

**COVID-19 ENFORCEMENT AND COMPLIANCE PROTOCOL**

as of 9/29/2020

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 September 18, 2020, 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. This protocol may be extended if warranted by the on-going pandemic, and it may also be amended at any time.

The Department will be exercising its enforcement discretion in the following manner through October 31, 2020. 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.

Summary of additions since 08/20/2020 document:

1. Extension of protocol through October 31, 2020
2. Removal of various expired provisions in Solid Waste and Air Quality

Solid Waste

567 Iowa Administrative Code chapters, 104, 113 - 115; Iowa Code chapter 455B, Division IV, Part I

- I. Prohibition on the disposal of Yard Waste at Municipal Solid Waste Landfills
 - A. The prohibition on disposal of yard waste at municipal landfills is suspended. Landfill operators may accept yard waste for disposal if the operator determines doing so is necessary. This is warranted due to likely staff shortages and prioritization of resources to ensure landfills can remain open.
 - B. Questions to Mike Sullivan at 515-360-1671, michael.sullivan@dnr.iowa.gov

Animal Feeding Operations

567 Iowa Administrative Code chapter 65; Iowa Code chapter 459

- I. Double stocking of confinement buildings if producers are required to keep animals on-site longer than scheduled
 - A. Producers will be allowed to overstock and not be required to do the following: 1) pay the extra Manure Management Plan (MMP) fees, 2) comply with the construction permitted capacity numbers, or 3) notify the field office of doublestocking.

- B. However, producers will be required to continue to contain all manure and update the MMP if application changes because of the higher levels of manure in the storage structures.
- II. Manure application inconsistent with MMP due to doublestocking
 - A. DNR requests that the MMPs be amended and submitted with the next MMP updates.
- III. 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.
 - B. Once testing is resumed, applicators will be given 60 days to become officially certified.
- IV. 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.
- V. Questions to Kelli Book at (515) 725-9572, 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. Compliance
 - A. Method 9 Certifications - Due to lecture class and field certification cancellations, Method 9 certifications that are valid as of March 1, 2020, will be considered valid for up to 6 months after the expiration of this protocol.
 - B. Questions to Brian Hutchins at 515-725-9550, brian.hutchins@dnr.iowa.gov
- III. 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

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

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 Russell Tell at 515-725-0462, russell.tell@dnr.iowa.gov



Kayla Lyon, Director
Iowa Department of Natural Resources



V. Joyce Flinn, Director
Iowa Department of Homeland Security and Emergency Management