

## ENVIRONMENTAL PROTECTION COMMISSION[567]

### Rescind and reserve chapter

#### Notice of Intended Action

The Environmental Protection Commission (Commission) hereby proposes to rescind and reserve Chapter 9, “Delegation of Construction Permitting Authority,” Iowa Administrative Code.

#### *Legal Authority for Rulemaking*

This rulemaking is proposed under the authority provided in Iowa Code sections 455B.105 and 455B.173.

#### *State or Federal Law Implemented*

This rule making implements, in whole or in part, Executive Order 10, Iowa Administrative Bulletin, Vol. XLV, No. 16 (Feb. 8, 2023), p. 2145, and Iowa Code section 17A.7(2).

#### *Purpose and Summary*

This proposed rulemaking will rescind Chapter 9. Importantly, the delegated authority program of Iowa Code section 455.183 will remain in full force and effect through the direct implementation of the statute.

The intended benefit of the rule was to provide a framework for the water supply and wastewater extension delegated authority program in Iowa Code section 455B.183. However, the rule is unnecessary for the implementation of the program due to the self-enacting nature of the Code provisions and the existence of statewide engineering design standards for drinking water and wastewater. The DNR intends to provide guidance to local permitting authorities to help their proper implementation of the Code.

*Fiscal Impact*

This proposed rulemaking has no fiscal impact to the state of Iowa.

*Jobs Impact*

After analysis and review of this proposed rulemaking, no impact on jobs has been found.

*Public Comment*

Any interested person may submit comments concerning this proposed rulemaking. Written comments in response to this proposed rulemaking must be received by the Department no later than 4:30 p.m. on January 18, 2024. Comments should be directed to:

Adam Schnieders  
Iowa DNR  
502 E 9<sup>th</sup> Street  
Des Moines, IA 50319  
Adam.Schnieders@dnr.iowa.gov

*Public Hearing*

A public hearing at which persons may present their views orally will be held as follows. Persons who wish to attend the public hearing must contact Adam Schnieders at Adam.Schnieders@dnr.iowa.gov. A virtual meeting link and conference call number will be provided prior to the hearing. Persons who wish to make comments at the public hearing must submit a request to Mr. Schnieders prior to the hearing to facilitate an orderly hearing.

January 18, 2024 at 11AM - 12 PM via Google Meets

Persons who wish to make oral comments at the public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rulemaking.

Any persons who intend to attend the hearing and have special requirements, such as those related to hearing impairments, should contact the Department and advise of specific needs.

*Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking at its regular monthly meeting or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rulemaking action is proposed:

ITEM 1. Rescind **567—Chapter 9**.