Agenda

Environmental Protection Commission

Tuesday, February 20, 2024

Teleconference: 631-618-4607 PIN: 484 733 354#

Video Conference: https://meet.google.com/rzo-uidn-tvg

502 East 9th Street, Des Moines, Iowa 50319

DNR 2 North Conf Room

Tuesday, February 20, 2024
10:00 AM – EPC Business Meeting

If you are unable to attend the business meeting, comments may be submitted for public record to Alicia Plathe at Alicia.Plathe@dnr.iowa.gov or 502 East 9th St, Des Moines IA 50319 up to 24 hours prior to the business meeting.

1	Approval of Agenda	
2	Approval of the Minutes	
3	Monthly Reports	Ed Tormey (Information)
4	Director's Remarks	Kayla Lyon (Information)
5	Contract Amendment with Iowa Department of Agriculture and Land Stewardship (IDALS)-Iowa Learning Farms	Steve Hopkins (Decision)
6	Contract with North and Middle River Watershed Management Authority (WMA)	Kyle Ament (Decision)
7	Contract with Middle Iowa River Watershed Management Authority (WMA)	Kyle Ament (Decision)
8	Contract with Iowa State University-Ambient Lakes Monitoring	Daniel Kendall (Decision)
9	Contract with The University of Iowa State Hygienic Laboratory-PFAS Analyte Sampling and Analysis	Kathleen Lee (Decision)
10	Contract with Burns & McConnell, Engineering Company, Inc.-Environmental Management System Webinars	Jeff Fiagle (Decision)
11	Programmatic Agreement-State Historical Preservation Office and the Drinking Water State Revolving Fund and Clean Water State Revolving Fund Programs	Theresa Enright (Information)
12	Referral to Attorney General-Darryl Banowetz	Kelli Book (Decision)
13	Referral to Attorney General-Amy Knapp d.b.a. Knapp Mobile Home Park No. 4	Bradley Adams (Decision)
14	General Discussion	
15	Upcoming Meetings • Tuesday, March 19, 2024, Wallace Building • Tuesday, April 16, 2024, Wallace Building	

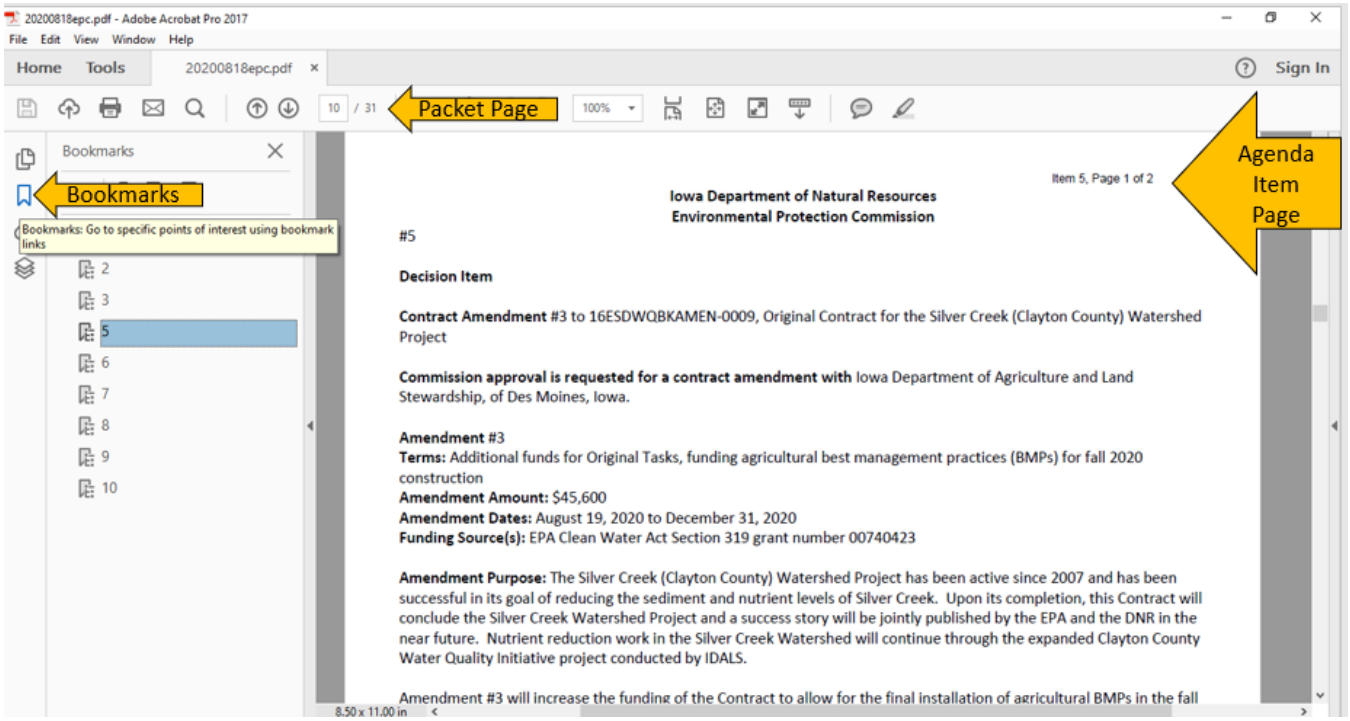
For details on the EPC meeting schedule, visit http://www.iowadnr.gov/About-DNR/Boards-Commissions

[1]Comments during the public participation period regarding proposed rules or notices of intended action are not included in the official comments for that rule package unless they are submitted as required in the Notice of Intended Action.

Any person with special requirements such as those related to mobility or hearing impairments who wishes to participate in the public meeting should promptly contact the DNR or ADA Coordinator at 515-725-8200, Relay Iowa TTY Service 800-735-7942, or Webmaster@dnr.iowa.gov to advise of specific needs.

Utilize bookmarks to transition between agenda items or progress forwards and backwards in the packet page by page with the Packet Page number on the agenda.

The upper right-hand corner will indicate the Agenda Item Number and the page of the agenda item.



MINUTES OF THE
ENVIRONMENTAL PROTECTION COMMISSION
MEETING

January 17, 2024

Video Teleconference
and
Wallace State Office Building

Approved by the Commission TBD

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Meeting Minutes

CALL TO ORDER

The meeting of the Environmental Protection Commission (Commission or EPC) was called to order by Chairperson Harold Hommes at 10:00 am on January 17, 2024 via a combination of in-person and video/teleconference attendees. General Counsel, Tamara McIntosh, stated for the record that the requirements of Iowa Code section 21.8 were met for the EPC meeting to take place virtually due to the brevity of the agenda.

COMMISSIONERS PRESENT

Patricia Foley
Harold Hommes
Amy Echard (virtual)
Rebecca Dostal
Roger Zylstra

COMMISSIONERS ABSENT

Lisa Gochenour
Kyle Tobiason
Mark Stutsman

APPROVAL OF AGENDA

Motion was made by Rebecca Dostal to approve the item as presented. Seconded by Patricia Foley.
The Chairperson asked for the Commissioners to approve the agenda by saying aye. There were no nay votes.

APPROVED AS PRESENTED

APPROVAL OF MINUTES

Motion was made by Roger Zylstra to approve the item as presented. Seconded by Rebecca Dostal.
The Chairperson asked for the Commissioners to approve the Minutes of the December 19, 2023 meeting by saying aye. There were no nay votes.

APPROVED AS PRESENTED

MONTHLY REPORTS

- Division Administrator Ed Tormey referenced the quarterly enforcement reports provided to Commissioners and responded to questions regarding the process for going into closed session. Mr. Tormey introduced David Steward from the Attorney General's Office as the attorney present to aid Commissioners in any legal advice concerning the Referral decision on the agenda.

INFORMATION

DIRECTOR'S REMARKS

- Director Kayla Lyon thanked the EPC Commissioners that joined DNR Leadership at the Capitol prior to the meeting to meet with legislators. Director Lyon provided a brief overview of Governor Reynold's Condition of the State speech, briefed Commissioners on the Governor's proposed budget for the Department and noted that it will still need to go through both legislative chambers before becoming final, and provided an overview of the legislative session timeline ahead.

CONTRACT WITH IOWA STATE UNIVERSITY-WATER ROCKS! WATER QUALITY EDUCATION AND OUTREACH

Steve Konrady requested Commission approval for a contract with Iowa State University for Water Rocks!, a water quality education and outreach program. Mr. Konrady expounded on additional partnerships for the program, as well as the related program, Iowa Learning Farms.

Public Comments – None

Written Comments – None

Motion was made by Rebecca Dostal to approve the item as presented. Seconded by Roger Zylstra.
Amy Echard-aye, Roger Zylstra-aye, Patricia Foley-aye, Lisa Gochenour-absent, Rebecca Dostal-aye, Mark Stutsman-absent, Kyle Tobiason-absent, Harold Hommes-aye. Motion passes.

APPROVED AS PRESENTED

CONTRACT WITH WATER PROFESSIONALS INTERNATIONAL-OPERATOR CERTIFICATION PROGRAM EXAM ADMINISTRATION

Laurie Sharp requested Commission approval for a contract with Water Professionals International to administer the Department's operator certification program exams. Ms. Sharp referenced that the number of completed exams each year continues to increase, stating that in 2023, 1,735 exams were completed through the program. Ms. Sharp provided additional information on the sole source status of Water Professionals International as a provider for this service in Iowa and explained its benefits including better rates, consistency and shared reciprocity among other states' certifications.

Public Comments – None

Written Comments – None

Motion was made by Patricia Foley to approve the item as amended. Seconded by Rebecca Dostal.
Amy Echard-aye, Roger Zylstra-aye, Patricia Foley-aye, Lisa Gochenour-absent, Rebecca Dostal-aye, Mark Stutsman-absent, Kyle Tobiason-absent, Harold Hommes-aye. Motion passes.

APPROVED AS PRESENTED

REFERRAL TO ATTORNEY GENERAL-CHAD ROCHE

Bradley Adams requested that the Commission refer Chad Roche to the Attorney General for violations of Iowa's solid waste regulations. Attorney James Pray presented on behalf of Mr. Roche. Commissioners discussed the information shared in each presentation.

Public Comments – None

Written Comments – None

Motion was made by Rebecca Dostal to refer Mr. Chad Roche to the Attorney General's office. Seconded by Roger Zylstra.
Amy Echard-aye, Roger Zylstra-aye, Patricia Foley-aye, Lisa Gochenour-absent, Rebecca Dostal-aye, Mark Stutsman-absent, Kyle Tobiason-absent, Harold Hommes-aye. Motion passes.

APPROVED AS PRESENTED

GENERAL DISCUSSION

- None

ADJOURN

Chairperson Hommes adjourned the Environmental Protection Commission meeting at 11:08 am on January 17, 2024.

ADJOURNED

Monthly Waiver Report
January 2024

JAN	DNR Reviewer	Facility/City	Program	Subject	Decision	Date	Agency
1	Danjin Zulic	West Liberty Foods	Air Quality Construction Permits	Waiver of Initial Stack Test Requirement.	Approved	1.2.24	24aqw001
2	Nate Tatar	Bayer Iowa Production Co, LLC - Grinnell	Air Quality Construction Permits	Waiver of Initial Stack Test Requirement.	Approved	1.3.24	24aqw002
3	Anna Seeger	Des Moines Water Works	Water Supply Construction	Section 5.1.11 of the Recommended Standards for Water Works (Ten States) 2012 states: “Day tanks shall be provided where bulk storage of liquid chemical is provided. The Des Moines Water Works proposes to feed ferric chlorine directly from the bulk.	Approved	1.4.24	24wcw003
4	Jennifer Christian	#60565, Black Soil Dairy	AFO	This facility has an anerobic manure digester tank which currently contains 3,000,000 gallons of hydrostatic tank testing water. The request is for the approval of pumping the water into a permitted earthen manure storage basin.	Approved	1.5.23	24cpw004
5	John Curtin	Grain Processing Corporation	Air Quality Construction Permits	Waiver of Initial Stack Test Requirement for corn cleaning equipment (EP293.0). Modification to permit due to 2020 stack test.	Approved	1.9.24	24aqw005
6	Nate Tatar	Veolia Water North America - Davenport	Air Quality Construction Permits	Waiver of Initial Stack Test Requirement.	Approved	1.10.24	24aqw006
7	John Curtin	Tri-Mark Corporation	Air Quality Construction Permits	Waiver of Initial Stack Test Requirement for a holding tank for chromium wastewater prior to pre-treatment.	Approved	1.10.24	24aqw007
8	Daniel Morse	Roorda Dairy	AFO	This facility has an anaerobic manure digester tank which currently contains approximately 3,000,000 gallons of hydrostatic tank testing water. The request is for the approval of pumping the water into a permitted earthen manure storage basin.	Approved	1.10.24	24cpw008
9	Nate Tatar	Bayer CropScience LP - 6908	Air Quality Construction Permits	Waiver of Initial Stack Test Requirement.	Approved	1.11.24	24aqw009
10	Jeremy Klatt,Erik Day,Chad Fields,Kelli Book	Kuper Cattle	AFO	Confinement building constructed does not meet separation distance to water well. Applicant provided well log information, water sampling data, and cost estimates to plug & drill new well.	Approved	1.12.24	24cpw010
11	Julie Duke	CMP Roskamp	AQ	Request to construct two paint booths prior to permit issuance.	Approved	1.17.24	24aqw011
12	Nate Tatar	Ajinomoto Health & Nutrition NA, Inc - AHI	Air Quality Construction Permits	Waiver of Initial Stack Test Requirement.	Approved	1.24.24	24aqw012
13	John Curtin	Grain Processing Corporation	Air Quality Construction Permits	Waiver of Initial Stack Test Requirement for four storage tanks that store beverage-grade ethanol.	Approved	1.24.24	24aqw013
14	Robert D. Campbell	Southern Iowa Rural Water Association	Water Supply Construction	The required bacterial sampling frequency for newly constructed water main following disinfection is requested to be reduced from 1,200 feet to no more than one mile, or approximately 2,053 feet on average.	Approved	1.24.24	24wcw014
15	Emy Liu	City of Anamosa	Construction Permit	The City of Anamosa has requested a design waiver to allow one sludge pump to be permanently installed in the biosolids handling building to pump sludge to the screw press for sludge dewatering.	Approved	1.23.24	24wcw015

Iowa Department of Natural Resources
Environmental Services Division
Fourth Quarter 2023 Report of Wastewater By-passes

During the period October 1, 2023 through December 31, 2023, 32 reports of wastewater by-passes were received by the department. A general summary and count by field office is presented below. This does not include by-passes resulting from precipitation events (including flood water infiltration) or bypasses resulting in basement backups.

Quarter	Total	Avg. Length (days)	Avg. Volume (MGD)	Sampling Required	Fish Kill
1ST Quarter '23	52 (37)	0.429	0.981	2	0(0)
2ND Quarter '23	30 (35)	0.332	0.036	1	0(0)
3RD Quarter '23	39 (34)	0.418	0.034	1	0(0)
4TH Quarter '23	32 (45)	0.368	0.021	1	0(0)

(numbers in parentheses are for same period last year)

Total Number of Incidents per Field Office This Quarter:

Field Office	1	2	3	4	5	6
Reports	3	4	2	6	10	7

Iowa Department of Natural Resources
Environmental Services Division
Fourth Quarter 2023 Report of Manure Releases

During the period October 1, 2023, through December 31, 2023, 16 reports of manure releases were forwarded to the central office. A general summary and count by field office is presented below.

		Total Incidents		Surface Water Impacts		Feedlot		Confinement		Land Application		Transport		Hog		Cattle		Poultry		Other	
Month	**Year**	**Cur**	**Yr Ago**	**Cur**	**Yr Ago**	**Cur**	**Yr Ago**	**Cur**	**Yr Ago**	**Cur**	**Yr Ago**	**Cur**	**Yr Ago**	**Cur**	**Yr Ago**	**Cur**	**Yr Ago**	**Cur**	**Yr Ago**	**Cur**	**Yr Ago**
Jan	2023	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Feb	2023	0	1	0	1	0	0	0	1	0	0	0	0	0	0	0	1	0	0	0	0
Mar	2023	0	1	0	0	0	0	0	1	0	0	0	0	0	0	0	1	0	0	0	0
Apr	2023	4	3	2	1	0	0	2	2	2	0	0	1	3	3	1	0	0	0	0	0
May	2023	0	1	0	0	0	0	0	1	0	0	0	0	0	1	0	0	0	0	0	0
Jun	2023	2	1	2	1	0	1	1	0	0	0	1	0	2	0	0	1	0	0	0	0
Jul	2023	2	0	1	0	0	0	1	0	0	0	1	0	0	0	1	0	1	0	0	0
Aug	2023	2	3	1	1	0	0	2	1	0	1	0	1	2	3	0	0	0	0	0	0
Sep	2023	4	3	0	1	0	0	1	0	0	1	3	2	1	2	1	1	2	0	0	0
Oct	2023	3	8	0	1	0	0	0	4	1	1	2	3	2	7	1	1	0	0	0	0
Nov	2023	10	3	0	0	0	0	6	2	1	0	3	1	8	3	1	0	1	0	0	0
Dec	2023	3	1	0	0	0	0	1	0	1	1	1	0	2	1	1	0	0	0	0	0
	Total	**30**	**25**	**6**	**6**	**0**	**1**	**14**	**12**	**5**	**4**	**11**	**8**	**20**	**20**	**6**	**5**	**4**	**0**	**0**	**0**

Total Number of Incidents per Field Office for the Selected Period	**Field Office 1**		**Field Office 2**		**Field Office 3**		**Field Office 4**		**Field Office 5**		**Field Office 6**	
	Current	**Previous**	**Current**	**Previous**	**Current**	**Previous**	**Current**	**Previous**	**Current**	**Previous**	**Current**	**Previous**
Total	4	1	4	3	4	4	2	0	2	3	0	1

Iowa Department of Natural Resources
Environmental Services Division
Fourth Quarter 2023 Report of Hazardous Conditions

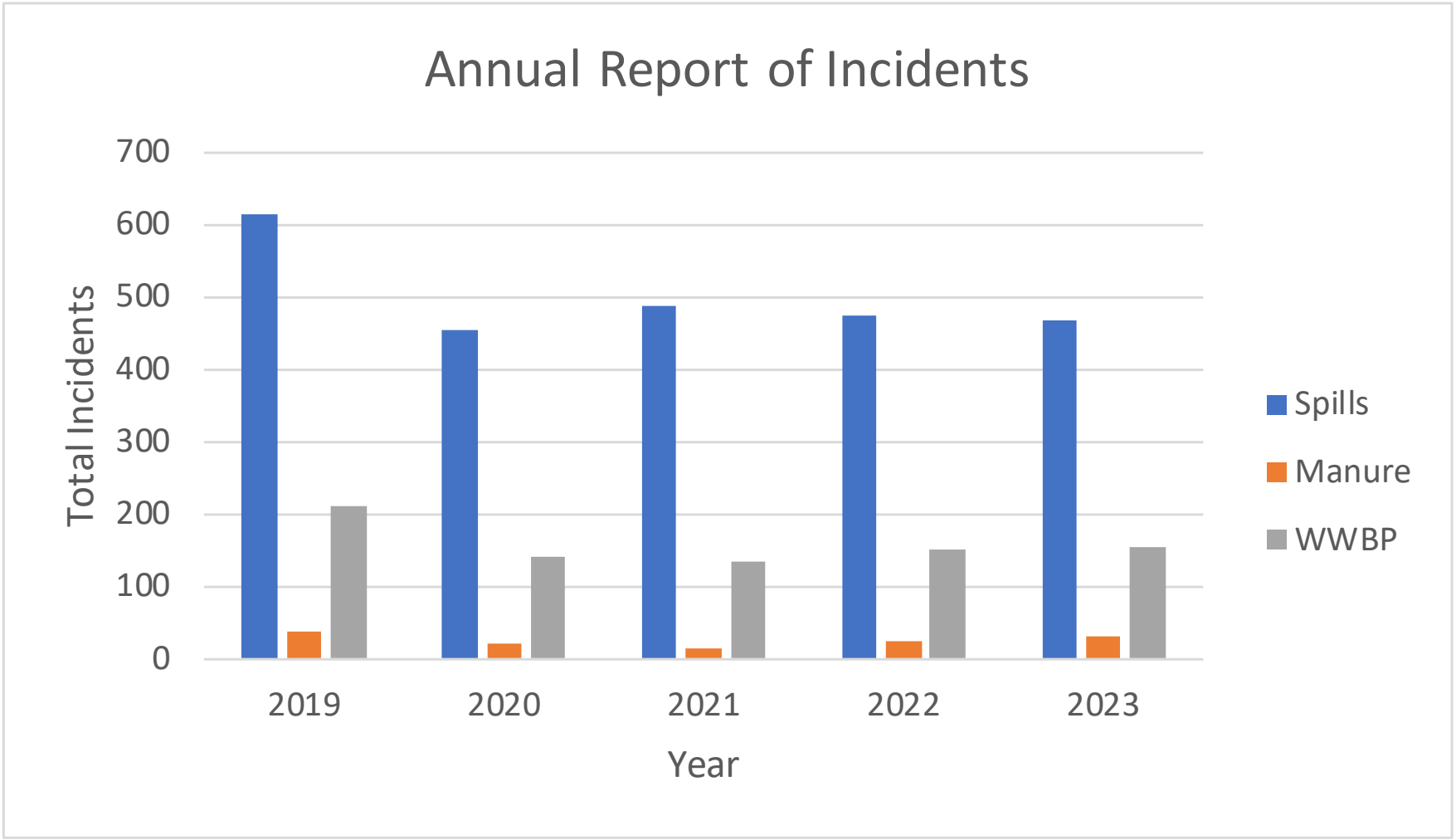
During the period October 1, 2023, through December 31, 2023, 78 reports of hazardous conditions were forwarded to the central office. A general summary and count by field office is presented below. This does not include releases from underground storage tanks, which are reported separately.

				Substance						Mode											
		Total Incidents		Agrichemical		Petroleum Products		Other Chemicals		Transport		Fixed Facility		Pipeline		Railroad		Fire		Other*		CR-ERNS	
Month	Year	Cur	Yr Ago	Cur	Yr Ago	Cur	Yr Ago	Cur	Yr Ago	Cur	Yr Ago	Cur	Yr Ago	Cur	Yr Ago	Cur	Yr Ago	Cur	Yr Ago	Cur	Yr Ago	Cur	Yr Ago
Jan	2023	35	33	1	2	27	18	9	14	15	10	14	19	0	0	1	0	0	0	1	1	4	3
Feb	2023	22	35	1	2	15	22	6	13	6	11	13	14	0	0	1	0	0	0	2	4	0	6
Mar	2023	46	35	1	1	37	27	10	7	13	9	28	19	0	0	0	0	1	0	2	6	2	1
Apr	2023	48	45	11	8	28	32	12	10	14	15	19	19	1	0	3	4	2	0	1	4	8	3
May	2023	50	46	18	15	28	26	13	15	16	15	22	21	0	2	2	1	1	1	1	3	8	3
Jun	2023	51	55	13	8	26	30	16	29	22	22	14	17	1	0	1	3	0	1	2	5	11	7
Jul	2023	51	47	11	3	26	29	18	17	11	13	20	24	0	0	1	0	0	1	4	2	15	7
Aug	2023	51	48	8	1	25	22	19	25	16	13	24	16	2	1	1	0	1	0	2	4	5	14
Sep	2023	34	37	1	2	24	26	12	14	11	13	17	19	0	0	0	2	0	0	3	1	3	2
Oct	2023	25	39	5	4	13	23	11	13	11	18	7	13	0	0	1	1	1	0	2	3	3	4
Nov	2023	27	26	8	2	8	19	16	8	6	8	12	16	1	0	0	1	0	0	2	0	6	1
Dec	2023	26	31	10	1	15	22	9	10	9	11	6	14	0	1	1	2	1	0	1	1	8	2
Total		**466**	**477**	**88**	**49**	**272**	**296**	**151**	**175**	**150**	**158**	**196**	**211**	**5**	**4**	**12**	**14**	**7**	**3**	**23**	**34**	**73**	**53**

*Other includes dumping, theft, vandalism and unknown
** CR-ERNS incidents are ongoing releases as defined by Federal regulations. These reports are included in "Total Incidents" and "Substance" counts but not in "Mode" counts.

Total Number of Incidents per Field Office This Selected Period	Field Office 1		Field Office 2		Field Office 3		Field Office 4		Field Office 5		Field Office 6	
	Current	Year Ago	Current	Year Ago	Current	Year Ago	Current	Year Ago	Current	Year Ago	Current	Year Ago
Total	9	11	7	10	4	11	27	16	13	28	18	20

Five Year Comparison of Reported Incidents (Spills, Manure Releases and Wastewater By-passes)



Iowa Department of Natural Resources
Environmental Protection Commission

Item #5

Decision Item

Commission approval is requested for a contract amendment with Iowa Department of Agriculture and Land Stewardship Division of Soil Conservation and Water Quality (IDALS), of Des Moines, Iowa.

Contract Amendment Terms:

Amount: Not to exceed $149,792
Dates: February 20, 2024 to December 31, 2025.
Funding Source(s): DNR's source of funding for this Contract Amendment is Clean Water Act Section 319, a U.S. Environmental Protection Agency Grant to DNR.

Contract Amendment Purpose: The purpose of the Contract Amendment is to: Add new Tasks to the Original Contract for additional money, and extending the time of performance previously allowed.

Amendment Tasks 1-6 are largely consistent with the Original Contract Tasks and not impacted by Amendment 1 Tasks which is now complete. The additional funding will allow DNR to appropriately count all state match funding from Contractor over the full period of their contract with Iowa State University (ISU), the final recipient of the funding.

Contract Amendment Background:
This Contract provides funding for IDALS to match with state funds and then subcontract with Iowa Learning Farms (ILF) at ISU. ILF has been working with DNR and IDALS towards building a culture of conservation for 20 years. Through statewide support of farmer outreach via field days, conservation station trailers, virtual farmer and partner education, demonstration and research projects, and usage of social media, ILF has become a trusted source for on-farm conservation and water quality information. The DNR has supported many ILF initiatives in the past whether through direct contract or in partnership with IDALS and the U.S. Department of Agriculture Natural Resources Conservation Service (USDA NRCS).

Partnerships in the program include but are not limited to: IDALS, USDA NRCS, ISU Extension and Outreach, Iowa Nutrient Research Center, University of Iowa, University of Northern Iowa, Leopold Center for Sustainable Agriculture, and U.S. Fish and Wildlife Service.

Original Contract History:

- Timeframe: 1/1/2022 to 12/31/2024
- Amount $ 150,336
    - Amendment 1: $24,000
    - Amendment 2 (This Amendment): $149,792
- Amount Total: $324,128
- Amendment(s): Amendment 1 added funding for a new task allowing IDALS and DNR funds to combine for the purchase of a new trailer for development of a replacement Main Conservation Station within ILFs fleet of Conservation Stations.

  Amendment 2 is this amendment, adding time and modifying Original Task #2 to support ILFs Webinar series (Original Task 2: Website Updates). The remaining tasks are unchanged in scope, but modified to allow for the support of two additional years of activity.

Budget

Project Budget (Overall)	**CY2024**	**CY2025**	**Totals**
DNR Budget	$73,933	$75,859	$149,792
IDALS Match	$75,000	$75,000	$150,000
Project Total	$148,932	$150,859	$299,792
		DNR Not to exceed total	**$149,792**

Budget Category	**DNR Contribution**
Staffing	$120,697
Travel	$18,000
Indirects	$11,095
Project Total	**$149,792**

Steve Hopkins, Nonpoint Source Program Coordinator, Water Quality Bureau
Environmental Services Division
February 20, 2024

Iowa Department of Natural Resources
Environmental Protection Commission

Item #6

Decision Item

Commission approval is requested for a contract with the North and Middle River Watershed Management Authority (WMA), a registered 28E Agreement intergovernmental entity of the State of Iowa. The fiscal agent for this contract will be Adair County.

Contract Terms:

Amount: Not to exceed $125,000
Dates: March 1, 2024 to February 28, 2026.
Funding Source: Section 604(b) of the Clean Water Act (CWA) - Federal
Statutory Authority: Funds are administered by DNR under statutory authority granted by Iowa Code section 455B.103 and under 11 IAC 118.4.

Background:
A competitive grant offering for funding assistance for watershed planning took place November – December 2023. The deadline for applications was December 30, 2023. The total available funding amount was $250,000. Applicants were limited to the pool of twenty-eight active Watershed Management Authorities. The CWA section 604(b) funding source requires that under CWA section 205(j)(3) states develop jointly with Regional Public Comprehensive Planning Organizations (RPCPO) or Interstate Organizations (IO) workplans for the use of 604(b) grants. Based on these joint workplans, states are required to provide at least 40% of 604(b) funds to such RPCPOs/IOs, unless a waiver request submitted by the Governor is approved by EPA. Working with RPCPOs/IOs provides an important opportunity for states to engage local communities in focused water quality planning. The DNR received an application from the North and Middle River WMA and one other application. Both applications requested $125,000. After review, it was determined that both applications were eligible to receive the grant funding.

Contract Purpose: The purpose of this contract is to designate Section 604(b) grant funding to support the creation of a Water Quality and Comprehensive Watershed Management Plan for North and Middle River (HUC8)**.** This contract will work to carry out the goals of the North and Middle River WMA watershed planning proposal submitted in its grant application.

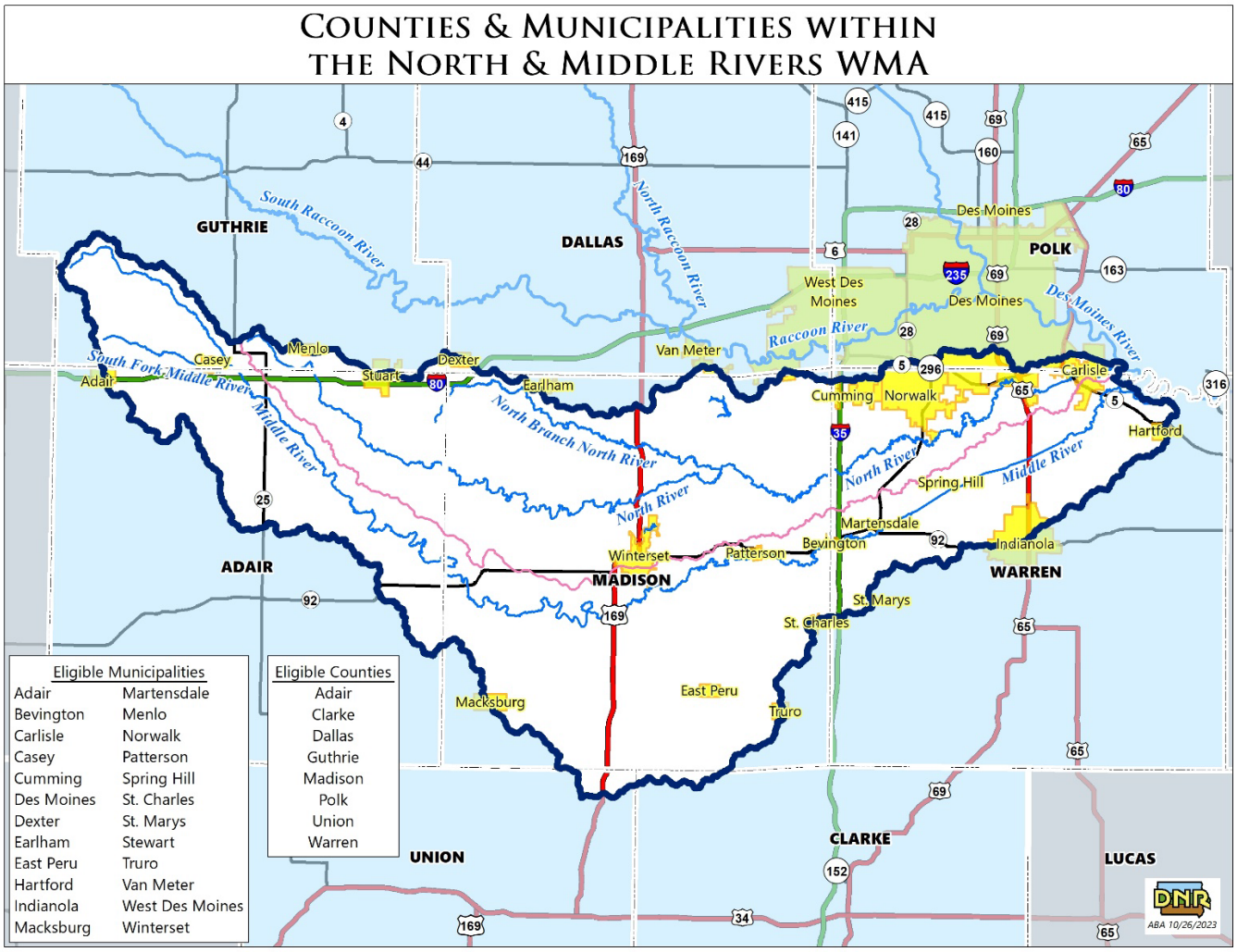
Contract History:

- None

Proposal Summary: DNR funding support will allow the North and Middle River WMA to complete the following items:

- Item 1 – Stakeholder Process: Development of a planning process driven by stakeholder involvement and an established open line of communication between key groups.
- Item 2 - Review Existing Studies and Future Land Use Plans: Build on existing plans to garner quick buy-in from stakeholders and expeditiously complete a watershed baseline.
- Item 3 - Watershed Resource Inventory and Assessment of Issues: Conduct a watershed resource inventory to provide a deeper understanding of the watershed, including but not limited to pollutant sources.
- Item 4 - Watershed Action Plan: Utilize completed assessments to create a plan that details short-term and long-term priorities to meet watershed needs.
- Item 5 - Education Plan: Develop an education plan with watershed stakeholders to provide a framework for future implementation efforts.
- Item 6 - Final Plan: Prepare a document that outlines the planning process, summary of watershed assessment and data, and implementation guidance.

Initial activities will involve the creation of a Watershed Planning Technical Advisory Committee. The North and Middle River WMA expects to use contract funds on contractual services that will assist in the completion of the watershed management plan in the form of a watershed planning consultant or similar position.



Statement of Work:

Task 1. **Develop the Plan** – North and Middle River WMA shall produce and deliver to the DNR a comprehensive watershed-based water quality plan that includes Smart Planning principles. The plan will include an Executive Summary and complete and thorough details involving Physical Environment Inventory, Assessment of Issues, Goals, Objectives and Actions. **Timeframe –** The Plan document will be completed no later than 1/1/26 to allow for DNR review and revisions as needed.

Task 2. **Regular Status Updates –** North and Middle River WMA shall provide quarterly updates to DNR on the usage of funds, progress towards completion of tasks, and any deviations to established workplan required to complete work or deal with obstacles. **Timeframe –** Each full quarter of the Contract period.

Task 3. **Final Narrative Report –** North and Middle River WMA shall complete a separate final report, in addition to the completed Plan, to DNR that satisfies all reporting requirements of DNR and EPA partners. **Timeframe –** Draft due 45 days prior to the end of the Contract.

Budget:

Task Milestone Date	**Amount of Compensation Allotted to Task**
Task 1: Develop the Plan	Not to exceed $115,000
Task 2: Regular Status Updates	Not to exceed $5,000
Task 3: Final Narrative Report	Not to exceed $5,000
Total	Not to exceed $125,000

Matching funds:
Cash - $8,000
In-kind - $25,000
Total Project Cost- $158,000

Kyle Ament, Water Quality Bureau
Environmental Services Division
February 20, 2024

Iowa Department of Natural Resources
Environmental Protection Commission

Item # 7

Decision Item

Commission approval is requested for a contract with the Middle Iowa River Watershed Management Authority (WMA), a registered 28E Agreement intergovernmental entity of the State of Iowa. The fiscal agent for this contract will be the City of North Liberty.

Contract Terms:

Amount: Not to exceed $125,000
Dates: March 1, 2024 to February 28, 2026.
Funding Source: Section 604(b) of the Clean Water Act (CWA) - Federal
Statutory Authority: Funds are administered by DNR under statutory authority granted by Iowa Code section 455B.103 and under 11 IAC 118.4.

Background:
A competitive grant offering for funding assistance for watershed planning took place November – December 2023. The deadline for applications was December 30, 2023. The total available funding amount was $250,000. Applicants were limited to the pool of twenty-eight active Watershed Management Authorities. The CWA section 604(b) federal funding source requires that under CWA section 205(j)(3) states develop jointly with Regional Public Comprehensive Planning Organizations (RPCPO) or Interstate Organizations (IO) workplans for the use of 604(b) grants. Based on these joint workplans, states are required to provide at least 40% of 604(b) funds to such RPCPOs/IOs, unless a waiver request submitted by the Governor is approved by EPA. Working with RPCPOs/IOs provides an important opportunity for states to engage local communities in focused water quality planning. The DNR received an application from the Middle Iowa River WMA and one other application. Both applications requested $125,000. After review, it was determined that both applications were eligible to receive the grant funding.

Contract Purpose: The purpose of this contract is to designate Section 604(b) grant funding to support the creation of a Water Quality and Comprehensive Watershed Management Plan for Middle Iowa River WMA**.** This contract will work to carry out the goals of the Middle Iowa River WMA watershed planning proposal submitted in its grant application.

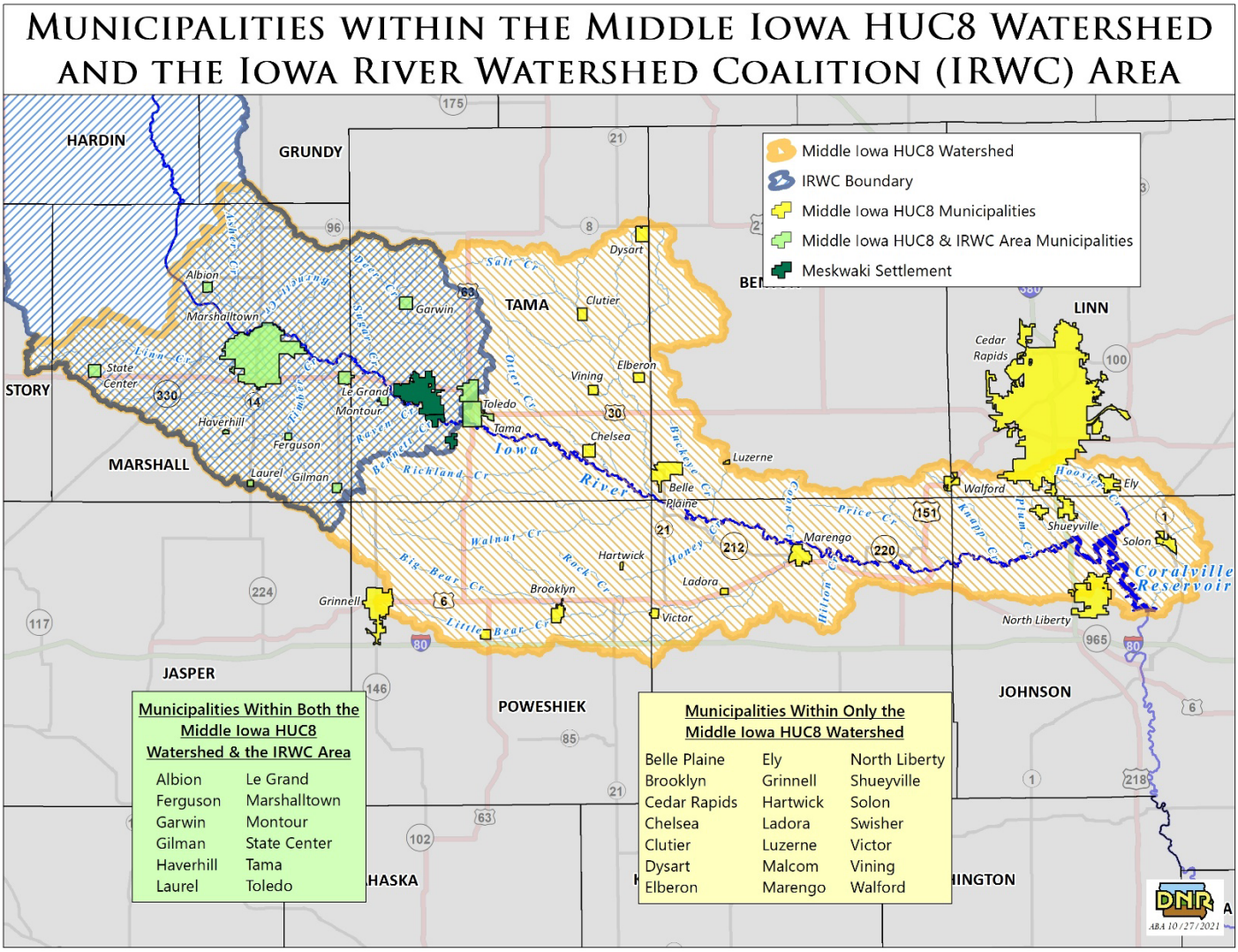
Contract History:

- None

Proposal Summary: DNR funding support will allow the Middle Iowa River WMA to complete the following items:

- Item 1 – Stakeholder Process: Development of a planning process driven by stakeholder involvement and an established open line of communication between key groups.
- Item 2 - Review Existing Studies and Future Land Use Plans: Build on existing plans to garner quick buy-in from stakeholders and expeditiously complete a watershed baseline.
- Item 3 - Watershed Resource Inventory and Assessment of Issues: Conduct a watershed resource inventory to provide a deeper understanding of the watershed, including but not limited to pollutant sources.
- Item 4 - Watershed Action Plan: Utilize completed assessments to create a plan that details short-term and long-term priorities to meet watershed needs.
- Item 5 - Education Plan: Develop an education plan with watershed stakeholders to provide a framework for future implementation efforts.
- Item 6 - Final Plan: Prepare a document that outlines the planning process, summary of watershed assessment and data, and implementation guidance.

Initial activities will involve the creation of a Watershed Planning Technical Advisory Committee. The Middle Iowa River WMA expects to use contract funds on contractual services that will assist in the completion of the watershed management plan in the form of a watershed planning consultant or similar position.



Statement of Work:

Task 1. **Develop the Plan** - Middle Iowa River WMA shall produce and deliver to the DNR a comprehensive watershed-based water quality plan that includes Smart Planning principles. The plan will include an Executive Summary and complete and thorough details involving Physical Environment Inventory, Assessment of Issues, Goals, Objectives and Actions. **Timeframe –** The Plan document will be completed no later than 1/1/26 to allow for DNR review and revisions as needed.

Task 2. **Regular Status Updates –** Middle Iowa River WMA shall provide quarterly updates to DNR on the usage of funds, progress towards completion of tasks, and any deviations to established workplan required to complete work or deal with obstacles. **Timeframe –** Each full quarter of the Contract period.

Task 3. **Final Narrative Report –**Middle Iowa River WMA shall complete a separate final report, in addition to the completed Plan, to DNR that satisfies all reporting requirements of DNR and EPA partners. **Timeframe –** Draft due 45 days prior to the end of the Contract.

Budget:

Task Milestone Date	**Amount of Compensation Allotted to Task**
Task 1: Develop the Plan	Not to exceed $115,000
Task 2: Regular Status Updates	Not to exceed $5,000
Task 3: Final Narrative Report	Not to exceed $5,000
Total	Not to exceed $125,000

Matching funds:
Cash - $96,000
In-kind - $24,615
Total Project Cost- $245,615

Kyle Ament, Water Quality Bureau
Environmental Services Division
February 20, 2024

Iowa Department of Natural Resources
Environmental Protection Commission

Item #8

Decision

Contract with IOWA STATE UNIVERSITY

Recommendation:
Commission approval is requested for a service contract with Iowa State University (ISU), on behalf the on behalf of the Limnology Laboratory in the College of Ecology, Evolution, and Organismal Biology, located in Ames, Iowa.

Contract Terms:

Amount: Not to exceed $877,820.40

Dates: March 1, 2024, to June 30, 2026.

Funding Source(s): The source of funding for this Contract is HB8A Environment First Fund (60%) and 39HA-18 Lake Restoration Program (40%).

Statutory Authority: The statutory authority for this Contract is Iowa Code section 8.57A Environment First Fund and Iowa Code section 456A.33B Lake Restoration Program.

Contract Background: This Contract encompasses the majority of lake water quality monitoring conducted as part of the state-wide water monitoring program and is the primary basis for assessing the state's lake water quality. The purpose of this program is to define the condition of Iowa's lakes, characterize the existing and emerging issues, measure changes or trends in water quality, and provide information to citizens and decision-makers. Specific ways the DNR intends to utilize the information gathered and analyzed in this Contract include: to fulfill Clean Water Act requirements of the DNR, which includes biennial reports on the status of lake water quality, impaired waters listing, and total maximum daily load reports. Data are also utilized to manage and evaluate this natural resource and allocate lake restoration funds most appropriately. Data collected through this program has also helped the Lake Restoration Program evaluate the success of restoration projects statewide. DNR maintains a public facing database (AQuiA) where data are housed and made available for use to the general public.

Contract Purpose: The parties propose to enter into this Contract to retain the Contractor to provide DNR with lake monitoring data. As part of this Contract ISU will provide field and analytical support for monitoring on approximately 141 of Iowa's significant publicly owned lakes and lakes in need of restoration. The majority lakes will be monitored three times during the field season for basic water chemistry, nutrients, plankton composition, algal toxins, and clarity. A subset of lakes will be monitored more intensively for a total of six times over the field monitoring season. Additionally, ISU will provide analytical support for an additional 15 lakes sampled by DNR to assess water quality.

Contractor Selection Process:
Intergovernmental contracting with ISU is authorized by 11 IAC 118.4. Also, contracts with state universities and other public agencies for laboratory work, scientific field measurement and environmental quality evaluation services necessary to implement Iowa Code Chapter 455B are authorized by Iowa Code section 455B.103(3). ISU was chosen for this project because of extensive previous lake monitoring experience with DNR.

Contract History:
DNR has entered into contracts with ISU on a regular basis since 2000. ISU has completed similar lake monitoring to activities described in contracts with DNR in 2000-2007, and 2009-2020. The purpose of the contracts with ISU is to have ISU provide DNR with lake monitoring data, including water chemistry, biological and limnological analysis of Iowa's lakes. The most recent contracts have been the following (all with the 60/40% split between ESD and the Lake Restoration Program):

Contract #1: Timeframe: February 11, 2014, to January 31, 2017; Amount $564,583.00; Amendment: The purpose of the Contract Amendment 1 was to revise the invoicing schedule for Tasks set out in the Original Contract, without additional money being paid out by DNR and to extend the length of the contract one month (new end date of the contract: January 31, 2017). The purpose of the Contract Amendment 2 was to amend tasks in the original contract for no additional money, without extending the time of performance previously allowed. The purpose of the Contract Amendment 3 was to add new Tasks to the Original Contract for additional money, without extending the time of performance previously allowed. The purpose of the Contract Amendment 4 was to add new Tasks to the Original Contract for additional money, without extending the time of performance previously allowed. The purpose of the Contract Amendment 5 was to modify (and remove) tasks set out in the Original Contract and previous Contract Amendments without adding additional money being paid out by the DNR.

Contract #2: Timeframe: February 1, 2017, to April 2, 2018; Amount $188,464.70; Amendment: The purpose of the Contract Amendment 1 was to add new Tasks to the Original Contract for additional money, without extending the time of performance previously allowed. The purpose of the Contract Amendment 2 was to correct the contract type to cost reimbursable (variable coat) from fixed cost. The purpose of the Contract Amendment 3 was to extend the time allowed to perform the Tasks set out in the Original Contract, without additional money being paid out by DNR.

Contract #3: Timeframe: March 1, 2018, to January 31, 2021; Amount $566,209.20; Amendment: None.

Contract #4: Timeframe: January 1, 2021, to June 15, 2024; Amount $866,363; Amendment: The purpose of the Contract Amendment 1 was to correct the original start date of the contract, without additional money being paid out by DNR. The purpose of the Contract Amendment 2 was to extend the time allowed to perform the Tasks set out in the Original Contract, without additional money being paid out by DNR. The purpose of the Contract Amendment 3 was to extend the time allowed to perform the tasks set out in the original Contract, without additional money being paid out by DNR.

Daniel Kendall
Environmental Specialist Senior, Water Quality Bureau
Environmental Services Division
February 20, 2024

Attachment(s): Contract Special Conditions

Section 5 STATEMENT OF WORK

5.1 ISU shall perform the Deliverables by the Milestone Dates as set forth in the table below. Unless stated otherwise in this Contract, ISU shall provide any personnel, facilities, equipment, materials and supplies required for ISU to carry out its obligations under this Contract.

Deliverables	Milestone Date
Task 1: Project Oversight **Description:** The Contractor shall provide staff qualified to conduct project activities (e.g. project oversight, field collection operations, laboratory analysis of chemical and biological samples, quality assurance, and reporting).	Ongoing throughout the term of this Contract
Task 2: Project Reporting **Description:** Twice a year, the Contractor shall provide a project progress report in writing detailing at a minimum: a) project progress or completion since the last report; b) work remaining on project; c) work due before next project progress report; d) issues or concerns; e) statement of the project's overall status.	2024 • First semiannual progress report shall be completed no later than June 30, 2024. • Second semiannual progress report shall be completed no later than December 31, 2024. 2025 • First semiannual progress report shall be completed no later than June 30, 2025. Second semiannual progress report shall be completed no later than December 31, 2025.
Task 3: Standard Ambient Lake Monitoring **Description:** a) In the spring prior to each sampling season, DNR will provide the Contractor with a finalized list (annual approved lake list) of the lakes to be monitored for the season and a finalized plan (annual round sampling plan) detailing the sampling round date ranges. An example of the annual approved lakes list is provided in Table 1; an example of the annual round sampling plan can be found in Table 2. b) The Contractor shall monitor each lake denoted as "Standard" in the annual approved lake list, subject to the following terms: i) Sites: Samples shall be collected from one site per lake, per sampling event. ii) Frequency: The Contractor perform a total of three sampling events per lake per calendar year, one in each of three sampling rounds, with a minimum of five weeks between each lake's sample collection, during the summers of 2024 and 2025 (respectively). No deviations from the annual round sampling plan shall occur without prior written consent of the DNR Technical Contact. In the case of lakes that are physically inaccessible throughout an entirety of a sampling round, the Contractor shall notify DNR that the lake was not sampled and the reasoning therefor no later than three days after the end of the sampling round. iii) Field Monitoring: Each sampling event shall analyze all parameters listed in Table 3.	2024 • Annual lake monitoring list and annual round sampling plan shall be finalized no later than April 15, 2024. • First round of monitoring shall begin no earlier than the start date called out in the finalized annual round sampling plan, and be completed no later than the end date called out in the finalized annual round sampling plan. 2025 • Annual lake monitoring list and annual round sampling plan shall be finalized no later than April 15, 2025. • First round of monitoring shall begin no earlier than the start date called out in the finalized annual round sampling plan, and be completed no later than the end date called out in the finalized annual round sampling plan.
Task 4: Intensive Ambient Lake Monitoring **Description:**	2024

a) The Contractor shall use the annual approved lake list to complete this Task. b) The Contractor shall monitor each lake denoted as "Intensive" on the annual approved lake list, subject to the following terms: i) Sites: Samples shall be collected from one site per lake, per sampling event. ii) Frequency: The Contractor shall perform six sampling events per lake per calendar year, one in each of month from May through October, with a minimum of three weeks between each lake's sample collection, during the summers of 2024 and 2025. No deviations from this timeframe shall occur without prior written consent of the DNR Technical Contact. In the case of lakes that are physically inaccessible, the Contractor shall notify DNR that the lake was not sampled and the reasoning therefor no later than three days after the end of the sampling round. iii) Field Monitoring: Each sampling event shall analyze all parameters listed in Table 3.	• Annual lake monitoring list shall be finalized no later than April 15, 2024. • First month of monitoring shall begin no earlier than May 1, 2024, and the last month of monitoring shall be completed no later than October 31, 2024. <u>2025</u> • Annual lake monitoring list shall be finalized no later than April 15, 2025. • First month of monitoring shall begin no earlier than May 1, 2025, and the last month of monitoring shall be completed no later than October 31, 2025.
Task 5: Ambient Lake Chemical and Limnological Analysis **Description:** To provide chemical and limnological analysis of the lakes, the Contractor shall collect and process water samples during each of the sampling events described in Task 3 and Task 4. The Contractor shall analyze such samples for the full set of parameters listed in Table 4. Chemical and limnological data shall be submitted based on the schedule put forth in Task 9.	<u>2024</u> • See Task 8 for data reporting schedule. • All chemical and limnological data reports shall be completed no later than December 31, 2024. <u>2025</u> • See Task 8 for data reporting schedule. • All chemical and limnological data reports shall be completed no later than December 31, 2025.
Task 6: Ambient Lake Phytoplankton Analysis **Description:** To provide phytoplankton analysis of the lakes, the Contractor shall collect and process water samples during each of the sampling events described in Task 3 and Task 4. A full set of phytoplankton samples shall be collected and preserved (Table 5) during each sampling event. A subset of phytoplankton samples shall be selected and analyzed, subject to the following terms: i) Selection: For the purpose of selecting subsets of phytoplankton samples and to accommodate the Task 2 and Task 3 sampling frequencies, three seasonal time periods (STP) shall be utilized. The first, second, and third STP shall be May 1st through June 30th, July 1st through August 31st, and September 1st through October 31st respectively. Log-transformed *chlorophyll a* measurements from each sampling event performed in each STP shall be used to divide the lakes into quartiles. A subset of 10 samples shall be randomly selected from each quartile in each STP. Within a given sampling year, if a lake is selected twice for phytoplankton counting, it shall not be counted a second time. Instead, a different lake in the same quartile that has not been counted shall be selected for counting. If all of the lakes within a quartile of a given STP have been counted, the remaining	<u>2024</u> • Phytoplankton data report shall be completed no later than May 15, 2025. <u>2025</u> • Phytoplankton data report shall be completed no later than May 15, 2026.

counts shall be distributed to the nearest quartiles. This will maintain the distributed sampling scheme while not allowing for repeat counts (Total analyses for phytoplankton = 10 sampling events × 4 quartiles × 3 STP = 120 samples). ii) Required Parameters: The subset of selected phytoplankton samples from each of the three STPs shall be analyzed to determine the presence and amount of phytoplankton biomass, composition, and the percent cyanobacteria of total phytoplankton biomass.	
Task 7: Ambient Lake Zooplankton Analysis **Description:** To provide zooplankton analysis of the lakes, the Contractor shall collect and process water samples during each of the sampling events described in Task 3 and a subset of sampling events described in Task 4. A full set of zooplankton samples shall be collected and preserved (Table 5) during each collection event, subject to the following terms: i) Task 4 collection event subset selection: For samples collected during Task 4 sampling events, a sample shall be collected during the month of May; during the month of July; and during the month of September. ii) Required Parameters: Each zooplankton sample shall be analyzed to determine the presence, biomass and composition of zooplankton.	2024 • Zooplankton data report shall be completed no later than May 15, 2025. 2025 • Plankton data report shall be completed no later than May 15, 2026.
Task 8: Iowa DNR Extra Lakes Chemical and Limnological Analysis **Description:** ISU shall provide chemical analysis of Lake water samples provided by DNR staff. a) DNR staff will collect up to 60 sets of samples of lake water per calendar year during the summers of 2024 and 2025 for analysis by the Contractor. b) Sampling sites will be selected by DNR prior to the sampling season and the list of sites and proposed sampling dates will be provided to the Contractor prior to data analysis. c) For all samples intended to be collected pursuant to this Task, the Contractor shall provide to the DNR: i) all sample containers and preservatives; ii) a list of bottles needed for each parameter/site type; and, iii) a chain of custody template for water samples to be collected by DNR staff during the contract period. d) DNR will pick up sample containers at the ISU Limnology Lab facility and will deliver samples to ISU Limnology Lab in person for analysis. Analyses shall follow standard methods as agreed upon by DNR and shall follow the DNR-approved QAPP. e) Upon receipt of any sample collected pursuant to this Task, the Contractor shall analyze the sample for all parameters in Table 6 of this Contract, subject to the holding times specified in Table 6.	2024 • Sampling sites and proposed sampling dates shall be finalized no later than April 15, 2024. • The first set of samples will be delivered by DNR to the Contractor no earlier than May 1, 2024, and last set of samples will be delivered by DNR to the Contractor no later than September 31, 2024. • See Task 8 for data reporting schedule. • All chemical and limnological data reports shall be completed no later than December 31, 2024. 2024 • Sampling sites and proposed sampling dates shall be finalized no later than April 15, 2025. • The first set of samples will be delivered by DNR to the Contractor no earlier than May 1, 2025, and last set of samples will be delivered by DNR to the Contractor no later than September 31, 2025. • See Task 8 for data reporting schedule. • All chemical and limnological data reports shall be completed no later than December 31, 2025.

f) Chemical data shall be submitted based on the schedule put forth in Task 9.	
Task 9: Data Transfer **Description:** All 2024 and 2025 chemical, physical, and biological data results from this Contract shall be submitted to DNR in electronic form for submittal to the DNR EQUIS compatible database. The Contractor shall generate and submit a summary table of data and appropriate metadata at the end of each round in excel format (.xlsx), as described in Table 7. The data summary shall also be converted by the Contractor to an up-loadable Excel (.xlsx) file for the EQUIS database, as described in Table 8. Depth profile data (temperature, dissolved oxygen, pH, specific conductance, turbidity, and total dissolved solids) in 0.25 meter increments including the surface shall be submitted to DNR with its respective data set in Excel spreadsheets for each individual sample or for each of the lakes listed in Table 1. Secchi disk photographs collected also shall be submitted with its respective data set. Phytoplankton and zooplankton biomass and composition data shall be submitted by ISU to DNR annually in Excel spreadsheets (see Table 9).	2024 • Standard ambient lakes round 1 and intensive lakes May and June results no later than July 31, 2024. • Standard ambient lakes round 2 results and any intensive lakes with complete results no later than September 15, 2024. • Standard ambient lakes round 3 and all remaining intensive lakes results no later than November 30, 2024. • Phytoplankton no later than May 15, 2025 • Zooplankton no later than May 15, 2025 2025. • Standard ambient lakes round 1 and intensive lakes May and June results no later than July 31, 2025. • Standard ambient lakes round 2 results and any intensive lakes with complete results no later than September 15, 2025. • Standard ambient lakes round 3 and all remaining intensive lakes results no later than November 30, 2025. • Phytoplankton no later than May 15, 2026. • Zooplankton no later than May 15, 2026.
Task 10: Quality Assurance **Description:** As a condition precedent to performing Tasks 3-11 of this Contract, the Contractor shall obtain and maintain laboratory certification for the parameters described in Table 4 and/or Table 6 of this Contract prior to May 1, 2024. Failure by the Contractor to obtain the necessary laboratory certification by May 1, 2024, or maintain laboratory certification throughout the term of this Contract shall be grounds for DNR to terminate this Contract for cause. The Contractor shall also complete and submit to the DNR for approval a Quality Assurance Project Plan (QAPP) prior to sample collection each calendar year prior to the first sampling event of that year. All activities performed under Tasks 3 through 11 of this Contract shall comply with this DNR- approved QAPP. The Contractor shall utilize approved laboratory methods contained in Table 4 and Table 6 of this Contract. All Contractor requests for deviations from the QAPP shall be submitted to and approved in writing by the DNR Technical Contact prior to changing any protocols.	Laboratory certification shall be obtained by no later than May 1, 2024, and shall be maintained thereafter throughout the term of this Contract. All other obligations shall be ongoing throughout the term of this Contract unless noted in Table 4 and Table 6.
Task 11: Additional Sampling Effort or Special Projects **Description:** The Contractor shall complete additional analyses or monitoring as mutually agreed upon in writing by ISU and DNR.	As agreed by ISU and DNR.

7.4 Budget.

The budget for this Contract shall be as set out in the table below. This Contract is being entered into on a fixed-cost basis*, with the following payments due to ISU based on the budget identified below.

2024 Budget

Task*	**Task Amount**	**Invoice Due No Later Than:**
Tasks 1&2: Project Oversight and Project Reporting**	Invoice combined totals $99,700.00	July 31, 2024 January 31, 2025
Task 3: Standard Ambient Lake Monitoring*** *(3 sampling events per site location)*	Not to exceed $57,420.00 at a cost of $165.00 per sample event (Table 10).	August 15, 2024 September 30, 2024 December 15, 2024
Task 4: Intensive Ambient Lake Monitoring*** *(6 sampling events per site location)*	Not to exceed $24,750.00 at a cost of $165.00 per sample event (Table 11).	August 15, 2024 September 30, 2024 December 15, 2024
Task 5: Ambient Lake Chemical and Limnological Analysis***	Not to exceed $100,098.00 at the costs per test listed in Table 12.	August 15, 2024 September 30, 2024 December 15, 2024
Task 6: Ambient Lake Phytoplankton Analysis***	Not to exceed $24,000.00 at the costs per test listed in Table 13.	May 31, 2025
Task 7: Ambient Lake Zooplankton Analysis***	Not to exceed $46,530.00 at the costs per test listed in Table 14.	May 31, 2025
Task 8: Iowa DNR Extra Lakes Chemical and Limnological Analysis***	Not to exceed $9,780.00 at the costs per test listed in Table 15.	August 15, 2024 September 30, 2024 December 15, 2024
Task 9: Data Transfer**	Invoice combined totals $16,650.00	August 15, 2024 September 30, 2024 December 15, 2024 January 31, 2025
Task 10: Quality Assurance**	Invoice combined totals $49,850.00	August 15, 2024 September 30, 2024 December 15, 2024 January 31, 2025
Task 11: Special Projects**	$2,000	January 31, 2025
Total	**Not to exceed $430,778.00**	

*Payment for completion of Tasks where specific payment is allotted shall be dependent upon the timely completion of corresponding items required by Tasks where no specific payment is allotted.

**"Fixed payment" shall mean that the Contractor shall be paid an amount that is fixed in the Contract. Payment also shall conform to any pricing Tables contained in this Contract and referenced in the Budget Table above.

***Variable payment" shall mean that the number of specific analyses per Task may vary, and the Contractor shall be paid only for the number of specific analyses performed per Task. "Fixed cost" shall mean that the Contractor shall be paid an amount that is fixed in the Contract, with no variations based on analyses per Task actually performed. Fixed-cost basis means fixed price.

2025 Budget

Task*	**Task Amount**	**Invoice Due No Later Than:**
Tasks 1&2: Project Oversight and Project Reporting**	Invoice combined totals $102,700.00	July 31, 2025 January 31, 2026
Task 3: Standard Ambient Lake Monitoring*** *(3 sampling events per site location)*	Not to exceed $57,630.00 at a cost of $170.00 per sample event (Table 10).	August 15, 2025 September 30, 2025 December 15, 2025

Task 4: Intensive Ambient Lake Monitoring* ***(6 sampling events per site location)***	Not to exceed $28,560.00 at a cost of $170.00 per sample event (Table 11).	August 15, 2025 September 30, 2025 December 15, 2025
Task 5: Ambient Lake Chemical and Limnological Analysis* **	Not to exceed $105,050.40 at the costs per test listed in Table 12.	August 15, 2025 September 30, 2025 December 15, 2025
Task 6: Ambient Lake Phytoplankton Analysis* **	Not to exceed $24,720.00 at the costs per test listed in Table 13.	May 31, 2026
Task 7: Ambient Lake Zooplankton Analysis* **	Not to exceed $47,799.00 at the costs per test listed in Table 14.	May 31, 2026
Task 8: Iowa DNR Extra Lakes Chemical and Limnological Analysis* **	Not to exceed $10,083.00 at the costs per test listed in Table 15.	August 15, 2025 September 30, 2025 December 15, 2025
Task 9: Data Transfer**	Invoice combined totals $17,150.00	August 15, 2025 September 30, 2025 December 15 , 2025January 31, 2026
Task 10: Quality Assurance**	Invoice combined totals $51,350.00	August 15, 2025 September 30, 2025 December 15, 2025 January 31, 2026
Task 11: Special Projects**	$2,000	January 31, 2026
Total	**Not to exceed $447,042.40**	

*Payment for completion of Tasks where specific payment is allotted shall be dependent upon the timely completion of corresponding items required by Tasks where no specific payment is allotted.

**"Fixed payment" shall mean that the Contractor shall be paid an amount that is fixed in the Contract. Payment. Payment also shall conform to any pricing Tables contained in this Contract and referenced in the Budget Table above.

***Variable payment" shall mean that the number of specific analyses per Task may vary, and the Contractor shall be paid only for the number of specific analyses performed per Task. "Fixed cost" shall mean that the Contractor shall be paid an amount that is fixed in the Contract, with no variations based on analyses per Task actually performed. Fixed-cost basis means "fixed price."

TABLES

All tables which follow are incorporated into and are expressly part of this Contract.

Table 1. Example of an annual Lake List

LAKE NAME	COUNTY NAME	Monitoring Plan	Zone	UTM (NAD83)_E	UTM (NAD83)_N	Location Code
Ada Hayden	STORY	Intensive	15T	448061	4657288	14000235
Arbor Lake	POWESHIEK	Standard	15T	522208	4620023	22790004
Arrowhead Lake	SAC	Standard	15T	330913	4684821	22810001
Arrowhead Pond	POTTAWATTAMIE	Standard	15T	283366	4590394	22780002
[ETC.]	[ETC.]	[ETC.]	[ETC.]	[ETC.]	[ETC.]	[ETC.]

Table 2. Example of an annual round sampling plan

2024	
Round 1	Monitoring shall begin no earlier than May 16, 2024, and be completed no later than June 26, 2024.
Round 2	Monitoring shall begin no earlier than June 27, 2024, and be completed no later than August 14, 2024.
Round 3	Monitoring shall begin no earlier than August 15, 2024, and be completed no later

	than September 25, 2024.

Table 3. Field Parameter List for Ambient Lake Monitoring

Parameter	Method	Certification Required
Field Temperature	YSI ProDDS Sensor, Standard Method 2550 B	No
Field pH	YSI ProDDS Sensor, Standard Method 4500-H+ B	No
Field Dissolved Oxygen	YSI ProDDS Sensor, ASTM Method D888-09 (C)	No
Field Specific Conductance	YSI ProDDS Sensor, Standard Method 2510 B	No
Field TDS	YSI ProDDS Sensor, Calculated from specific conductance sensor and temperature sensor	No
Field Turbidity	YSI ProDDS Sensor	No
Lake Depth*	YSI ProDDS Sensor	No
Thermocline Depth		No
Secchi Depth		No
Secchi photo at 0.2 meters		No

* If lake depth exceeds YSI ProDDS Sensor cable length, an alternate method shall be used to collect lake depth. Alternate methods include: Sounding line or Digital Depth finder.

Table 4. Laboratory Parameter List for Ambient Lakes

Parameter	Preservation	Holding Time	Method	Certification Required
Total Kjeldahl Nitrogen as N	Cool to 4°C	36 hours	EPA 351.2 v2	Yes
	Acid	28 days		
Ammonia as N	Cool to 4°C	36 hours	EPA 350.1v2	Yes
	Acid	7 days		
Nitrate+ Nitrite as N	Cool to 4°C	36 hours	EPA 353.2v2	Yes
	Acid	28 days		
Un-ionized Ammonia	NA	NA	Calculated	No
Total Phosphorus	Cool to 4°C	36 hours	EPA 365.1v2	Yes
	Acid	28 days		
Total Reactive Phosphorus	Cool to 4°C	36 hours	EPA 365.1v2	No
	Acid	28 days		
Soluble Reactive Phosphorus	Cool to 4°C	36 hours	EPA 365.1v2	Yes
	Filtered & Acid	28 days		
Total Fixed Suspended Solids (Inorganic Suspended Solids)	Cool to 4°C	7 days	USGS I-3753-85	No
Total Volatile Suspended Solids	Cool to 4°C	7 days	USGS I-3753-85	Yes
Total Suspended Solids	Cool to 4°C	7 days	USGS I-3765-85	Yes
Total Alkalinity	Cool to 4°C	36 hours	SM 4500-H+B, 2320 B	Yes
Chlorophyll a	Cool to 4°C	36 hours	Sonication and EPA 445.0 v1.2	No
	Frozen (-20◦C)	28 days		
Phycocyanin	Cool to 4°C	36 hours	Sarada et al. (1999)	No
	Frozen (-20◦C)	28 days		
Total Microcystin by ADDA ELISA	Frozen	14 Days	EPA 546 OH (Abraxis 520011OH)	No

Table 5. Plankton methods

Parameter	Preservation	Holding Time	Method	Certification Required
Phytoplankton Biomass and Composition	Lugol's Preservative	Years	ISU	No

Zooplankton Biomass and Composition	Sugar Formalin Solution	Years	ISU	No

Table 6. Laboratory Parameter List for Extra Lakes

Parameter	Preservation	Holding Time	Method	Certification Required
Total Kjeldahl Nitrogen as N	Cool to 4°C	36 hours	EPA 351.2 v2	Yes
	Acid	28 days		
Ammonia as N	Cool to 4°C	36 hours	EPA 350.1v2	Yes
	Acid	7 days		
Nitrate+ Nitrite as N	Cool to 4°C	36 hours	EPA 353.2v2	Yes
	Acid	28 days		
Total Phosphorus	Cool to 4°C	36 hours	EPA 365.1v2	Yes
	Acid	28 days		
Total Reactive Phosphorus	Cool to 4°C	36 hours	EPA 365.1v2	No
	Acid	28 days		
Soluble Reactive Phosphorus	Cool to 4°C	36 hours	EPA 365.1v2	Yes
	Acid	28 days		
Total Fixed Suspended Solids (Inorganic Suspended Solids)	Cool to 4°C	7 days	USGS I-3753-85	No
Total Volatile Suspended Solids	Cool to 4°C	7 days	USGS I-3753-85	Yes
Total Suspended Solids	Cool to 4°C	7 days	USGS I-3765-85	Yes
Total Alkalinity	Cool to 4°C	36 hours	SM 4500-H+B, 2320 B	Yes
Chlorophyll a	Cool to 4°C	36 hours	Sonication and EPA 445.0 v1.2	No
	Frozen (-20◦C)	28 days		
Phycocyanin	Cool to 4°C	36 hours	Sarada et al. (1999)	No
	Frozen (-20◦C)	28 days		

Table 7. Information to include in Excel Flat File

Read Me (Tab 1)
Contract number and description of included worksheets.
Flag Codes (Tab 2)
List of all lab flag codes.
Laboratory Data (Tab 3)
Sample ID
Lake Name
Sampling Date & Time
Flag- Date & Time
Total Alkalinity (mg/L as CaCO3)
Flag- Alk
Chlorophyll a (free of pheophytin) (µg/L)
Flag- Chlorophyll a
Phycocyanin (µg/L)
Flag- Phycocyanin
Total Suspended Solids (mg/L)
Flag- TSS
Volatile Suspended Solids (mg/L)
Flag- VSS
Nonvolatile (Inorganic) Suspended Solids (mg/L)
Flag- ISS
Total Kjeldahl Nitrogen as N (mg/L)
Flag- TKN

Total Phosphorus as P (mg/L)
Flag- TP
Soluble Reactive Phosphorus as P (mg/L)
Flag- SRP
Total Reactive Phosphorus as P (mg/L)
Flag- TRP
NO3+NO2 as N (Cadmium-reduced) (mg/L)
Flag- Cd-NO
NH3+NH4 as N (mg/L)
Flag- NH3+NH4
Unionized NH3 as N (mg/L)
Flag-NH3
Coliform MPN
Flag- Coliform
E Coli MPN
Flag- E coli
Microcystin (ppb)
Flag- Microcystin
Field Data (Tab 4)
Sample ID
Lake Name
Sampling Date & Time
Flag- Date & Time
Lake Depth at Sampling Site (m)
Flag- Lake Depth
Secchi Transparency at Sampling Site (m)
Flag- Secchi
Thermocline Depth at Sampling Site (m)
Flag- Thermocline Depth
Epilimnetic Average Temperature (°C)
Flag- Temp
Epilimnetic Average pH
Flag- Field pH
Epilimnetic Average Dissolved Oxygen (% Saturation)
Flag- DO %Sat
Epilimnetic Average Dissolved Oxygen (mg/L)
Flag- DO
Epilimnetic Average Specific Conductivity (uS/cm)
Flag- Specific Conductivity
Epilimnetic Average Total Dissolved Solids (mg/L)
Flag- TDS
Epilimnetic Average Turbidity (NTU)
Flag- Turbidity
Hypolimnetic Average Temperature (°C)
Flag- Temp
Hypolimnetic Average pH
Flag- Field pH
Hypolimnetic Average Dissolved Oxygen (% Saturation)
Flag- DO %Sat
Hypolimnetic Average Dissolved Oxygen (mg/L)
Flag- DO

Hypolimnetic Average Specific Conductivity (uS/cm)
Flag- Specific Conductivity
Hypolimnetic Average Total Dissolved Solids (mg/L)
Flag- TDS
Hypolimnetic Average Turbidity (NTU)
Flag- Turbidity

Table 8. Information to include in metadata for EQUIS upload file

Activity Tab
#ActivityIdentifier
ActivityTypeCode
ActivityMediaName
ActivityMediaSubDivisionName
ActivityStartDate
ActivityStartTime
ActivityStartTimeZoneCode
ProjectIdentifier
MonitoringLocationIdentifier
SampleCollectionMethodIdentifier
SampleCollectionMethodIdentifierContext
SampleCollectionMethodName
SampleCollectionEquipmentName
Result Tab
#ActivityIdentifier
ResultDetectionConditionText
CAS_rn
CharacteristicName
MethodSpeciationName
ResultSampleFractionText
ResultMeasureValue
ResultMeasureUnitCode
ResultStatusIdentifier
ResultValueTypeName
ResultAnalyticalMethodIdentifier
ResultAnalyticalMethodIdentifierContext
LaboratoryName
AnalysisStartDate
AnalysisStartTime
AnalysisStartTimeZoneCode
AnalysisEndDate
AnalysisEndTime
AnalysisEndTimeZoneCode
LaboratoryAccreditationIndicator
ResDetectionQuantLimit Tab
#ActivityIdentifier
CAS_rn
CharacteristicName
AnalysisStartDate
AnalysisStartTime
ResultSampleFractionText
ResultAnalyticalMethodIdentifier

DetectionQuantitationLimitTypeName
DetectionQuantitationLimitMeasureValue
DetectionQuantitationLimitMeasureUnitCode

Table 9. Information to include in Excel sheet

Phytoplankton Sheet
Sample ID
Lake ID
Sample Date
Division
Genus or lowest taxonomic level
Phytoplankton Taxon Biomass (mg/L)
Flag
Sample Processed By
Sample Processed Date
Zooplankton Sheet
Sample ID
Lake ID
Sample Date
Division
Genus or lowest taxonomic level
Zooplankton Biomass (µg/L)
Flag
Sample Processed By
Sample Processed Date

Table 10. 2024 and 2025 Budget for Task 3 Standard Ambient Lake Monitoring*

Year	Monitoring Unit Cost	Number of Sites	Sample Frequency	Total Cost
2024	$165.00	116	3	$57,420.00
2025	$170.00	113	3	$57,630.00
			Task 2 Total	**$115,050.00**

*Costs listed reflect cost for sampling an individual lake and collecting field parameters: Secchi depth, Secchi photo, YSI lake profile, temperature, pH, turbidity, conductivity, dissolved oxygen (mg/L and % saturation), and total dissolved solids.

Table 11. 2024 and 2025 Budget for Task 4 Intensive Ambient Lake Monitoring*

Year	Monitoring Unit Cost	Number of Sites	Sample Frequency	Total Cost
2024	$165.00	25	6	$24,750.00
2025	$170.00	28	6	$28,560.00
			Task 2 Total	**$53,310.00**

*Costs listed reflect cost for sampling an individual lake and collecting field parameters: Secchi depth, Secchi photo, YSI lake profile, temperature, pH, turbidity, conductivity, dissolved oxygen (mg/L and % saturation), and total dissolved solids.

Table 12. 2024 and 2025 Budget for Task 5

Task 5 Ambient Lake Chemical & Limnological Analysis	Unit Cost		Total Number of Samples		Total Cost	
	2024	2025	2024	2025	2024	2025
Total Kjeldahl Nitrogen as N	$15.00	$15.45	498	507	$7,470.00	$7,833.15
Ammonia as N	$11.00	$11.35	498	507	$5,478.00	$5,754.45
Un-ionized Ammonia as N	*Included (Calculated with field pH)*					
Nitrate+Nitrite as N	$11.00	$11.35	498	507	$5,478.00	$5,754.45
Total Phosphorus*	$11.00	$11.35	996*	1014*	$10,956.00	$11,508.90

	Total Reactive Phosphorus*	$11.00	$11.35	996*	1014*	$10,956.00	$11,508.90
	Soluble Reactive Phosphorus*	$14.00	$14.45	996*	1014*	$13,944.00	$14,652.30
	Total Fixed Suspended Solids	*Included w/ TSS*					
	Total Volatile Suspended Solids	*Included w/ TSS*					
	Total Suspended Solids	$12.00	$12.35	498	507	$5,976.00	$6,261.45
	Total Alkalinity	$9.00	$9.25	498	507	$4,482.00	$4,689.75
	Chlorophyll a	$17.00	$17.50	498	507	$8,466.00	$8,872.50
	Phycocyanin	$16.00	$16.50	498	507	$7,968.00	$8,365.50
	Total Microcystin	$38.00	$39.15	498	507	$18,924.00	$19,849.05
					Task 3 Total	**$100,098.00**	**$105,050.40**

*Total number of samples listed reflect two samples being collected per site. One collected in the surface and one collected at the bottom. Annual approved QAPP will describe sampling method in detail.

Table 13. 2024 and 2025 Budget for Task 6

	Unit Cost		**Total Number of Samples**		**Total Cost**	
Task 6 Phytoplankton Analysis*	**2024**	**2025**	**2024**	**2025**	**2024**	**2025**
Biomass and composition	$200.00	$206.00	120	120	$24,000.00	$24,720.00
% Cyanobacteria	*Included*		120	120		
				Task 5 Total	**$24,720.00**	**$25,440.00**

*Samples for analysis are selected based on the following: 10 lakes x 4 quartiles x 3 rounds = 120 samples total

Table 14. 2024 and 2025 Budget for Task 7

Task 7 Zooplankton Analysis*	Unit Cost		Total Number of Samples		Total Cost	
	2024	2025	2024	2025	2024	2025
Biomass and composition	$110.00	$113.00	423	423	$46,530.00	$47,799.00
				Task 5 Total	**$46,530.00**	**$47,779.00**

*Samples for analysis are selected based on the following: All 3 sampling events described in Task 2 and 3 of the 6 sampling events described in Task 3. The 3 sampling events for lakes described in Task 3 will be taken during the months of May, July, and September. A total of 141 lakes will be sampled 3 time over the summer (141 x 3 = 423).

Table 15. 2024 and 2025 Budget for Task 8

Task 8 Iowa DNR Extra Lakes Chemical and Limnological Analysis	Unit Cost		Total Number of Samples		Total Cost	
	2024	2025	2024	2025	2024	2025
Total Kjeldahl Nitrogen as N	$15.00	$15.45	60	60	$900.00	$927.00
Ammonia as N	$11.00	$11.35	60	60	$660.00	$681.00
Nitrate+Nitrite as N	$11.00	$11.35	60	60	$660.00	$681.00
Total Phosphorus*	$11.00	$11.35	120*	120*	$1,320.00	$1,362.00
Total Reactive Phosphorus*	$11.00	$11.35	120*	120*	$1,320.00	$1,362.00
Soluble Reactive Phosphorus*	$14.00	$14.45	120*	120*	$1,680.00	$1,734.00
Total Fixed Suspended Solids	Included w/ TSS					
Total Volatile Suspended Solids	Included w/ TSS					
Total Suspended Solids	$12.00	$12.35	60	60	$720.00	$741.00
Total Alkalinity	$9.00	$9.25	60	60	$540.00	$555.00
Chlorophyll a	$17.00	$17.50	60	60	$1,020.00	$1,050.00
Phycocyanin	$16.00	$16.50	60	60	$960.00	$990.00
				Task 6 Total	**$9,780.00**	**$10,083.00**

*Total number of samples listed reflect two samples being collected per site. One collected in the surface and one collected at the bottom. Annual approved QAPP will describe sampling method in detail.

Iowa Department of Natural Resources
Environmental Protection Commission

Item # 9

Decision

Contract with THE UNIVERSITY OF IOWA

Recommendation:
Commission approval is requested for a Service Contract with the State Hygienic Laboratory at the University of Iowa.

Contract Terms:
Amount: Not to exceed $179,863.20
Dates: February 20, 2024 to June 30, 2027
Funding Source(s): The Drinking Water State Revolving Fund - State Program
Statutory Authority: Iowa Code section 455B.103(3)

Contract Background: The DNR PFAS Action Plan, dated January 30, 2020, includes sampling representative public water supplies for PFAS analytes. Data collected will help inform future work. The activity supports Focus Area I of the plan, which is to identify and minimize exposures of Iowans to PFAS.

Contract Purpose: The parties propose to enter into this Contract to retain the Contractor to provide sample collection and analyses of drinking water samples for PFAS analytes (Tier 5 sampling).

Contractor Selection Process: DNR is allowed to contract with the University of Iowa pursuant to Iowa Code section 455B.103(3).

Contract History: The Contractor has analyzed PFAS samples in prior contracts. The Contractor will be conducting the sampling and analysis for this Contract.

Contract	Amount	Date
22ESDWQBRBRUN-0005 (Eurofins)	$93,000	September 1, 2021 to September 1, 2023
23ESDWQBKLEE-0001	$149,040	June 1, 2022 to May 31, 2024
23ESDWQBKLEE-0001 A01	$108,000	February 21, 2023 to May 31, 2024
24ESDWQBKLEE-0002	$179,863.20	February 20, 2024 to June 30, 2027
Total	**$529,903.20**	

Statement of Work:

Task	Compensation
Task 1: Site Mobilization & Sampling	$59,980.00
Task 2: Receipt and inspection of submitted samples	No Charge
Task 3: Analysis of samples	$106,560.00
Task 4: Data transmission to SDWIS	No Charge
Sub-totals	$166,540.00
Facilities and administrative costs @ 8%	$13,323.20
Not to Exceed Total	**$179,863.20**

Kathleen Lee, ESS, Water Quality Bureau
Environmental Services Division
February 20, 2024

Iowa Department of Natural Resources
Environmental Protection Commission

Item #10

Decision Item

Commission approval is requested for a contract with Burns & McConnell, Engineering Company, Inc., Atlanta, GA.

Contract Terms:

Amount: Not to exceed $25,800
Dates: March 1, 2024 – December 31, 2025
Funding Source(s): The funding source is grant funds from the U.S. Environmental Protection Agency's Pollution Prevention Grant Program Funded by the Bipartisan Infrastructure Law. This funding covers 100% of the contract costs.

Contract Purpose: The contractor will coordinate, develop, and execute a set of four comprehensive ISO 14001 Environmental Management System (EMS) virtual assistance webinars for environmental professionals in Iowa.

Meeting environmental compliance regulations can often seem overwhelming and rule changes can be confusing. Many industries also have to deal with community concerns as well as sustainability and supply chain issues. The DNR's Pollution Prevention Program has offered various EMS workshops since 2010 and has seen a continued need to provide assistance to industry in developing and strengthening EMS's to help industry.

An EMS's proactive approach, based on a Plan-Do-Check-Act model, can help reduce the risk of non-compliance and improve health and safety practices for employees and the public. An EMS can also help address non-regulated issues, like energy conservation, community concerns sustainability and supply chain issues. An EMS can also promote stronger operational control and employee stewardship. Basic Elements of an EMS include the following:

- Reviewing the organization's environmental goals;
- Analyzing its environmental impacts and compliance obligations (or legal and other requirements);
- Setting environmental objectives and targets (goals) to reduce environmental impacts and conform with compliance obligations;
- Establishing programs or projects to meet these objectives and targets;
- Monitoring and measuring progress in achieving the objectives;
- Ensuring employees' environmental awareness and competence; and,
- Reviewing progress of the EMS and achieving improvements.

The benefits of implementing an EMS include:

- Improved environmental performance and enhanced compliance;
- Increased efficiency, reduced costs, and reduced environmental impacts and risks;
- Conservation of resources;
- Gaining new customers/markets by those that may require a facility that has implemented an EMS;
- Enhanced employee morale through reduced risks;

- Employee awareness of environmental issues and responsibilities; and
- Enhanced image with public, regulators, lenders, investors

Pollution Prevention or source reduction is a key component in the successful development of an EMS as it can help an organization achieve many of the above benefits.

Selection Process Summary: The contractor was selected as a result of an informal, competitive bid process for acquiring professional services. Proposers were to include a technical proposal and a cost proposal. A proposal was received from one bidder which was accepted based on their experience and past work with the DNR.

Contract History: None

Jeff Fiagle, Executive Officer, Land Quality Bureau
January 20, 2024

Exhibit A: Statement of Work

The purpose of this contract is for the DNR to acquire services to coordinate, develop, and execute a set of four comprehensive ISO 14001 EMS virtual assistance webinars for environmental professionals in Iowa.

The DNR will work with the contractor to determine EMS topics that will be most helpful to provide the information that industry environmental professionals need to develop new and strengthen existing EMS's.

Contractor must perform the following Tasks by the Task Milestone Dates set out in the following table:

Deliverables	**Task Milestone Date**
Task 1: **Initial Contract Meeting**	March 6, 2024
Task 2: Planning Meeting 1.1 **Description**: • Updated agenda submitted to DNR • Draft of all training materials / tools submitted to DNR	March 21, 2024
Task 3: **Planning Meeting 1.2** **Description:** Final arrangement for Webinar #1	April 20, 2024
Task 4: **Delivery of Webinar #1**	May 15, 2024
Task 5: **Planning Meeting 2.1** **Description:** Planning for Webinar #2	July 10, 2024
Task 6: **Updated Agenda Submitted to DNR** **Description:** • Updated agenda submitted to DNR • Draft of all training materials / tools submitted to DNR	July 30, 2024
Task 7: **Planning Meeting 2.2** **Description:** Final arrangements for Webinar #2	August 14, 2024
Task 8: **Delivery of Webinar #2**	September 11, 2024
Task 9: **Planning Meeting 3.1** **Description:** • Updated agenda submitted to DNR • Draft of all training materials / tools submitted to DNR	December 4, 2024
Task 10: **Planning Meeting 3.2** **Description:** Final arrangement for Webinar #3	January 15, 2025
Task 11: **Delivery of Webinar #3**	February 26, 2025
Task 12: **Planning Meeting 4.1** **Description:** • Updated agenda submitted to DNR • Draft of all training materials / tools submitted to DNR	April 9, 2025
Task 13: **Planning Meeting 4.2** **Description:** Final arrangement for Webinar #4	May 14, 2025
Task 14: **Delivery of Webinar #4**	June 18, 2025

Exhibit B: Budget

Task	**Amount of compensation allotted to Task**	**Invoice Due No Later Than**
Task 1: Initial Contract Meeting	$1,000	30 days after task completion
Task 2: Planning Meeting 1.1	$3,000	30 days after task completion
Task 3: Planning Meeting 1.2	$1,500	30 days after task completion
Task 4: Delivery of Webinar #1	$1,700	30 days after task completion
Task 5: Planning Meeting 2.1	$3,000	30 days after task completion
Task 6: Updated Agenda Submitted to DNR	-	30 days after task completion
Task 7: Planning Meeting 2.2	$1,500	30 days after task completion
Task 8: Delivery of Webinar #2	$1,700	30 days after task completion
Task 9: Planning Meeting 3.1	$3,000	30 days after task completion
Task 10: Planning Meeting 3.2	$1,500	30 days after task completion
Task 11: Delivery of Webinar #3	$1,700	30 days after task completion
Task 12: Planning Meeting 4.1	$3,000	30 days after task completion
Task 13: Planning Meeting 4.2	$1,500	30 days after task completion
Task 14: Delivery of Webinar #4	$1,700	30 days after task completion
Total	**$25,800**	

Iowa Department of Natural Resources
Environmental Protection Commission

Item #11

Information

Topic:
Programmatic Agreement between the State Historical Preservation Office (SHPO) and the Drinking Water State Revolving Fund (DWSRF) and Clean Water State Revolving Fund (CWSRF) Programs

The United States Environmental Protection Agency (EPA) Region 7, the Advisory Council on Historic Preservation (ACHP), and the Iowa Department of Natural Resources (DNR) State Revolving Fund (SRF), in consultation with the Iowa State Historic Preservation Office (SHPO), are developing a new statewide programmatic agreement (PA) for the CWSRF Program and DWSRF Program. This PA will guide compliance with Section 106 of the National Historic Preservation Act under 36 Code of Federal Regulations Part 800.

The EPA has delegated the Iowa SRF Program the authority to complete Section 106 clearance on its behalf. This PA clarifies the boundaries of the DNR's authority to implement the Section 106 process for both SRF funding from the Clean Water Act and the Safe Drinking Water Act.

The PA excludes certain activities from a full SHPO review in the Section 106 process, when projects have limited potential of negatively impacting historic properties. These exclusions are categorized as Tier 1 that can be reviewed by DNR environmental review staff or Tier 2 that are more complicated and will need an archaeologist and/or architecture historian.

The authorities granted under this PA will streamline the SRF environmental review process to allow wastewater and drinking water treatment projects to move more efficiently through environmental review to progress to construction.

February 20, 2024

Theresa Enright, SRF Coordinator
Water Quality Bureau
Environmental Services Division

LITIGATION REPORT

Prepared By: Kelli Book
Date: February 20, 2024

I. Summary

The DNR seeks referral of Darryl Banowetz to the Attorney General's Office for an appropriate enforcement action for a manure release from his animal feeding operation that resulted in multiple water quality violations. This referral includes the following violations: 1) prohibited discharges of a pollutant to a water of the state; 2) general water quality violations; 3) failure to contain all manure from confinement structures between periods of application; 4) failure to notify the DNR of a manure release; and 5) failure to comply with provisions required by Administrative Consent Order No. 2016-AFO-06 and Administrative Consent Order No. 2019-AFO-25.

II. Alleged Violator

Darryl Banowetz
1276 320th Avenue
Charlotte, Iowa 52731

III. Description of Facility

Darryl Banowetz owns and operates D&D Dairy located at 1276 320th Avenue, Charlotte, Iowa (Section 23, Waterford Township, Clinton County). The confinement facility has a capacity of 352 mature dairy cattle and utilizes an outside uncovered pit for manure storage.

IV. Alleged Violations

a. Facts

On August 31, 2023, DNR Field Office 6 received a complaint about discolored water in an unnamed tributary of Bear Creek downstream of D&D Dairy. The complainant stated that it had happened numerous times during the summer.

On the same day, Jeff Prier, DNR Field Office 6 environmental specialist senior, investigated the complaint. Mr. Prier began his investigation at the unnamed tributary, approximately one mile downstream of D&D Dairy. Mr. Prier noted discolored water in the tributary and the field test indicated an ammonia level greater than 3 parts per million.

LITIGATION REPORT for DARRYL BANOWETZ
FEBRUARY 2024 EPC MEETING

**Discolored water in the tributary.

Mr. Prier continued to D&D Dairy and spoke to Mr. Banowetz. Mr. Banowetz stated that manure had discharged from the facility and that he constructed an emergency containment berm in the pasture near the facility. He believed the berm had contained the discharge. Mr. Prier went to the berm and noted the tributary upstream of the berm was dry dirt; however, manure had overflowed the berm and a trail of manure solids had been discharged downstream of the berm to a dry section of the tributary.

Mr. Prier continued downstream to where water began flowing in the tributary and began carrying manure solids and effluent downstream. He noted several

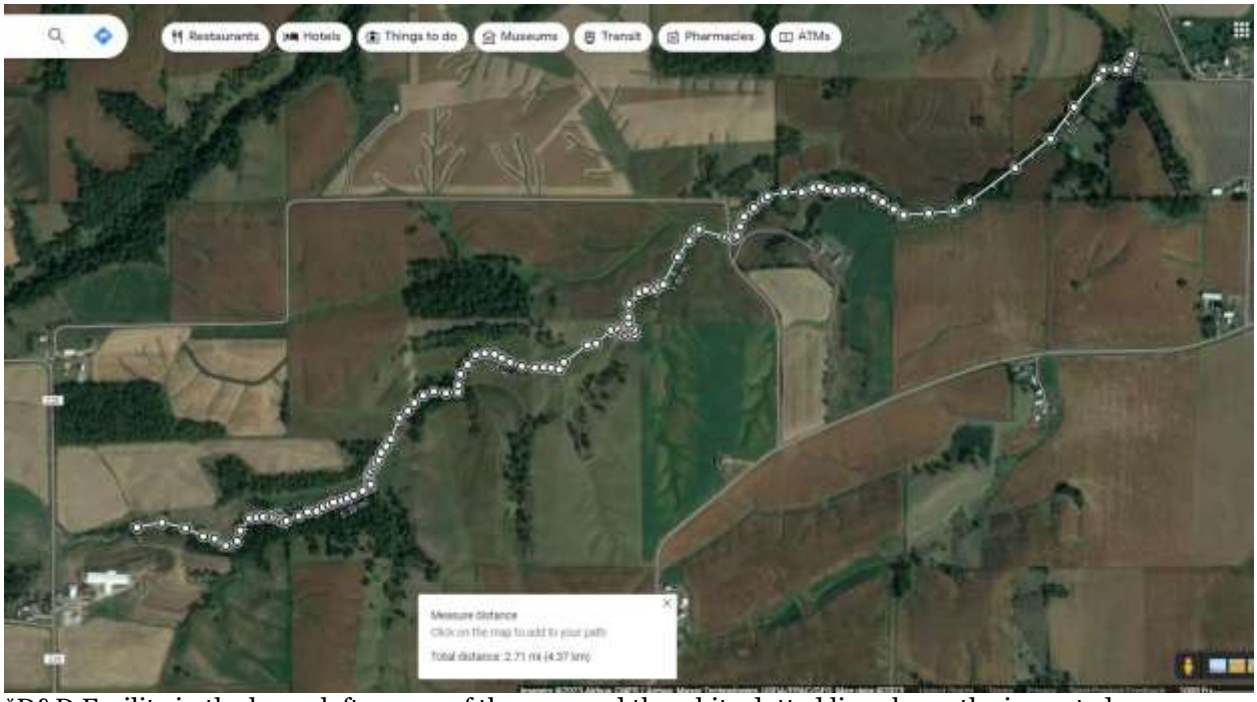
pooled areas of the stream that were brown from the discharge. There were areas of thick build-up of manure solids and manure solids swirling in the current.

*Discolored water and manure solids in the tributary located in the pasture area

*Manure solids and manure in the tributary

LITIGATION REPORT for DARRYL BANOWETZ
FEBRUARY 2024 EPC MEETING

Mr. Prier returned to the facility and spoke to Mr. Banowetz. Mr. Prier told Mr. Banowetz what he found and instructed him to shore up the berm, pump out the manure and begin cleaning out the dry portions of the tributary.



*D&D Facility in the lower left corner of the map and the white dotted line shows the impacted areas of the unnamed tributary and Bear Creek.

On September 1, 2023, Mr. Prier returned to the site to check on the cleanup and determine the impact of the discharge on Bear Creek, approximately 2.5 miles east of the facility. Mr. Prier observed discolored water from the tributary as it entered Bear Creek. Laboratory samples were collected from the impacted area and the results were as follows:

Sample Location	**E. Coli** (mpn/100mL)	**Ammonia** (mg/L)	**Biochemical Oxygen Demand (CBOD)** (mg/L)
Bear Creek (upstream of discharge point)	160	<0.10	<2
Discharge Point	6,500	11	6
Bear Creek (downstream of discharge point)	1,600	4.5	3

LITIGATION REPORT for DARRYL BANOWETZ
FEBRUARY 2024 EPC MEETING

Mr. Prier noted that Mr. Banowetz had added more capacity to the pasture berm and scraped some of the manure solids and placed them away from the tributary. Mr. Prier continued to the facility and spoke with Mr. Banowetz. Mr. Banowetz stated that the underground transfer pipe from the confinement building to the manure storage structure was plugged, so he used an above-ground umbilical hose from the confinement building to the manure storage structure to transfer the manure. He stated that there had been a kink in the hose which caused the flooding of the sand containment structure and led to the discharge. This event occurred on the morning of August 31. Mr. Banowetz stated he had a cleanup plan for removing the solids from the tributary and would begin the week of September 3.

*Discharge from the sand storage structure. Darker color is from the August discharge, but dried manure solids were noted in this area as well, indicating prior manure releases

LITIGATION REPORT for DARRYL BANOWETZ
FEBRUARY 2024 EPC MEETING

On September 6, 2023, DNR issued Mr. Banowetz a Notice of Violation and Notice of Referral letter for the violations and the letter informed Mr. Banowetz the matter would be referred for further enforcement.

On September 7, 2023, Mr. Prier returned to the facility. He walked the impacted tributary and noted some of the piles of manure had been removed from the dry areas of the tributary. The cleanup ended at the first fence downstream of the point where manure entered the tributary. More manure was located beyond the first fence. Mr. Prier noted that the pasture berm had been repaired and remediation activities were observed in the runoff path.

On September 26, 2023, Jeremiah Kaufmann, DNR Field Office 6 environmental specialist, conducted a follow up visit and noted that while some of the manure had been cleaned up, manure remained in the tributary almost a month after the discharge.

*Photographs from September 27, 2023 showing manure solids remaining in the tributary that enters Bear Creek.

PAST HISTORY

Previous Administrative Consent Orders

In 2019, DNR issued Administrative Consent Order No. 2019-AFO-25 to Mr. Banowetz for a manure discharge that resulted in water quality violations. The discharge occurred in April 2019 as a result of manure overflowing the manure storage structure. The order required Mr. Banowetz to: 1) prevent future discharges of manure from the facility; 2) submit a corrective action plan to

prevent future discharges from the facility; 3) submit monthly freeboard measurements to the field office for a period of two years; and 4) pay a $5,000.00 administrative penalty. The corrective action plan was submitted and included a statement that Mr. Banowetz would conduct frequent visual inspections of the facility structures and maintain at the facility office a chart recording these visual inspections. Mr. Banowetz paid only $1,000.00 of the $5,000.00 penalty.

In 2016, DNR issued Administrative Consent Order No. 2016-AFO-06 to Mr. Banowetz to address a manure discharge that resulted in a water quality violation. The discharge occurred when the berm to the manure storage structure failed and manure was released to the tributary. The order required Mr. Banowetz to: 1) prevent future discharges of manure from the facility; 2) submit a corrective action plan to prevent future discharges from the facility; and 3) pay a $4,000.00 administrative penalty. The corrective action plan was submitted and included a statement that Mr. Banowetz would conduct frequent visual inspections of the facility structures and maintain at the facility office a chart recording these visual inspections. Mr. Banowetz did pay the administrative penalty.

During the 2023 field office visit, Mr. Prier asked about the corrective action plans in the 2016 and 2019 administrative consent orders. Mr. Banowetz stated he had not followed those and had no records of the visual inspections of the facility structures.

b. Law

1. Iowa Code section 455B.186 and 567 IAC 62.1(1) state that a pollutant shall not be disposed of by dumping, depositing, or discharging such pollutant into any water of the state except that this section shall not be construed to prohibit the discharge of adequately treated sewage, industrial waste, or other waste in accordance with DNR rules. During the August and September 2023 investigations, DNR Field Office 6 personnel noted that manure from the D&D Dairy was discharged to an unnamed tributary and eventually to Bear Creek. The above facts indicate a violation of these provisions.

2. 567 IAC 61.3(2) provides general water quality criteria and prohibits discharges that will produce objectionable color, odor or other aesthetically objectionable conditions; settle to form sludge deposits; interfere with livestock watering; or are toxic to animal or plant life. The manure release in August 2023 caused the water to be discolored and created elevated pollutants in the water. Additionally, manure solids were found on the banks of the tributary up to a month after the discharge. The above-mentioned facts indicate violations of the general water quality criteria.

3. 567 IAC 65.2(3) states that the minimum level of manure control for a confinement feeding operation shall be the retention of all manure produced in

the confinement enclosures between periods of manure application. In no case shall manure from a confinement feeding operation be discharged directly into a water of the state or into a tile line that discharges to waters of the state. In August 2023, DNR Field Office 6 observed manure from D&D Dairy was discharged to an unnamed tributary and eventually to Bear Creek. The above-mentioned facts indicate a violation of this provision.

4. 567 IAC 65.2(9) states that a release shall be reported to the DNR. A person storing, handling, transporting, or land applying manure from a confinement feeding operation who becomes aware of the release shall notify the DRN of the release as soon as possible, but no later than six hours after the onset or discovery of the release. Mr. Banowetz failed to notify the DNR of the manure release and the only reason the DNR was made aware of the manure release was through a complaint report. The above-mentioned facts indicate a violation of this provision.

5. Administrative Consent Order No 2016-AFO-06 was issued to Mr. Banowetz and one of the requirements was to submit and follow a corrective action plan to prevent future discharges. The corrective action plan was submitted and included a statement that Mr. Banowetz would conduct frequent visual inspections of the facility structures and maintain at the facility office a chart recording these visual inspections.

Administrative Consent Order No. 2019-AFO-25 was issued to Mr. Banowetz and two of the requirements included the requirement to submit and follow a corrective action plan to prevent future discharges and to pay a $5,000.00 administrative penalty. Mr. Banowetz has paid only $1,000.00 of the assessed penalty from 2019-AFO-25. Additionally, during the 2023 field office visit, Mr. Prier asked about the corrective action plans in the 2016 and 2019 administrative consent orders. Mr. Banowetz stated he had not followed those and had no records of the visual inspections of the facility structures. The above-mentioned facts indicate that Mr. Banowetz has failed to comply with provisions of the previous administrative consent orders.

6. Iowa Code section 455B.191(4) authorizes the Attorney General to institute legal proceedings necessary to secure enforcement of the water quality provisions of the law. Iowa Code section 455B.191(1) authorizes civil penalties of up to $5,000 per day of violation of statutory provisions or DNR rules. Iowa Code section 455B.191(2) authorizes more serious criminal sanctions for negligent or knowing violations.

V. Witnesses

Jeff Prier will be available during the February 2024 EPC meeting to answer additional questions.

LITIGATION REPORT
AMY KNAPP d.b.a. KNAPP MOBILE HOME PARK NO. 4

Prepared By: Bradley Adams
Date: February 20, 2024

I. INTRODUCTION

A. Summary

The Department of Natural Resources (DNR) seeks referral to the Iowa Attorney General's Office of Amy Knapp d.b.a. Knapp Mobile Home Park No. 4 (Ms. Knapp and Knapp MHP, respectively), for violations of both Iowa laws and regulations related to wastewater disposal and for violations of an administrative consent order.

Ms. Knapp owns and operates a mobile home park (Knapp MHP) in Dubuque County, Iowa. In June of 2022, Ms. Knapp stated that Knapp MHP contained seven mobile homes and eleven residents. As part of Knapp MHP's operation, Ms. Knapp provides sewage disposal services to her tenants. At all relevant times up to the date of this referral, Ms. Knapp has owned and operated a wastewater treatment facility (Facility) at Knapp MHP. Due to violations of state wastewater laws, the Director signed Administrative Consent Order 2022-WW-02, attached as "Exhibit A" (WW Order).

Since agreeing to the terms of the WW Order in February 2022, Ms. Knapp has violated its conditions. The WW Order demonstrates that Ms. Knapp failed to submit required reports of daily sampling results (known as DMRs) of effluent from the Facility. The Facility's National Pollutant Discharge Elimination System (NPDES) Permit requires submission of these reports. The WW Order required Ms. Knapp to "immediately enter into compliance with all conditions of [the NPDES permit], including but not limited to the timely submission of complete DMRs." Ms. Knapp failed to seek professional training to be competent to operate the Facility, which was required by the WW Order. Due to her failure to maintain the Facility, Ms. Knapp is either illegally discharging pollutants to a water of the state or is creating a hazardous condition at Knapp MHP, or both. In total, there have been four documented bypasses and upsets at this Facility since June of 2024. Arguably, this event can be considered one continuous bypass because while waste is entering the system, very little to no effluent is exiting.

This has caused untreated sewage to enter the drainage system and pollute Iowa's waterways. Untreated sewage carries significant public health risks, as waterborne illnesses such as cholera and dysentery are given opportunity to spread. Sewage pollutants such as excess nutrients contribute to algal blooms. It can be toxic to fish and other forms of aquatic wildlife, reducing biodiversity. When untreated effluent reaches soil, it compromises the soil's integrity and natural chemical composition. Lastly, bypassed wastewater causes issues with noxious odors and causes other aesthetic problems in waterways. These are serious violations. Ms. Knapp is disregarding the

health and well-being of her tenants and the environment by not complying with wastewater disposal laws.

Due to the chronic, repeated nature of Ms. Knapp's violations, these matters are appropriate for referral to the Iowa Attorney General's Office for the Attorney General to seek injunctive relief and other penalties as deemed appropriate.

B. Alleged Violator

Amy Knapp d.b.a. Knapp Mobile Home Park No. 4.

C. Description of Facility/Property

Ms. Knapp owns and operates the Facility at Section 2 Township 89N Range 02E, which is locally known as 17909 Peru Road Dubuque, IA. The property lies less than one mile from the Mississippi River.

D. Prior Administrative Consent Order

1. Administrative Consent Order No. 2022-WW-02

Between February 2015 and June 2019, Ms. Knapp discharged pollutants from the Facility in violation of the limits in the NPDES Permit. Ms. Knapp failed to: submit DMRs between November 2019 and May 2021, pay fees associated with the NPDES Permit from 2019 through 2021, and receive professional training to ensure she had the knowledge to operate the Facility.

The DNR attempted to communicate with Ms. Knapp regarding these violations, both formally and informally. In total, the DNR issued seven notices of violation (NOVs) to Ms. Knapp for these violations. Ultimately, Ms. Knapp agreed to address these violations through the issuance of the WW Order, which became effective on February 16, 2022.

The facts as demonstrated in the WW Order showed a violation of:

a. Iowa Code section 455B.186, which prohibits the discharge of pollutants into a water of the state, except for adequately treated pollutants discharged pursuant to a permit issued by the DNR;

b. 567 Iowa Administrative Code (IAC) 61.3(2)"b", which prohibits the discharge of effluent that cause floating debris, oil, grease, scum and other floating materials in amounts sufficient to create a nuisance;

c. 567 IAC 64.3(1), which prohibits the operation of any wastewater disposal system contrary to any condition of an NPDES permit;

d. 567 IAC 64.16, which requires that all facilities covered by NPDES permits to submit full payment of annual fees by August 30 each year; and

e. 567 IAC 63.8, which requires records of operation to be submitted to the DNR at monthly intervals.

II. FACTUAL BACKGROUND

Since the issuance of the WW Order, the following has occurred:

1. On June 14, 2022, DNR Field Office 1 (FO1) staff performed a compliance evaluation inspection at Knapp MHP. Compliance sampling could not be conducted because the effluent pipe had recently been covered/removed. FO1 staff observed bypasses and upsets at this visit.

2. On June 20, 2022, FO1 staff received an email from Ms. Knapp with general updates on televising sewer lines and calls she made to contractors to complete electrical work on the centrifugal pump and water meter. However, Ms. Knapp claimed she was still unable to find the effluent pipe. Ms. Knapp also stated that she had contacted the Iowa Rural Water Association for training as was required by the WW Order.

3. On June 23, 2022, DNR issued an NOV pursuant to the June 14 compliance evaluation inspection for Ms. Knapp's failure to comply with the terms and conditions of the NPDES Permit and for having bypasses and upsets at the Facility.

4. That same day, Ms. Knapp was to provide DNR a written report of steps taken, or planned, to get the Facility into compliance, including but not limited to: how bypassing will be eliminated from the septic tank; what work was performed to make the effluent pump work properly; what evaluation was performed to determine if the trip-troughs in the trickling filter were functioning properly; what evaluation was made to determine if effluent is flowing from the trickling filter to the settling tank, and; what work was performed to repair the outfall pipe so effluent sampling could be conducted. DNR did not receive a response.

5. On July 27, 2022, FO1 staff spoke with Shane Metz of Iowa Rural Water Association to see if Ms. Knapp had contacted him regarding wastewater training and operation of her wastewater system as was required by the WW Order. He stated that she had not contacted him.

6. On July 28, 2022, FO1 staff provided Shane Metz the cell phone number and email address for Ms. Knapp.

7. On August 16, 2022, Ms. Knapp stated that she had effluent samples at the City of Dubuque's lab for analysis. She stated that Shane Metz has emailed and called her, but they still "have not connected" yet.

8. On August 22, 2022, FO1 staff received an email string from Shane Metz showing that Ms. Knapp reached out to him on July 29, 2022. Nothing was set up with Iowa Rural Water Association to provide technical assistance and training on operations and maintenance of a wastewater treatment plant.

9. On September 15, 2022, FO1 staff received the June and August DMRs for the Facility. No effluent sampling data was reported for August 16, 2022. Ms. Knapp claimed to have completed these samples.

10. On October 17, 2022, Shane Metz confirmed that he has not been able to contact Ms. Knapp regarding technical assistance since she emailed him on July 29, 2022.

11. On December 16, 2022, FO1 staff visited the site and found that a wastewater bypass was occurring near the cleanout, on lot 24. The DNR reached out to Ms. Knapp regarding this bypass, and sent her a wastewater bypass report template to complete and return to document this incident.

12. On December 19, 2022, FO1 staff reached out to Shane Metz to determine if Ms. Knapp had contacted him to seek technical assistance. Mr. Metz stated that he had not been in touch with Ms. Knapp.

13. On December 23, 2022, DNR received the wastewater bypass report from Ms. Knapp stating that "the septic tank was full due to frozen pipes in the septic tank house."

14. On January 19, 2023, DNR received an email from Ms. Knapp stating that "the sewer line is still frozen."

15. On February 17, 2023, DNR issued an NOV for failure to submit DMRs for December 2022 and January 2023.

16. On February 17, 2023, FO1 staff visited the site and found that the wastewater bypass was still in progress. The DNR reached out to Ms. Knapp regarding this bypass, and sent her a wastewater bypass report template to complete for this incident.

17. On March 13, 2023, State Hygienic Lab (SHL) set up equipment to perform a Compliance Sampling Inspection (CSI).

18. On March 14, 2023, DNR received a written document from Melanie Kruse, SHL, that the CSI could not be completed due to no discharge in the 24-hour period from the effluent outfall pipe.

19. On March 20, 2023, FO1 staff visited the site and the wastewater bypass was still occurring. The DNR reached out to Ms. Knapp regarding this bypass, and sent her a wastewater bypass report template to complete for this incident.

20. On March 22, 2023, DNR received the wastewater bypass report from Ms. Knapp stating that "the septic tank was pumped, and the pump in the second compartment of the septic tank is not functioning. A new pump is to be installed on March 23, 2023."

21. On March 24, 2023, DNR issued an NOV for Ms. Knapp's failure to submit monthly DMRs.

22. On September 18, 2023, the fees associated with Knapp MHP's NPDES permit became overdue.

23. On October 2, 2023, DNR issued an NOV for Ms. Knapp's failure to submit monthly DMRs.

24. On October 27, 2023, DNR issued an NOV for Ms. Knapp's failure to complete a self-assessment matrix and submit a work record request as required by Ms. Knapp's NPDES Permit.

25. On November 17, 2023, DNR issued an NOV for Ms. Knapp's failure to submit monthly DMRs.

III. VIOLATIONS

A. Violations of Prior Administrative Consent Order

Ms. Knapp has failed to comply with several terms of the previously issued WW Order. Ms. Knapp has not received scheduled training from the Iowa Rural Water Association regarding the upkeep and monitoring of the Facility as required by the WW Order. Nor has she entered into compliance with all conditions of the NPDES Permit, including but not limited to the timely submission of complete DMRs.

B. Violations of Iowa Law

The above-stated facts show violations of the following law:

1. Iowa Code section 455B.186, which prohibits the discharge of pollutants into a water of the state, except for adequately treated pollutants discharged pursuant to a permit issued by the DNR;

2. 567 IAC 61.3(2)"b", which prohibits the discharge of effluent that cause floating debris, oil, grease, scum and other floating materials in amounts sufficient to create a nuisance;

3. 567 IAC 64.3(1), which prohibits the operation of any wastewater disposal system contrary to any condition of an NPDES permit;

4. 567 IAC 64.16, which requires that all facilities covered by NPDES permits to submit full payment of annual fees by August 30 each year; and

5. 567 IAC 63.8, which requires records of operation to be submitted to the DNR at monthly intervals.

6. 567 IAC 63.6(1) and 63.6(3), which prohibits bypasses from any portion of a treatment facility or from a sanitary sewer collection system designed to carry only sewage are prohibited.

IV. CONCLUSION

In summation, Ms. Knapp refuses to comply with Iowa's wastewater disposal laws and a previously issued administrative consent order. Ms. Knapp's refusal to cooperate contributes to the degradation of the environment and puts Knapp's tenants at potential risk. These are serious, ongoing violations of Iowa law and authority.

Available DNR Witnesses

The following DNR representatives will be available at the EPC meeting:

- Matt Calvert, DNR FO1 Environmental Specialist
- Michele Smith, DNR FO1 Environmental Specialist Senior
- Shane Dodge, DNR FO1 Supervisor

Exhibit List

A. Administrative Consent Order No. 2022-WW-02