

**COVID-19 ENFORCEMENT AND COMPLIANCE PROTOCOL**

as of 1/22/2021

The Iowa Department of Natural Resources (Department) is issuing this enforcement and compliance protocol in recognition of the extraordinary circumstances facing the state from COVID-19. Consistent with Governor Reynold's public health proclamation dated March 17, 2020, which was renewed on January 7, 2021, the Department is attempting to provide some regulatory relief and mitigate the economic effects of business closings and social distancing standards necessary to protect the public's health. To that end, the Department is issuing this protocol in an attempt to balance the need to protect and maintain Iowa's natural resources against the need to protect people from infection.

The Department will be exercising its enforcement discretion in the following manner. If persons and regulated entities meet the following criteria and adhere to the applicable directives, the Department will exercise its enforcement discretion by, as appropriate: (1) not seeking administrative penalties for cited violations of law or by (2) renewing or not seeking to revoke certain licenses, certifications, or permits.

The Department reserves the right to, consistent with law, take any appropriate enforcement action if the terms of this protocol are not followed or if there is noncompliance outside the protocol's scope. Finally, notwithstanding this protocol, the Department reserves the right to take enforcement action for conduct that endangers Iowa's natural resources or the public's health and welfare.

This protocol is effective so long as Governor Reynold's COVID-19 public health disaster emergency proclamation remains in effect. This protocol may be amended at any time.

Summary of additions since 12/28/2020 document:

1. Alignment of protocol's effective dates with those of Governor Reynold's related COVID-19 proclamation.
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Animal Feeding Operations

567 Iowa Administrative Code chapter 65; Iowa Code chapter 459

- I. Manure applicator certification testing
 - A. Testing at the field offices has been discontinued. Therefore, the certifications for applicators who were previously certified will remain in effect until such time testing is resumed. All fees and registrations shall be submitted in accordance with the deadlines established in the administrative rules.
 - B. Once testing is resumed, applicators will be given 60 days to become officially certified.
- II. Manure applicator certification training
 - A. In-person certification training sessions may be limited or unavailable by the deadline at County Extension Offices. Therefore, the certification for applicators who were previously certified will remain in effect until such time the in-person training sessions are available and readily available to the general public. All fees and registrations shall be submitted in accordance with the deadlines established in the administrative rules.
 - B. Applicators are encouraged to attend manure applicator certification training in 2021 through online training options.
 - C. If an applicator is unable to attend the training online, applicators will be required to submit proof of the in-person training to the DNR within 10 days of attendance of the in-person training.
- III. County signatures needed on MMPs, MMP updates, and Construction Design Statements (CDS)
 - A. With many of the county offices closed, producers may not be able to obtain the required county certification signatures.
 - B. Producers are required to submit the MMP, MMP update or CDS on time, but will have 60 days after the county offices reopen to obtain the signatures and submit them to the Department.
 - C. Producers are encouraged to submit MMP updates through the eMMP program.

IV. Questions to Kelli Book at (515) 210-3408, kelli.book@dnr.iowa.gov

Air Quality

567 Iowa Administrative Code chapters 20 - 35; Iowa Code chapter 455B, Division II, Part I

- I. Construction Permits
 - A. Wet ink signatures will not be required on any of the following:
 1. Construction permit applications
 2. EASY Air Electronic Subscriber Agreement for EASY Air
 - B. In lieu of meeting the requirement to obtain or modify air quality construction permits prior to construction, facilities that manufacture alcohol for its use as an antiseptic agent for the Public Health Emergency (COVID-19) will be required to notify the Bureau (Brian Hutchins, 515-725-9550 or Brian.Hutchins@dnr.iowa.gov) prior to constructing, or modifying equipment or methods of operation. Following notification, the requirement to obtain or modify air quality construction permits for this purpose will be delayed until 45 days after the expiration of this protocol.
 - C. Other questions can be directed to Sarah Piziali at 515-725-9549, sarah.piziali@dnr.iowa.gov
- II. Title V Operating Permits & Emissions Inventories
 - A. Wet signatures will not be required on any of the following:
 1. Title V applications
 2. SLEIS application forms
 3. EASY Air Electronic Subscriber Agreement for EASY Air
 4. Title V Compliance documents (semi-annual monitoring reports and annual compliance certifications).
 - B. Questions may be directed to Chris Kjellmark at 515-725-9537, chris.kjellmark@dnr.iowa.gov

Underground Storage Tanks

567 Iowa Administrative Code chapters 134, Parts B and C; Iowa Code chapter 455B, Division IV, Part 8

- I. Continuing Education Unit Requirements for renewal of UST Professional certifications and licenses.
 - A. The Department is extending the upcoming continuing education credits deadline for certification and license renewal from December 31, 2020 to April 1, 2021. This is warranted due to the limited availability of training opportunities between now and that credit deadline.
- II. Questions to Bonnie Garrison at 515-725-8310, bonnie.garrison@dnr.iowa.gov

Storm Water

567 Iowa Administrative Code chapter 64; Iowa Code chapter 455B, Division III, Part I

- I. MS4 Permit
 - A. Permit condition requires permittee to conduct quarterly inspections. Interruptions in staffing at municipalities/universities due to the COVID-19 may result in these inspections not being completed timely. Such facilities are directed to mitigate any environmental impacts during this time, and to resume monitoring / sampling immediately upon staffing availability. Notify the Department upon resumed monitoring / sampling.
- II. Questions to Ted Petersen at 515-725-0274, ted.petersen@dnr.iowa.gov

Wastewater

567 Iowa Administrative Code chapter 64; Iowa Code chapter 455B, Division III, Part I

- I. Monitoring
 - A. Permit conditions require Discharge Monitoring Report / self-monitoring at an expected frequency. Interruptions in staffing or restricted access to a facility due to the COVID-19 may result in these activities not being completed timely. Contact the DNR Field Office (FO) for consultation if flexibility is needed to meet the NPDES permit conditions (i.e. monitoring requirements, reporting requirements, operating conditions, and limited laboratory capacity).
- II. Op Cert Compliance plan
 - A. If a facility's compliance plan includes a set date that is now not achievable due to a postponed test, the plan will be revised with a proposed date of "as soon as testing resumes."
- III. Questions on I or II to Ted Petersen at 515-725-0274, ted.petersen@dnr.iowa.gov

IV. NPDES

- A. Notices for a draft NPDES permit or for a major amendment do not have to be physically posted in a public place close to the relevant premises.
- B. Questions to Eric Wiklund at 515-725-0313, eric.wiklund@dnr.iowa.gov

Water Supply

567 Iowa Administrative Code chapters 42, 43, and 81; Iowa Code chapter 455B, Division III, Part I

- I. These are the specific areas in Water Supply that may be affected by noncompliance.
 - A. Health-based drinking water standards must be met at all times. Contact the DNR Field Office (FO) for consultation if flexibility is needed to meet the water supply operation permit conditions (i.e., monitoring requirements, operating conditions, corrective action delays, and limited laboratory capacity).
 - B. The FO may allow flexibility in operator contingency planning, specifically with the operator-in-charge certification and shift operator certification, for both public water supply and wastewater treatment systems. Contact information in part II below.
 - C. On a case by case basis, the Water Supply Operation Section may allow for flexibility with all of the following: the timing of public notice; submission of public notice delivery certification; and with public water supply monthly operation reports submission deadlines. Contact information in part II below.
- II. Contacts in the Water Supply program
 - A. Public water supply operators or their designee shall contact the applicable Field Office or Water Supply Operations staff with any issue. The applicable Department staff are listed in the cover letters to the sanitary survey and operation permits.
 - B. Well contractors should contact DNR Water Supply Operator Certification or Private Wells staff: Laurie Sharp at 515-725-0284, Laurie.sharp@dnr.iowa.gov or Michael Anderson at 515-725-0336, michael.anderson@dnr.iowa.gov



Kayla Lyon, Director

Iowa Department of Natural Resources



Paul Trombino III, Director

Iowa Department of Homeland Security and Emergency Management