Des Moines Water Works
- Hawkeye Fly Fishing
- Iowa Association of Business and Industry (ABI)
- Iowa Association of Municipal Utilities (IAMU)
- Iowa Drainage District Association
- Iowa Environmental Council (IEC)
- Iowa Farm Bureau Federation (IFBF)
- Iowa League of Cities
- Iowa Limestone Producers
- Iowa Renewable Fuels Association
- Iowa Rural Water Association
- Iowa Water Environment Association (IAWEA)
- Raccoon River Watershed Association
- Sierra Club
- Trout Unlimited

Schedule: (Actions & month/year)
- Package work due/pre-rulemaking stakeholder meeting scheduled by June 2022
- Comment period/pre-rulemaking stakeholder outreach July 2022
- Stakeholder outreach August 2022-December 2022
- Package revisions due by January 2023
- Submit preclearance to Governor’s office by March 2023
- Notice of Intended Action to be filed by May 2023
- Public hearings in July 2023
- Final rule effective by November 2023

Staff Contact/Phone #: Marie Todey (515) 204-7569
Title of Regulatory Action: Water Quality Standards – Surface Water Classification

Rule Chapter(s) Involved: 567-Chapter 61

Rule Making Authority:

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

Description of Contemplated Regulatory Action:
This regulatory action will focus on updating and correcting 567 IAC Chapter 61 “Water Quality Standards” 61.3(5) “Surface water classification”. The Surface Water Classification document has mistakes and inconsistencies that need corrected and updated. Examples include fixing misspellings and inaccurate locations and making sure segment details match between the document, ADBNet and ArcMap. There will be no costs to the state or regulated community due to this rule change.

Legal Basis:
Required by Iowa Code sections 455B.173.

Need for Regulatory Action:
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. EPA, IDALS, EDA, Board of Regents, IDOT, U.S. Army Corps of Engineers (ACE)

Potential Public Groups Impacted:
County engineers and cities
Des Moines Water Works
Hawkeye Fly Fishing
Iowa Association of Business and Industry (ABI)
Iowa Association of Municipal Utilities (IAMU)
Iowa Drainage District Association
Iowa Environmental Council (IEC)
Iowa Farm Bureau Federation (IFBF)
Iowa League of Cities
Iowa Limestone Producers
Iowa Renewable Fuels Association
Iowa Rural Water Association
Iowa Water Environment Association (IAWEA)
Raccoon River Watershed Association
Sierra Club
Trout Unlimited

Schedule:
Package work due/stakeholder meeting scheduled by October 2022
30-day comment period in November 2022
Stakeholder outreach/pre-rulemaking meeting in December 2022
Submit preclearance to Governor’s office by February 2023
Notice of Intended Action to be filed by March 2023
Public hearings in May 2023
Final rule effective by August 2023

Staff Contact/Phone #
Marie Todey (515) 204-7569
**Title of Regulatory Action**  Revisions to the Iowa Wastewater Facilities Design Standards (IWFDS) Chapter 21

**Rule Chapter(s) Involved**  567-Chapter 64 and IWFDS—Chapter 27

**Rule Making Authority**
- [x] Environmental Protection Commission (EPC)
- [ ] Natural Resource Commission (NRC)

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

Revise 567 IAC Chapter 64 to update the Iowa Wastewater Facilities Design Standards for land application operation and construction permits. The rule changes will correct outdated code references, update design standards, provide clarification of permit requirements, incorporate new methods and processes, and provide consistency with permitting process.

The updates will allow issuance of construction permits and operation permits without delays for all regulated entities such as industries and municipalities. Costs to the regulated entities are expected to decrease due to the expected reduction in application submittal expenditures as a result of the updated standards.

**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?**  [x] 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 2022
- Notice of Intended Action to be filed by February 2023
- Public hearings in April 2023
- Final rule by June 2023

**Staff Contact/Phone #**  Satya Chennupati, 515 725 8436
### Title of Regulatory Action
Reissuance of Storm Water General Permits 1, 2 and 3

### Rule Chapter(s) Involved
567-Chapter 64

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

### Description of Contemplated Regulatory Action
Rulemaking to reissue the three storm water general permits. Proposed changes include clarifications to existing requirements as suggested by stakeholders, a new requirement to inspect discharges to receiving waters from de-watering activities and extending the effective date of each general permit to February 29, 2028.

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

### Need for Regulatory Action
Permits cannot be in effect more than 5 years; see above.

### Is this action a result of the five year regulatory review?
- **No**

### Other Affected/Interested Rule Making Authorities
IDOT, IDALS, IEDA

### 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 August 1, 2022.
- Notice of Intended Action to be filed by September 1, 2022.
- Public hearings in October, 2022.
- Final rule by February, 2023.

### Staff Contact/Phone #
Joe Griffin at 515-725-8417
### 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-Chapter 64

### Rule Making Authority
- [ ] Director
- [x] 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 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 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
- [x] No

### Other Affected/Interested Rule Making Authorities
- U.S. EPA

### Potential Public Groups Impacted
- Property owners, Iowa Environmental Health Association
- Iowa Onsite Wastewater Association

### Schedule

- Submit to Governor’s office for preclearance by August 2022
- Notice of Intended Action to be filed by December 2022
- Public hearings in February 2023
- Final rule by April 2023

### Staff Contact/Phone #
Cory Frank, 515-689-7941
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**Description of Contemplated Regulatory Action** (Including, to the extent reasonable and practicable, alternatives to be considered and preliminary estimate of costs and benefits of the Action)

The rule making would add new exemptions, update, and correct portions of Chapter 64, as follows:

- Add exemptions from operation permits under 64.3(1) for water treatment plant discharges that do not reach a water of the state. The department occasionally issues construction permits for drinking water treatment plants to hold, evaporate, and infiltrate their residual wastewater, rather than discharge it to a surface water. The groundwater can benefit from a recharge of water previously pumped out of the ground. These systems have successfully operated for decades, and we believe that public water supplies will benefit from maintaining one less department permit.

- Change the appeal time period for National Pollutant Discharge Elimination System (NPDES) and operation permits. 567 IAC 64.5(1)"c" says an applicant has 30 days to appeal a final operation permit (includes NPDES permits), and 561 IAC Chapter 7 was changed to allow for 60 days to appeal. This rule making will change this subrule to allow an applicant 60 days to appeal a final permit.

- Strike 64.7(4)"d", regarding the transmittal of noncompliance reports to EPA. The federal Electronic Reporting Rule updated the noncompliance reporting requirements in 40 CFR § 123.45, and states no longer need to transmit noncompliance information separately from other permitting information, such as permits, discharge monitoring reports, etc.

**Legal Basis** (Include whether action is required by statute or court order): Iowa Code section 455B.183

**Need for Regulatory Action** (Include if applicable how the action will reduce risk to public health, safety, or the environment). This rule making will:

- remove unnecessary and duplicative permits for public water supplies that do not discharge wastewater into a water of the United States;
- extend the permit appeal period to match the appeal period allowed in 561 IAC Chapter 7; and
- strike outdated reporting requirements.

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

**Other Affected/Interested Rule Making Authorities**

U.S. EPA, IEDA, IDALS, IDPH, Iowa Dept. of Corrections, Iowa Dept. of Commerce, IDOT, EDA, Department of Human Rights.

**Potential Public Groups Impacted**


**Schedule:** (Actions & month/year)

- Submit to Governor’s office for preclearance by November 2022
- Notice of Intended Action to be filed by January 2023
- Public hearings in March 2023
- Final rule by May 2023

**Staff Contact/Phone #**  Courtney Cswercko, 515-322-2157
Title of Regulatory Action: Drinking Water & Wastewater Operator Contract Operations

Rule Chapter(s) Involved: 567—Chapter 81

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

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

The purpose of this anticipated rule making is for the restructuring of the rules that regulate the contract operation of Public Water Supplies and Wastewater Facilities per Chapter 81. Outdated rules and practices, including our current “affidavit” operator designation, will be amended to better align with current industry technology and best practices.

Legal Basis (Include whether action is required by statute or court order): Iowa Code sections 455B.213, 455B.217, and 455B.223

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

The current Chapter 81 regulatory structure for contract operations is outdated. DNR, as well as the industry itself, is interested in updating these regulations to use technology and resource sharing to better address rising costs of operation and resource shortages in order to protect public health and the environment. There is also the need for clarity of required duties; “in facility” time requirements; and “operational control” criteria in order to add consistency and clarity of expectations between the contract operator, the community they serve and the DNR.

A workgroup consisting of DNR Field Staff, DNR Central Office Staff, DNR Legal and several contract operators representing small communities up to large contracting firms has been assembled and restructuring dialogue has begun.

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

Other Affected/Interested Rule Making Authorities:

The DNR must amend rules while being mindful of not “backsliding.” The primacy of our Drinking Water Program relies on this as well as the threat of losing 10% of our SRF funding if the EPA does not feel that the regulation changes meet the EPA Baseline Standards for Operator Certification established in response to the 1996 Re-authorization of the Safe Drinking Water Act.

Potential Public Groups Impacted:
- Public Water Supplies and the Communities they serve.
- Public Wastewater Systems and the Communities they serve.
- Several Large Contracting Companies that work in Iowa.
- A couple hundred operators that work for more than one facility.
- IDNR Field Staff.

Schedule: (Actions & month/year)
- Submit to Governor’s office for preclearance by March 1, 2023.
- Notice of Intended Action to be filed by
- Public hearings in Late 2023/ Early 2024
- Final rule by July 1, 2024

Staff Contact/Phone #: Laurie Sharp 515.725.0284
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**Rule Making Authority**
- [x] Director
- [ ] Environmental Protection Commission (EPC)
- [ ] Natural Resource Commission (NRC)

**Description of Contemplated Regulatory 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**
Iowa Code section 455B.113

**Need for Regulatory Action**
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?**
- [x] 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 December 2022
- Notice of Intended Action to be filed by February 2023
- Public hearings in March 2023
- Final rule by June 2023

**Staff Contact/Phone #**
Kathy Lee, 515-725-0343
REGULATORY ACTION DESCRIPTION FOR SFY 2023

<table>
<thead>
<tr>
<th>Title of Regulatory Action</th>
<th>Cleanup of Solid Waste Chapters</th>
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<tr>
<td>Rule Chapter(s) Involved</td>
<td>567-Chapters 100, 102, 104, 114, 115 and 120</td>
</tr>
</tbody>
</table>

Rule Making Authority

- [ ] Director
- [x] 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 remove redundant and outdated rules as well as organize general solid waste rules into a single chapter.

Chapter 567 IAC 100 will be limited to scope of title, definitions pertaining to Title VIII, solid waste management and disposal, and general conditions of solid waste disposal. The remaining rules will be moved to chapter 567 IAC 102.

Chapter 567 IAC 102 will house solid waste rules that are not related to a sanitary disposal project permits such as disruption and excavation of sanitary landfills or closed dumps and certification for operators of solid waste incinerators.

Operator Certification for solid waste incinerators will be moved from rule 567—104.25 to chapter 567 IAC 102 and all references to solid waste incinerators will be removed from rules 567-114.29 and 567-115.29. The remainder of chapter 567 IAC 104 will be rescinded.

Language related multiuse land farm permits will be removed, the landfarming season will be clarified and minor updates made to the single use landfarming application.

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

Iowa Code sections 455B.301, 455B.304(14), and 455B.383

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. Having solid waste requirements that are not tied to a permit grouped together in one chapter will make the administrative code more intuitive to navigate for the regulated community.

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.

The current Landfarming chapter has two options for landfarming permits. However, one of those options, the multiuse landfarm, has not been used in many years, if ever. Removing the multiuse landfarm permit will simplify the chapter without compromising protection of the environment and still allow for the remediation of petroleum contaminated soil with no real impact to the regulated community. Clarification of the landfarming season will allow landfarming to take place when conditions allow rather than basing it on specific dates. Other minor changes to the application process will make administration of the program more efficient.
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 Recycling Association, Iowa Society of Solid Waste Operations, Petroleum Marketers of Iowa, Iowa Farm Bureau, Petroleum Marketers Mutual Insurance Company

**Schedule:** (Actions & month/year)
- Submit to Governor’s office for preclearance by July 2022
- Notice of Intended Action to be filed by October 2022
- Public hearings in November 2022
- Final rule by January 2023

**Staff Contact/Phone #**  Theresa Stiner, 515-725-8315
**Title of Regulatory Action**: Financial Assurance  

**Rule Chapter(s) Involved**: 567-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 EPA

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

**Schedule**: (Actions & month/year)  
- Submit to Governor’s office for preclearance by January 2023  
- Notice of Intended Action to be filed by March 2023  
- Public hearings in May 2023  
- Final rule by June 2023

**Staff Contact/Phone #**: Chad Stobbe 515-201-8272
**Title of Regulatory Action**
Organic Materials Composting Facilities

**Rule Chapter(s) Involved**
567-Chapter 105

**Rule Making Authority**
- Director
- [x] 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 DNR will consult with stakeholders to update the administrative rules for compost facilities. The specific changes have not yet been identified but will be developed through a stakeholder process.

**Legal Basis**
(Include whether action is required by statute or court order)
Iowa Code 455D.9(3) directs the DNR to adopt rules for composting yard waste and other organic materials.

**Need for Regulatory Action**
(Include if applicable how the action will reduce risk to public health, safety, or the environment)
The composting industry has grown and evolved significantly since this chapter was adopted. As a result, this chapter needs to be updated to reflect current technologies and practices. The current rule’s multiple levels of regulation and various exemptions are overly complicated and do not always treat similar facilities equitably. While we expect to retain a tiered system of regulation based on throughput and feedstock, it can be simplified while still maintaining environmental protection.

**Is this action a result of the five year regulatory review?**
- [x] Yes
- [ ] No

**Other Affected/Interested Rule Making Authorities**
IDALS

**Potential Public Groups Impacted**
Iowa Compost Council, ISOSWO, Iowa Farm Bureau Federation, livestock producers, food processors and other industries with organic waste streams, municipalities, counties and solid waste agencies

**Schedule:** (Actions & month/year)
- Submit to Governor’s office for preclearance by June 2023
- Notice of Intended Action to be filed by August 2023
- Public hearings in September 2023
- Final rule by December 2023

**Staff Contact/Phone #**
Theresa Stiner 515-725-8315
REGULATORY ACTION DESCRIPTION FOR SFY 2023

Title of Regulatory Action: Beverage Container Deposits

Rule Chapter(s) Involved: 567-Chapter 107

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

Description of Contemplated Regulatory Action: Senate File 2378 (SF2378), signed into law by Governor Reynolds on June 17, 2022 made numerous changes to Iowa Code chapter 455C, Beverage Containers Control, commonly known as the Bottle Bill. These changes include allowing dealers to opt out of taking back containers in certain instances, increasing the handling fee to $0.03 per container for redemption centers and dealers, and providing enforcement authority to the DNR. Most of the statutory revisions are not effective until January 1, 2023.

Legal Basis: Iowa Code section 455C.9 directs the commission to adopt rules necessary to carry out the provisions of Iowa Code chapter 455C.

Need for Regulatory Action: The changes that were made to the Beverage Container Control Act need to be reflected in administrative rule. This rulemaking will revise 567 IAC 107 to be consistent with the Iowa Code.

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

Other Affected/Interested Rule Making Authorities: Alcoholic Beverages Division, the Attorney General’s Office, the Dept. of Revenue, Iowa Economic Development Authority


Schedule: Submit to Governor’s office for preclearance in August 2022
Notice of Intended Action to be filed by September 2022
Public hearings in September/October 2022
Final rule by January 1, 2023

Staff Contact/Phone #: Amie Davidson, 515-330-8581
## REGULATORY ACTION DESCRIPTION FOR SFY 2023

<table>
<thead>
<tr>
<th>Title of Regulatory Action</th>
<th>Infectious Waste Treatment and Disposal Facilities</th>
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<tbody>
<tr>
<td>Rule Chapter(s) Involved</td>
<td>567-Chapter 112 (new)</td>
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<tr>
<td>Rule Making Authority</td>
<td>☑ Environmental Protection Commission (EPC)</td>
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<tr>
<td></td>
<td>☑ Natural Resource Commission (NRC)</td>
</tr>
</tbody>
</table>

### 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 new chapter will establish permit requirements for infectious waste treatment and disposal facilities. As directed by Iowa Code section 455B.503, the rules will address operator safety, record keeping and tracking procedures, best available appropriate technologies, emergency response and remedial action procedures, waste minimization procedures, and long-term liability.

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

Iowa Code sections 455B.501(2), 455B.503, and 455B.505

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

Adoption of administrative rules is required by Iowa Code section 455B.503. Currently, these facilities are operating without a permit and without regulations specific to infectious waste treatment.

### Is this action a result of the five year regulatory review?

- Yes
- No

### Other Affected/Interested Rule Making Authorities

- U.S. Occupational Safety and health Administration, IOSHA, Iowa DOT, U.S. EPA, U.S Department of Health and Human Services, Iowa Department of Public Health,

### Potential Public Groups Impacted

- Hospitals, laboratory research facilities, veterinary hospitals

### Schedule: (Actions & month/year)

- Submit to Governor’s office for preclearance by May 2023
- Notice of Intended Action to be filed by August 2023
- Public hearings in September 2023
- Final rule by December 2023

### Staff Contact/Phone #

Sue Johnson 515-217-0872
Title of Regulatory Action: Notification of Hazardous Conditions Update

Rule Chapter(s) Involved: 567-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.

Cost Estimate: No additional cost is expected.

Legal Basis (Include whether action is required by statute or court order)
Iowa Code section 455B.383

Need for Regulatory Action (Include if applicable how the action will reduce risk to public health, safety, or the environment)
This rulemaking will clarify when notification of certain hazardous conditions must occur and 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 October 2022
- Notice of Intended Action to be filed by December 2022
- Public hearings in February 2023
- Final rule by July 2023

Staff Contact/Phone # Adam Broughton, 515-204-3352
REGULATORY ACTION DESCRIPTION FOR SFY 2023

Title of Regulatory Action: Update Underground Storage Tank (UST) Rules to be consistent with 2022 Biofuel Legislation, HF 2128.

Rule Chapter(s) Involved: 567-Chapter 135

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):

Add requirements in existing UST rules to reflect requirements in Iowa Code 455G, as amended by HF2128, relating to tank compatibility with E-85 and D-20.

Cost Estimate: No additional cost is expected.

Legal Basis (Include whether action is required by statute or court order):
Iowa Code chapter 455G, as amended by HF 2128, allows the Department to initiate rulemaking if necessary to implement the requirements of the legislation.

Need for Regulatory Action (Include if applicable how the action will reduce risk to public health, safety, or the environment):
This rulemaking will ensure that retail dealers comply with the requirements of HF2128 relating to tank compatibility with E-85 and D-20.

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:
Retail Dealers.

Schedule: (Actions & month/year)
Submit to Governor’s office for preclearance by June 2022
Notice of Intended Action to be filed by August 2022
Public hearings in September 2022
Final rule by January 1, 2023 (as required by HF2128).

Staff Contact/Phone #: Amie Davidson, 515-330-8581
<table>
<thead>
<tr>
<th>Title of Regulatory Action</th>
<th>Operation of Natural Resource Commission</th>
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<tbody>
<tr>
<td>Rule Chapter(s) Involved</td>
<td>571-Chapter 1</td>
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<tr>
<td>Rule Making Authority</td>
<td>Director</td>
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<td></td>
<td>Environmental Protection Commission (EPC)</td>
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<td></td>
<td>Natural Resource Commission (NRC)</td>
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**Description of Contemplated Regulatory Action** (Including, to the extent reasonable and practicable, alternatives to be considered and preliminary estimate of costs and benefits of the Action)

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

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

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

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

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

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

**Other Affected/Interested Rule Making Authorities**

Iowa Ethics Commission

**Potential Public Groups Impacted**

None

**Schedule:** (Actions & month/year)

- Submit to Governor’s office for preclearance by September 2022
- Notice of Intended Action to be filed by November 2022
- Public hearings in December 2022
- Final rule by February 2023

**Staff Contact/Phone #**  
Kelli Book (515) 210-3408
Title of Regulatory Action: Military veterans – hunting and fishing licenses

Rule Chapter(s) Involved: 571-Chapter 15

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)
SF 2383 (2022) established a new hunting and fishing annual license for individuals who have served federal active duty. Chapter 15 will be amended to specify eligibility and establish a fee.

Legal Basis: (Include whether action is required by statute or court order): Iowa Code section 483A.24(20), as created by Senate File 2383.

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

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

Other Affected/Interested Rule Making Authorities
None

Potential Public Groups Impacted
Military veterans

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

Staff Contact/Phone #: Mark Warren at 515-336-2918
REGULATORY ACTION DESCRIPTION FOR SFY 2023

Title of Regulatory Action: Various grant programs - conflict of interest provisions

Rule Chapter(s) Involved: 571-Chapter 23, 27, 28, 29, 30, 33, 35

Rule Making Authority:
- [ ] Director
- [ ] Environmental Protection Commission (EPC)
- [X] 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 amend various grant programs to include a consistent conflict of interest provision for the grant review and selection committee. The rule will make clear that pre-selected alternates need to be available to serve in case an primary committee member has a conflict with a particular pending application. Other changes will address electronic submission, electronic signatures, and provide more flexibility on deadlines.

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

Need for Regulatory Action (Include if applicable how the action will reduce risk to public health, safety, or the environment):
Avoid questions over conflict of interest procedure

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

Other Affected/Interested Rule Making Authorities:
Grant applicants

Potential Public Groups Impacted:
None

Schedule: (Actions & month/year)
Submit to Governor’s office for preclearance by July 2022
Notice of Intended Action to be filed by August 2022
Public hearings in Sept 2022
Final rule by October 2022

Staff Contact/Phone #:
Tamara McIntosh at 515-901-3294
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<th><strong>Title of Regulatory Action</strong></th>
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<td><strong>Rule Chapter(s) Involved</strong></td>
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**Rule Making Authority**
- [x] Director
- [ ] Environmental Protection Commission (EPC)
- [x] Natural Resource Commission (NRC)

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

The Department is interested in updating rules regarding the administration of the lands and water conservation fund program. The contemplated changes for local grant applications include adjusting the LWCF assistance ceiling for local entities to allow for more funding, update the application timing requirement to afford flexibility in relation to the annual federal program funding allocation timing, update the rating system for ease of understanding, increase bonus points for projects that have special features for the elderly or persons with a disability, and projects that serve an area of greater minority population. There is also a need to review and change the rating process for state projects.

**Legal Basis**
(Include whether action is required by statute or court order)
There is no court order to specific statute requiring the action. The rule is proposed under the authority in Iowa Code sections 456A.27 to 456A.35 and implements Section 1(b) of the Land and Water Conservation Fund Act of 1965, as amended.

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

The grant application submission rules have not changed for years while factors affecting local entities application has: increased project costs, changing demographics, and unpredictability of allocation timing from the federal government. Allowing more funding for a project is a benefit to get more quality project applications from local entities. Adjusting bonus points should also help provide outdoor recreation to serve a diverse population. Lastly, updating the rating system for state projects should provide better clarity and minimize potential conflicts.

**Is this action a result of the five year regulatory review?**
- [ ] Yes
- [x] No

**Other Affected/Interested Rule Making Authorities**
None known

**Potential Public Groups Impacted**
Local political entities such as county conservation boards and cities/communities who provide outdoor recreation.

**Schedule:** (Actions & month/year)
- Submit to Governor’s office for preclearance by September 2022
- Notice of Intended Action to be filed by November 2022
- Public hearings in January 2023
- Final rule by February 2023

**Staff Contact/Phone #**
Kim Bohlen/515/360-3682
REGULATORY ACTION DESCRIPTION FOR SFY 2023

Title of Regulatory Action
ATV/OHV/ORV Program Updates – ATV Vehicle Registration Cost-Share Program, Special Events, and ATV, ORM, OHVs

Rule Chapter(s) Involved
571-Chapters 28, 44, and 46

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)

Purpose of Proposed Rule:
This rule package proposes to amend Administrative Rules which affect and govern the Off-highway Vehicle (OHV) Program managed by the Department of Natural Resources for the benefit of Iowa residents. The Department is tasked with the responsibilities for vehicle registrations, operational rules for the DNR-designated OHV parks, regulation of vehicle dealers, issuance of special event permits at the parks, an ATV education program, as well as administration of a grant program for eligible entities.

Chapter 28 – All-Terrain Vehicle Registration Revenue Cost-Share Program. Money collected from various vehicle-related fees such as registrations, titles, liens, etc., are collected in the State Treasury and are transferred to the Department to provide program management. At least 50% of the annual revenue is to be used for grants which further the goal of development and maintenance of OHV riding areas and trails. As the designated-parks and riding areas continue to be developed, changes are required to the program to address the needs of the parks as well as the needs of the clubs which manage and operate these areas.

Chapter 44 – Special Events and Fireworks Displays. Entities are able to apply for a special event permit to hold events at the designated OHV parks. Changes to the rules are needed to limit the types of events which can be held at the parks as they have the potential to affect insurance coverage of the parks. The designated OHV parks are not covered under the self-insurance plan of the State of Iowa. Private insurance is purchased for the parks using registration revenue to cover the costs. The master policy is held by the Iowa Off-highway Vehicle Association, the statewide entity that represents OHV riders and clubs. Endurance racing events, head-to-head competition, and nonmotorized activities have the potential to cause insurance cancellation or significant increases in the cost of the insurance with a corresponding decrease in the coverage. The OHV parks cannot be open or used by riders without park insurance in place.

Chapter 46 – All-terrain Vehicles, Off-road Motorcycles, and Off-road Utility Vehicles. This chapter covers vehicle registration requirements, regulated vehicle dealers, and park operation rules. Proposed changes to these rules are to conform the language in Rules with that contained in the Code of Iowa, streamline terminology used in the Chapter, and update the rules to fully implement practices at the parks. Changes in the sizes and types of vehicles have created the need to protect the trails from vehicles which are too large to operate safely on the trails as they are too wide and too heavy. The parks are limited to a 65-wide vehicle and one which is 2,000 pounds or less. Iowa Code Chapter 321I was amended to create three types of off-road utility vehicles. The purpose of this change was to allow only Types 1 and 2 to operate at the parks. The rules need to be amended to implement this change. An additional needed change is for youth-sized ORVs which require special operating rules and supervision of operation requirements. A final change is to remove the requirement to have a valid driver’s license to operate an ORV. Iowa law only requires that a person’s privilege to operate a motor vehicle is not suspended, barred, or revoked to operate an OHV at a designated park.

Legal Basis (Include whether action is required by statute or court order)
Iowa Code Chapter 321I; see also HF 2130.

Need for Regulatory Action (Include if applicable how the action will reduce risk to public health, safety, or the environment)
The proposed changes to the rules are needed to effectively manage and maintain the OHV Program, meet constituent needs and expectations, confirm rules to the language contained in the Code of Iowa, and continue to provide areas for legal off-highway vehicle use in the state, which helps to address trespassing
issues and to protect the natural resources of the State. Each park has boundary fencing and signage and for many Iowans provides a safe, family friendly riding environment. Most parks have either a tot lot or practice track with reduced speed for less experienced riders.

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

Other Affected/Interested Rule Making Authorities
None known

Potential Public Groups Impacted
Off-highway vehicle owners and riders who use public off-highway vehicle riding areas.

Schedule: (Actions & month/year)
Submit to Governor’s office for preclearance by October 2022
Notice of Intended Action to be filed by December 2022
Public hearings in January 2023
Final rule by February/March 2023

Staff Contact/Phone #  Kim Bohlen 515/360-3682
Title of Regulatory Action: State Parks, Recreation Areas, and State Forest Camping – Swimming Rule Update

Rule Chapter(s) Involved: 571-Chapter 61

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

Description of Contemplated Regulatory Action:
The Department is interested in updating the beach/swimming use rule to limit swimming at state park beaches from sunrise to sunset. The current rule is silent on when a person can swim at a state park beach. Therefore, visitors could swim beginning at 4 am when the park opens and continue until 10:30 p.m. when the park closes. This is a safety concern with people swimming when it is dark. There are rules in place that limit fitness swimming and swimming at recreation area beaches from sunrise to sunset. This rule change would apply a consistent timeframe for swimming regardless if it is for fitness swimming, at state park beaches or at recreation area beaches.

Legal Basis:
There is no court order to specific statute requiring the action. The rule is proposed under the authority in Iowa Code sections 455A.5(6) and 461A.3.

Need for Regulatory Action:
This rule change will provide clarity and consistency for park visitors wishing to swim at Iowa’s state parks and recreation areas. It also addresses a safety concern of having people swimming after dark.

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

Other Affected/Interested Rule Making Authorities:
None known

Potential Public Groups Impacted:
Park visitors who swim at beaches

Schedule:
Submit to Governor’s office for preclearance by September 2022
Notice of Intended Action to be filed by November 2022
Public hearings in January 2023
Final rule by February 2023

Staff Contact/Phone # Kim Bohlen/515/360-3682
<table>
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<th>Title of Regulatory Action</th>
<th>Update of Endangered, Threatened, and Special Concern Plants</th>
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<td>Rule Chapter(s) Involved</td>
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<td>Rule Making Authority</td>
<td>Director</td>
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</tbody>
</table>

**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 of the plant portion of the state list of endangered, threatened, and special concern species, which was last revised in 1994. With increased knowledge of the distribution and abundance of rare plants acquired over the past 28 years, the status of many species can be adjusted upward or downward.

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


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

Revising the plant list will result in more effective conservation as species no longer in need of Threatened or Endangered status can be down-listed or delisted, while species that are genuinely rare can be added and prioritized for protection.

**Is this action a result of the five year regulatory review?**
Yes [ ]
No [x]  

**Other Affected/Interested Rule Making Authorities**
None

**Potential Public Groups Impacted**
Iowa Native Plant Society, Iowa Prairie Network, Sierra Club, Iowa Farm Bureau, drainage districts, Iowa Department of Transportation

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

**Staff Contact/Phone #**
John Pearson, 515-669-7614
### REGULATORY ACTION DESCRIPTION FOR SFY 2023

<table>
<thead>
<tr>
<th>Title of Regulatory Action</th>
<th>Aquatic Invasive Species</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rule Chapter(s) Involved</td>
<td>571-Chapter 90</td>
</tr>
</tbody>
</table>

#### Rule Making Authority
- [ ] Director
- [ ] Environmental Protection Commission (EPC)
- [x] 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 would add plant, fish and invertebrate species to the lists of designated aquatic invasive species (AIS) in subrules 571-90.2 (1), 571-90.2 (2) and 571-90.2 (3).

The following species are being considered to be added to the lists:

**Aquatic Plants**
- Brazilian waterweed (*Egeria densa*)
- didymo or rock snot (*Didymosphenia geminata*)
- Japanese knotweed (*Polygonum cuspidatum*)
- parrot feather (*Myriophyllum aquaticum*)
- starry stonewort (*Nitellopsis obtusa*)
- water hyacinth (*Eichhornia crassipes*)
- water lettuce (*Pistia stratoites*)
- yellow iris or yellow flag (*Iris pseudacoris*)
- yellow floating heart (*Nymphoides peltata*)

**Invertebrates**
- banded mystery snail (*Viviparus georgianus*)
- Chinese mystery snail, Japanese mystery snail (*Cipangopaludina spp.*)
- faucet snail (*Bithynia tentaculata*)
- marbled crayfish (*Procambarus virginalis*)
- red swamp crayfish (*Procambarus clarkii*)

An alternative to this regulatory action would be continued public education to inform Iowans about the threat of AIS. This alternative would not give the DNR authority to prevent the introduction and spread of additional AIS in Iowa.

There would be no costs to the DNR for adding these species to the lists of designated AIS. Benefits would be realized by the DNR not having to attempt to manage these species if they become introduced into waters of the state and/or spread within Iowa.

#### Legal Basis
(Include whether action is required by statute or court order)
Iowa Code section 456A.37

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

571 IAC Chapter 90 helps protect waterbodies across Iowa by preventing the introduction and spread of AIS. Aquatic invasive species are non-native species that dominate aquatic ecosystems and have harmful impacts on natural resources, the economy, and human use of natural resources. Some of the impacts of AIS are reduced populations of native aquatic plants and fish, increased operating costs of drinking water facilities and lakes that become unusable by boaters, anglers and swimmers. The most cost-effective management of AIS is preventing their introduction and spread. Expensive management options exist for some of the aquatic invasive plants, but there are few or no control options for invasive fish or invertebrates that would not affect native fish and invertebrate populations.
New species of AIS continue to be found in Iowa waterbodies, requiring the need for this regulatory action. This rule pairs with federal regulations related to Noxious Weeds and Injurious Wildlife and better aligns with regulations of Iowa’s neighboring states.

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

Other Affected/Interested Rule Making Authorities
None

Potential Public Groups Impacted
Aquarium retailer and owners
Water garden retailers and owners

Schedule: (Actions & month/year)
Submit to Governor’s office for preclearance by August 2022
Notice of Intended Action to be filed by October 2022
Public hearings in November 2022
Final rule by January 2023

Staff Contact/Phone #  Kim Bogenschutz, 515-290-0540
### REGULATORY ACTION DESCRIPTION FOR SFY 2023

<table>
<thead>
<tr>
<th>Title of Regulatory Action</th>
<th>Pheasant, Quail and Gray (Hungarian) Partridge Hunting Seasons</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rule Chapter(s) Involved</td>
<td>571-Chapter 96</td>
</tr>
<tr>
<td>Rule Making Authority</td>
<td>☒ Director&lt;br&gt;☐ Environmental Protection Commission (EPC)&lt;br&gt;☐ Natural Resource Commission (NRC)</td>
</tr>
</tbody>
</table>

#### Description of Contemplated Regulatory Action
Proposed update to nonresident hunting season dates for the purposes of improved recruitment, retention and reactivation of Iowa small game hunters.

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

#### Need for Regulatory Action
Action is needed to effectively recruit, retain and reactivate Iowa upland game bird hunters.

#### 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 2022
- Notice of Intended Action to be filed by January 2023
- Public hearings in February 2023
- Final rule by April 2023

#### Staff Contact/Phone #
Todd Bogenschutz 515-979-0828
REGULATORY ACTION DESCRIPTION FOR SFY 2023

Title of Regulatory Action
Turkey Hunting Method of Take

Rule Chapter(s) Involved
571-Chapters 98 and 99

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

Description of Contemplated Regulatory Action
Bringing rules (method of take) into alignment with SF 2334.

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

Need for Regulatory Action
Required by legislation.

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

Other Affected/Interested Rule Making Authorities
None

Potential Public Groups Impacted
Turkey hunters are potentially impacted.

Schedule:
Submit to Governor’s office for preclearance by December 2022
Notice of Intended Action to be filed by January 2023
Public hearings in February 2023
Final rule by April 2023

Staff Contact/Phone #
James Coffey, 515-979-8033
Title of Regulatory Action: Deer Hunting by Residents

Rule Chapter(s) Involved: 571-Chapter 106

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

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

Annual updates to deer hunting seasons, antlerless quotas, and method of take as well as bringing rule into alignment with recent legislation (see SF 581).

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:
Submit to Governor’s office for preclearance by January 2023
Notice of Intended Action to be filed by February 2023
Public hearings in March 2023
Final rule to Commission by May 2023

Staff Contact/Phone #: Tyler Harms, 515-777-5378
**Title of Regulatory Action**: Rabbit and Squirrel Hunting  
**Rule Chapter(s) Involved**: 571-Chapter 107  
**Rule Making Authority**:  
- Director  
- Environmental Protection Commission (EPC)  
- Natural Resource Commission (NRC)  

**Description of Contemplated Regulatory Action**  
Proposed update to nonresident hunting season dates for the purposes of improved recruitment, retention and reactivation of Iowa small game hunters.

**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**  
Action is needed to effectively recruit, retain and reactivate Iowa small game hunters.

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

**Other Affected/Interested Rule Making Authorities**  
None

**Potential Public Groups Impacted**  
Small game hunters

**Schedule:**  
- Submit to Governor’s office for preclearance by December 2022  
- Notice of Intended Action to be filed by January 2023  
- Public hearings in February 2023  
- Final rule by April 2023

**Staff Contact/Phone #**  
James Coffey (515) 979-8033