

# WQB EO10 Presentation (2023-05-23 14:33 GMT-5) - Transcript

**Attendees:** Lori McDaniel, Chief, Iowa DNR Water Quality Bureau

## **Transcript:**

Hello, I'm Lori McDaniel and I'm the Water Quality Bureau Chief for the Iowa Department of Natural Resources and our Bureau is responsible for implementing the Clean Water Act and the Safe Drinking Water Act, and we do that through Iowa administrative code. Today, I just wanted to talk to you a little bit about the rule making process that we're going to be going through in the next 18 months.

In January of this year, Governor Reynolds signed an executive order with the objective of having all state agencies review their rules housed within the Iowa Administrative Code between now and 2026. The objectives that will need to be met include reducing or removing regulatory burdens, including restrictive terms; removing obsolete, inconsistent, redundant or unnecessary regulations; complying with any new statutory requirements that may have been passed recently; prevent a substantiated and well documented threat to public health, peace or safety; and reduced state spending wherever possible.

So what does this mean for us within the Water Quality Bureau? Our focus will be on the Iowa Administrative Code, and there are 31 Iowa Administrative Code chapters that pertain to programs within the Water Quality Bureau. So each chapter will need to be reviewed and we'll look at it from a point of view; do we keep this chapter? Can this chapter be deleted because it's redundant with the statutory language? Do our chapters need to be combined and streamlined? And we also are going to look at reducing the amount of restrictive terms that we use. Each chapter also needs to be analyzed in terms of implementation costs compared to the public benefits achieved through the rule. And at the end of this process, all of the current chapters will be rescinded and a decision will be made on whether or not to put forth a new chapter for consideration.

So, there are three main documents that you'll see. You'll see the new chapter that we streamlined or combined, and we will also post some corresponding documents such as a red line/strikeout version. So you can see exactly what has changed and a summary document that summarizes the changes that we've made for that particular rule chapter. We will have a regulatory analysis for each chapter. And this looks at the person's bearing, the costs, those who are benefiting from the proposed rule, the nature and amount of costs, and impact to small businesses. The third document is a red tape review. You'll also hear it called a retrospective analysis and this is very similar to the regulatory analysis where we're looking at the intended benefits of the rule and evidence that that benefit is being achieved.

So all of the rule chapters have been put on a staggered schedule throughout all of state government. So, over the next three years you'll see a new group of chapters move through this process. There's annual deadlines. So the first year September 1st, Our first package of information is due to the governor's office. So that will include the new chapter. The regulatory analysis and the Red Tape Review. Then in the month of September, we will hold the public comment period and the public hearing, and look at that information that we receive from the public comments, make any changes that we need to make, and prepare a notice of intended action that we will present to the Environmental Protection Commission in December of the particular year that we're going through. So for water quality, we have one chapter that's going through the process this year in 2023 and that's Chapter 9 which is delegation of construction permitting authority. For the remainder of our 30 chapters, those deadlines will fall in 2024.

We've been doing a lot of planning and gearing up for this process. So in April, we started having internal scoping meetings, we looked at all of our rule chapters and we grouped them by topic. We've made some initial decisions on; is this a chapter we need to keep? Can we delete it? Is there potential to combine these chapters? We also reviewed the chapters to determine which chapters are related to the delegation of the Safe Drinking Water Act and the Clean Water Act, and what rules would need federal approval if we changed them.

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We've also been looking at communication and planning for where we can post our information and how we can provide information to you. So we will have a webpage, I'll show a link to that webpage a little bit later. But that should be the one-stop shop where you will find everything related to the water quality bureaus' rule making process and all 31 of our chapters. Again, we hope to have red line/strikeout versions and big picture summaries; big picture documents summarizing the changes.

We will use the webpage for communication. We also have listserves, so please feel free to sign up for one of our listservs. As new things happen or the schedule progresses, we will be providing updates through the listserves. We will also use virtual meetings and if there's just information that we need to provide, we'll use this platform as well to record a presentation and post it on the web.

So here's a screenshot of our Water Quality Bureau webpage. As you can see, it currently has just a copy of Executive Order 10. So you can read that if you like and it also has the places to sign up for our listservs. So, again as we go through the process, this page will be populated by all of our drafts and analyses that we are going to create throughout this process.

As I mentioned before, we combined chapters into groups, so that chapters that have similar or like topic areas, we can move them through the process as a group rather than each chapter having its own process.

So, group one is Chapter 9, and Chapter 9 is the delegation of construction permitting authority. This chapter is the only one from the water quality bureau that's on the schedule for 2023.

So then in 2024, the rest of our groups will be going through. So, Group 2 is our private well group. This looks at private water well construction permits, properly plugging abandoned wells, non-public water supply wells, and well contractor certification.

Group 3 are all the chapters that pertain to the Safe Drinking Water Act. So Chapters 40 through 43 that look at water supplies, public notice, consumer confidence reports, design and operation of the facilities, as well as operator certification. One note is that the operator certification will include the wastewater treatment systems as well as the public water supply systems.

Group 4 is water use and allocation. So, those are water use permits, criteria, and conditions for diversion or storage of water; looking at our protected water sources and aquifer, storage and recovery.

Group 5 are all the permits related to our NPDES program or our point source discharges. So it looks at the water quality standards, the effluent and pretreatment standards as well as monitoring and reporting requirements.

Group 6 is wastewater construction and land application of sewage sludge. So those are wastewater construction and operation permits and the requirements for land application.

Group 7 covers private sewage disposal systems including commercial septic tank cleaners.

Group 8 is a chapter on its own. Its Chapter 83, which is laboratory certification.

And the final group, Group 9 contains all of our chapters that relate to the State Revolving Loan fund program. So whether it's drinking water infrastructure projects, clean water infrastructure projects or nonpoint source projects; all of those chapters are in Group 9

So, getting a little bit more specific on our timeline. In the next two months we will be drafting the Notice of Intended Action, the regulatory analysis and the Red Tape Review for Chapter 9. We are looking at deleting Chapter 9 because it is verbatim to Iowa code 455B 183. So there's no reason to have that language in two places. So we'll put those documents together and that package will be due to the governor's office on September 1st of this year. Then in the month of September, we'll have a public comment period and a public hearing on this information. And then we'll review feedback and comments in October and November to be ready to present a Notice of Intended Action to the Environmental Protection Commission in December of 2023.

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Our year two timeline is for the rest of our 30 chapter groups, two through nine. So we have about a year to do some initial drafting, do some stakeholder outreach, come back, regroup, and perhaps, go out again for some final stakeholder outreach between June of this year and June of 2024. Again, in September, our package of documents is due to the Governor's office on September 1st. The month of September will be the public hearing and public comment period. And December of 2024 will be when we present the Notices of Intended Action to the Environmental Protection Commission.

Our rulemaking group contacts. We have a point of contact for each of our rulemaking groups. This will also be posted on the website, but I wanted to present it here in case you would like to look back at this at any point in time. So, we have email addresses for each of our points of contacts for each group in the rulemaking process.

Thank you for spending a little bit of time with me today. This is an aggressive schedule and we're excited to move forward with this and really get our chapters streamlined, clarify where we need to, and make the chapters better overall. We're going to need your help and we know the time that it's going to take on your part to do your review. So we appreciate your time and effort into this process. Please give me a call or send me an email if you have any questions. I'll be happy to respond and discuss any of these topics with you. Again, thank you for your time.

Meeting ended after 00:13:03 🙌