

To: Honorable Governor Kim Reynolds
From: Environmental Protection Commission
Date: Commission Approval September 20, 2022
Subject: Fiscal Year 2021 and 2022 Report and Recommendations

The Environmental Protection Commission (EPC) hereby submits its biennial report and recommendations to the Governor and General Assembly of Iowa pursuant to Iowa Code section 455B.105(5). This report includes actions of the EPC from July 2020 through June 2022.

State Revolving Fund

During SFY 2021, the EPC approved Drinking Water State Revolving Fund (DWSRF) and Clean Water State Revolving Fund (CWSRF) recommendations for \$284,974,326 of new Intended Use Plan (IUP) planning and design loan project applications and construction project applications to be added to the IUP Project Priority List (PPL). The Commission also approved CWSRF recommendations for \$12,576,000 for 14 Sponsored Project applications.

DWSRF projects ranged from the City of Essex (pop. 722) planning and design loan of \$30,000 for DW system upgrades to the City of Huxley (pop. 4,244) construction loan for \$8,582,700 for a water treatment plant expansion. CWSRF projects ranged from the City of Saint Ansgar (pop. 1,160) planning and design loan of \$32,000 for UV Disinfection to the City of Ottumwa (pop. 25,529) construction loan for \$40,000,000 for a sewer separation project.

During SFY 2022, the EPC approved Drinking Water and Clean Water SRF recommendations for \$511,722,428 of new IUP planning and design project applications and construction project applications to be added to the IUP PPL. The EPC also approved CWSRF recommendations for \$9,784,000 for 12 Sponsored Project applications.

DWSRF projects ranged from the City of Hospers (pop. 718) planning and design project of \$32,000 for new water mains to the City of Orange City (pop. 6,267) construction project for \$15,821,000 for a new tank, storage and well project. CWSRF projects ranged from the City of Aurelia (pop. 968) planning and design project of \$48,000 for a sanitary sewer main and manhole installation project to the City of Clinton (pop. 24,469) construction project for \$97,526,000 for a Regional Wastewater Reclamation Facility expansion.

Two highlights of SRF approved contracts in SFY 2021 and SFY 2022 are the Rathbun Lake Project and the Terrace Hill Project:

1. Rathbun Lake included 2 contracts totaling \$568,494 and has resulted in roughly 530 dump truck loads of sediment reductions and over 15,000 pounds of nitrogen and phosphorus pollution reductions.
2. The Governor's Mansion at Terrace Hill is a collaboration project with other state agencies. Bioretention areas have been established, storm water infiltration has

increased, erosion has decreased, and functional stormwater garden features are available for all guests to see and enjoy.

Rulemaking

Final rulemaking was approved for several rule packages, including:

- Changes to be consistent with the passing of Senate File 409 (appeal of administrative orders)
- Wastewater construction and operation permits to include mining and processing facility discharges and pesticide discharges
- Water quality standards (Section 401 water quality certification)
- Dam safety rules update
- Air Quality rule updates, including New Source Performance Standards and National Emission Standards for Hazardous Air Pollutants updates
- Mercury-added switch recovery from end of life vehicles
- Public wastewater treatment and public water supply operators to add new classification grade and rule cleanup
- Waste tire management and waste tire hauler financial responsibility
- Water supply rule cleanup and modification
- Sewage sludge
- Electronic submittal provisions for air quality

One petition to the EPC requesting revision of rules relating to the siting of animal feeding operations, primarily in relationship to karst topography, was denied. However, the animal feeding operations regulations are under review by stakeholders as part of a five-year rule review project and karst topography construction standards are a particular focus of discussion.

Enforcement

The EPC referred three individuals to the Attorney General's Office for egregious environmental violations regarding the disposal of solid waste, particularly used tires and wind turbine blades.

Over \$640,000 were collected in administrative penalties and over \$27,000 were collected in fish restitution during this reporting period.

New Commissioners and site visits

Four individuals were newly appointed and sworn in to serve a four-year term with the EPC.

The EPC's regulatory knowledge was enhanced through several voluntary tours of regulated facilities. Tours included a livestock truck wash, a paint and manufacturing facility, Easter Lake and the multiple projects both in and around the lake, the State Hygienic Lab where the Department of Natural Resources (DNR) contracts for much of the water testing in Iowa, a zero-waste cattle farm, a fish farm, and other sites throughout the state. The EPC continues to take steps to detect and prevent disease and toxic exposure in the environment by contracting with laboratories for diagnostic testing.

Public Comments and citizen engagement

Iowa citizen engagement was robust and mainly focused on topics related to water quality and animal feeding operations. Ongoing drought conditions resulted in citizens' concerns over water quantity as well as quality, and the EPC requested and received frequent updates from the DNR Hydrology Resources Coordinator.

Conclusion

The EPC recommends continued full funding of the DNR. Continued support of the mission and initiatives of the Environmental Services Division of the DNR is critical in order to provide protection for Iowa's air, land, and water against a host of pollutants including, but not limited to, those from animal feeding operations, household hazardous materials, PFAS, and invasive species of plant, fish, invertebrate, and microbial origin. Environmental protection initiatives as well as a responsible regulatory atmosphere are important for the citizens, businesses, and industries of Iowa.