Agenda

Environmental Protection Commission

Wednesday, May 22, 2024
Teleconference: 631-618-4607 PIN: 484 733 354#
Bridge View Conference Center, 102 Church St, Ottumwa
Video Conference: https://meet.google.com/rzo-uidn-tvg

Tuesday, May 21, 2024- Optional Wapello County Tour-registration required by Fri, May 17 at 4pm to Alicia Plathe at alicia.plathe@dnr.iow.gov of 515-313-8909.

Wednesday, May 22, 2024
9:00 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 6200 Park Ave Ste 200, Des Moines IA 50321 up to 24 hours prior to the business meeting.

1.	Approval of Agenda Consent Agenda (*within agenda indicates proposed consent agenda item) *7. Contract with The University of Northern Iowa-Iowa Waste Reduction Center	(Decision)
2.	Environmental Protection Commission Oath of Office and Annual Election of Officers	
3.	Approval of the Minutes	(Decision)
4.	Monthly Reports	Ed Tormey (Information)
5.	Director's Remarks	Kayla Lyon (Information)
6.	Derelict Building Grant Program-Grant Recommendations	Reid Bermel (Decision)
*7.	Contract with The University of Northern Iowa-Iowa Waste Reduction Center	Reid Bermel (Decision)
8.	Contract with The University of Iowa- Ambient Stream Biological Monitoring and Laboratory Services	Ken Krier (Decision)
9.	Contract with The University of Iowa- Ambient Stream Monitoring	Ken Krier (Decision)
10.	Contract with Shive-Hattery, Inc.- Infiltration Based Practices Design	Kyle Ament (Decision)
11.	Grant Funding for Environmental Management System Proposals	Laurie Rasmus (Decision)
12.	Solid Waste Alternatives Program-Contract Recommendation	Tom Anderson (Decision)
13.	Referral to the Iowa Attorney General-NEW Cooperative, Inc.	Bradley Adams (Decision)
14.	General Discussion • Fiscal Year 2023-2024 Report	
15.	Upcoming Meetings • June 18, 2024, Des Moines • July 16, 2024, Des Moines	

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

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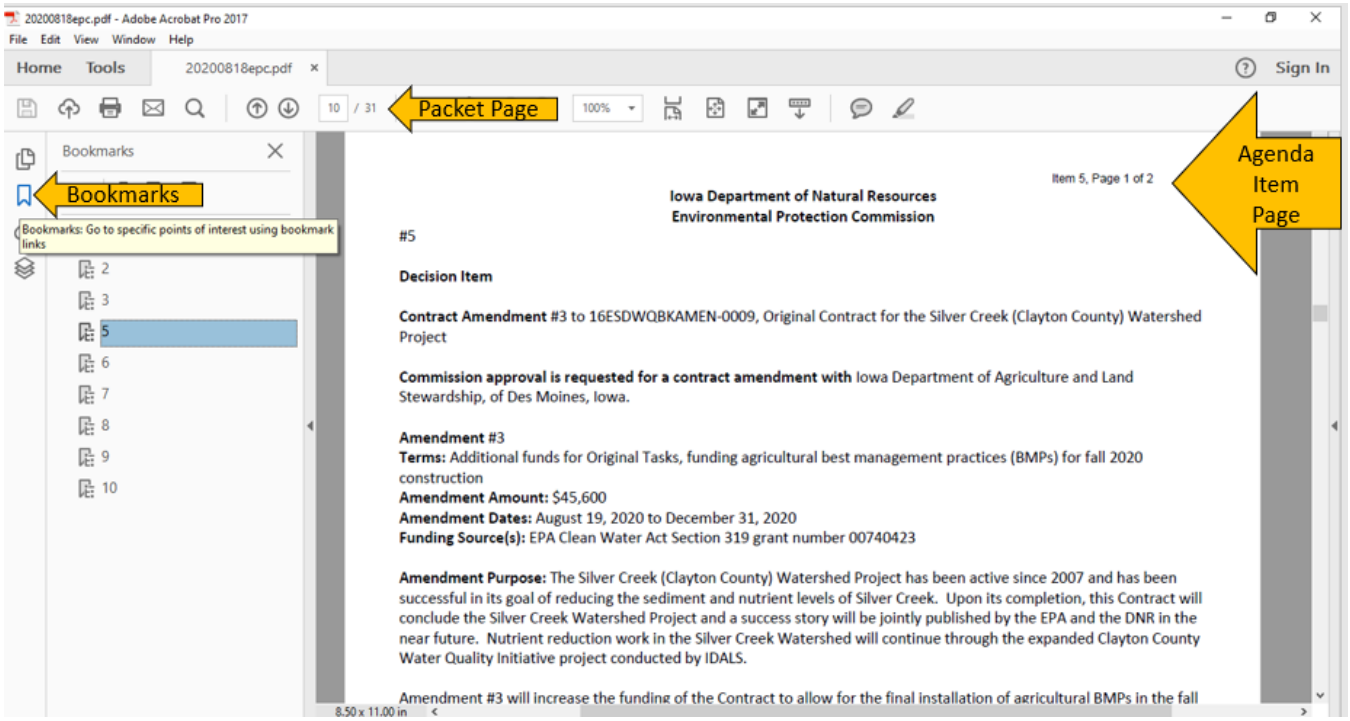
[1]Comments during the public participation period regarding proposed rules or notices of intended action are not included in the official comments for that rule package unless they are submitted as required in the Notice of Intended Action.

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

April 16, 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 10:05 am on April 16, 2024.

COMMISSIONERS PRESENT

Patricia Foley
Harold Hommes
Amy Echard
Rebecca Dostal
Roger Zylstra
Lisa Gochenour (virtual)
Kyle Tobiason
Mark Stutsman

COMMISSIONERS ABSENT

APPROVAL OF AGENDA AND CONSENT AGENDA

Included in the Consent Agenda

9. Chapter 3, "Submission of Information and Compliance--Investigations"; Chapter 12, "Environmental Self-Audits"; Chapter 17, "Compliance and Enforcement"; Chapter 10, "Complaints, Audits, Enforcement Options and Administrative Penalties" – Final Rules
10. Chapter 9, "Delegation of Construction Permitting Authority" – Final Rule
11. Chapter 11, "Tax Certification of Pollution Control or Recycling Property"– Final Rule
12. Chapter 14, "Environmental Covenants" – Final Rule
13. Chapter 15, "Cross-Media Electronic Reporting" – Final Rule
14. Chapter 16, "Revocation, Suspension, and Nonrenewal of License for Failure to Pay State Liabilities" – Final Rule
15. Chapter 20, "Scope of Title—Definitions," Chapter 25, "Measurement of Emissions," Chapter 26, "Prevention of Air Pollution Emergency Episodes," Chapter 28, "Ambient Air Quality Standards," Chapter 29, "Qualification in Visual Determination of the Opacity of Emissions," Chapter 32, "Animal Feeding Operations Field Study," Chapter 34, "Provisions for Air Quality Emissions Trading Programs," and Chapter 35, "Air Emissions Assistance Program" – Final Rules
16. Chapter 21, "Compliance, Excess Emissions, and Measurement of Emissions" – Final Rule
17. Chapter 22, "Controlling Air Pollution" – Final Rule
18. Chapter 23, "Air Emission Standards" – Final Rule
19. Chapter 24, "Operating Permits" – Final Rule
20. Chapter 27, "Certificate of Acceptance" – Final Rule
21. Chapter 30, "Fees" – Final Rule
22. Chapter 31, "Nonattainment New Source Review" – Final Rule
23. Chapter 33, "Construction Permit Requirements for Major Stationary Sources—Prevention of Significant Deterioration (PSD)" – Final Rule

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 agenda by saying aye. There were no nay votes.

APPROVED AS PRESENTED

APPROVAL OF MINUTES

Motion was made by Rebecca Dostal to approve the item as presented. Seconded by Amy Echard.

The Chairperson asked for the Commissioners to approve the Minutes of the March 19, 2024 meeting by saying aye. There were no nay votes.

APPROVED AS PRESENTED

MONTHLY REPORTS

- Division Administrator Ed Tormey introduced Corey McCoid to provide an update on the PFAS MCLs. Mr. McCoid explained the chemical compounds included in the MCLs and how many water supply systems are anticipated to be considered noncompliant with the new regulation. Mr. McCoid responded to several questions including the treatment options for PFAS found in a water supply system.
- Jessica Montana and Brent Martens from DNR Field Office 4 provided a brief update on the Red Oak fertilizer spill.

INFORMATION

DIRECTOR'S REMARKS

- None

HIGH HAZARD DAMS RISK REVIEW CONTRACT WITH HOUSTON ENGINEERING INC.

Jonathan Garton requested Commission approval for a contract with Houston Engineering Inc. under the FEMA National Dam Safety Program State Assistance Grant for high hazard dams risk review. Mr. Garton explained how high hazard dams are defined and who is responsible for dam repair if needed as identified during the review process.

Public Comments – None

Written Comments – None

Motion was made by Patricia Foley to approve the item as presented. Seconded by Kyle Tobiason.

Amy Echard-aye, Roger Zylstra-aye, Patricia Foley-aye, Lisa Gochenour-aye, Rebecca Dostal-aye, Mark Stutsman-aye, Kyle Tobiason-aye, Harold Hommes-aye. Motion passes.

APPROVED AS PRESENTED

CONTRACT WITH THE UNIVERSITY OF IOWA-SHALLOW LAKES MONITORING

Noah Poppelreiter requested Commission approval for a contract with The University of Iowa for laboratory analysis to support the Shallow Lakes Program. Mr. Poppelreiter and Jackie Gautsch responded to questions on the quantity of lakes tested and analyzed under the contract terms, as well as contract history.

Public Comments – None

Written Comments – None

Motion was made by Amy Echard to approve the item as presented. Seconded by Patricia Foley.

Amy Echard-aye, Roger Zylstra-aye, Patricia Foley-aye, Lisa Gochenour-aye, Rebecca Dostal-aye, Mark Stutsman-aye, Kyle Tobiason-aye, Harold Hommes-aye. Motion passes.

APPROVED AS PRESENTED

CONTRACT WITH THE UNIVERSITY OF IOWA-BEACH MONITORING PROGRAM

Daniel Kendall requested Commission approval for a contract with The University of Iowa for laboratory analysis to support the Beach Monitoring Program.

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-aye, Rebecca Dostal-aye, Mark Stutsman-aye, Kyle Tobiason-aye, Harold Hommes-aye. Motion passes.

APPROVED AS PRESENTED

CHAPTER 1, "OPERATION OF ENVIRONMENTAL PROTECTION COMMISSION"-FINAL RULE

Kelli Book requested that the Commission approve the final rule for Chapter 1, "Operation of Environmental Protection Commission." Mrs. Book responded to questions regarding the changes in the final rule compared to the Notice of Intended Action.

Public Comments – None

Written Comments – None

Motion was made by Mark Stutsman to approve the item as presented. Seconded by Amy Echard.

Amy Echard-aye, Roger Zylstra-aye, Patricia Foley-aye, Lisa Gochenour-aye, Rebecca Dostal-aye, Mark Stutsman-aye, Kyle Tobiason-aye, Harold Hommes-aye. Motion passes.

APPROVED AS PRESENTED

CHAPTER 65, "ANIMAL FEEDING OPERATIONS"-FINAL RULE

Kelli Book requested that the Commission approve the final rule for Chapter 65, "Animal Feeding Operations." Several members of the public provided comments regarding the final rules. Ms. Book responded to questions regarding Executive Order 10 scope and response to comments, and further explained the updated rule language pertaining to floodplain mapping.

Public Comments – Ben Nuelle (Iowa Pork Producers), Alicia Vasto (Iowa Environmental Council), Tom Mohan (Iowa CCI), Wally Tayler (Sierra Club), Chris Gruenhagen (Iowa Farm Bureau Federation), Barb Kalbach (Iowa CCI), Patricia Fuller (Iowa CCI) Tom Reardon (Iowa CCI), Rich Gardoville (Iowa CCI), Cherie Mortice (Iowa CCI), Marty Monroe (Iowa CCI, Bold Iowa), Nancy Huisinga (Iowa CCI), Ben Zachrich (Iowa CCI), Eldon McAfee (Iowa Cattlemen's Association)

Written Comments – None

APPROVED AS PRESENTED

GENERAL DISCUSSION

- Alicia Plathe reminded Commissioner that the May meeting is in the field. In addition, EPC officer elections will take place in May. More details will be emailed out to Commissioners by the end of April.

ADJOURN

Chairperson Hommes adjourned the Environmental Protection Commission meeting at 11:45 am on April 16, 2024.

ADJOURNED

Monthly Waiver Report

April 2024

Item #	DNR Reviewer	Facility/City	Program	Subject	Decision	Date	Agency Reference
1	Taroon Bidar	Camanche Water Supply	WC	Waiver is a request to use API Specs 10A, Class H cement during grouting for new wells (Well #7 and #8). The Standard requires neat cement grout to conform to AWWA A100, which requires grout to conform to ASTM C150)	Approved	3.7.24	24wcw056
2	Geoffrey Spain	Cass County Sanitary Landfill	SD	Per the Agency's 2024 financial assurance summary, $666,000 remains to fully fund post-closure. Proving financial assurance, the Agency has a letter of credit valued at $1,700,000 to provide financial assurance over the next ten years.	Approved	3.28.24	24sdw057
3	Danjin Zulic	Iowa Veterans Home	Air Quality Construction Permits	Waiver of Initial Stack Test Requirement.	Approved	4.2.24	24aqw058
4	Reed Hoeness	Iowa Association of Municipal Utilities	NPDES Permitting	The facility requested a variance from raw waste monitoring (sample type 24-hour composite). The treatment system is oversized so sample results would not provide beneficial information, and they do not wish to purchase a composite sampler.	Approved	4.3.24	24cpw059
5	Karen Kuhn	Hagie Mfg Co	Air Quality Construction Permits	Waiver of Initial Stack Test Requirement.	Approved	4.3.24	24aqw060
6	Julie Duke	George Neal North	AQ	Request to operate temporary diesel generator (831 Bhp) during boiler outage to provide electrical power.	Approved	3.27.24	24aqw061
7	Danjin Zulic	Iowa Veterans Home	Air Quality Construction Permits	Waiver of Initial Stack Test Requirement.	Approved	4.2.24	24aqw062
8	Michael Hermsen	Integrated DNA Technologies	Air Quality Construction Permit	Waiver of Initial Stack Test Requirement.	Approved	4.4.24	24aqw063
9	Jaeyoung Park	City of Cedar Falls	CP (Wastewater)	The City of Cedar Falls is requesting variance from the Iowa Wastewater Facilities Design Standards Chapter 12 – Iowa Standards for Sewer Systems – 12.5.3 (Slope) for the replacement of 8-inch gravity sewers at slopes less than 0.40%.	Approved	4.4.24	24cpw064
10	Nate Tatar	Woodharbor Custom Cabinetry	Air Quality Construction Permits	Waiver of Initial Stack Test Requirement.	Approved	4.5.24	24aqw065
11	Mitchell VanderVeen	Mount Pleasant Municipal Utilities	WC - Water Supply Construction	Water main crosses above HDPE gasketed storm sewer with 6” or more of vertical clearance or where the water main is less than 10 feet horizontally from the storm sewer. Allow gasketed HPDE in lieu of gasketed concrete or water main pipe.	Approved	4.5.24	24wcw066
12	Jasmine Bootman	PMI Iowa LLC	Air Quality Construction	Waiver of Initial Stack Test Requirement.	Approved	4.9.24	24aqw067
13	Tara Naber, PE	Council Bluffs Water Works	WC - Water Supply Construction	For W2022-0719, 1) Utilize a below ground concrete valve vault at the new well as depicted on plan sheets 00D101 and 00D102 and 2) allow the project to proceed without guides or spacers for the column piping on the proposed line shaft well pump.	Approved	3-29-24	24wcw068
14	Lucas Tenborg	IPL- Ottumwa Generating Station	AQ	IPL – Ottumwa Generating Station wants a variance to bring three diesel-powered high-pressure water pumps onsite to conduct a high-pressure wash of the boiler’s air pre-heater.	Approved	4.12.24	24aqw069
15	Jaeyoung Park	City of Cedar Rapids	CP (Wastewater)	The City of Cedar Rapids is requesting variance from the Iowa Wastewater Facilities Design Standards Chapter 12 – Iowa Standards for Sewer System – 12.5.3 (Slope) for the replacement of 8-inch gravity sewers at slopes less than 0.4%.	Approved	4.16.24	24cpw070
16	Danjin Zulic	Beck's Hybrids Beaman	Air Quality Construction Permits	Waiver of Initial Stack Test Requirement.	Approved	4.23.24	24aqw071
17	John Curtin	Omnium LLC - Hampton	Air Quality Construction Permits	Waiver of Initial Stack Test Requirement for a mixer used to make agricultural chemical.	Approved	4.25.24	24aqw072
18	Jasmine Bootman	Marshall Ridge Renewable Energy LLC	Air Quality Construction Permits	Waiver of Initial Stack Test Requirement.	Approved	4.25.24	24aqw073
19	Brandon Polzin	Medical Associates West Campus	Air Quality Construction Permits	Waiver of Initial Stack Test Requirement.	Approved	4.26.24	24aqw074
19	Wendy Hieb	IPL Ottumwa Generating Station	CP (Wastewater)	The facility requested removal of their sanitary plant raw waste monitoring for BOD5 and TSS, consistent with their current permit. There is no corresponding limit for these parameters, and it will be costly to install a sampler in this location.	Approved	4.26.24	24cpw075
21	Jessica Ragsdale	Skyline Pork LLC ID65069	AFO	Due to disease outbreak facility needs partially depopulated. Compost is maxed out and rendering is not an option due to disease. Acres near facility are not great enough to allow for 44 carcasses per acre and may not meet the property line setback.	Approved	4.17.24	24cpw076
22	Jessica Ragsdale	Dave Kronlage ID60529	AFO	Due to a mechanical failure 1100 swine carcasses weighing 175-300 pounds need to be disposed of. The proposed burial locaito is in a low risk burial advisory zone and will meet all separation distance requirements.	Approved	4.11.24	24cpw077
23	Matt Phoenix	Des Moines Water Works	WC - Water Supply Construction	A variance from requirements to grout deep wells with API Spec 10 Class A or Class B cement, and instead grout a deep well with API Spec 10A Class H cement.	Approved	4.29.24	24wcw078

Iowa Department of Natural Resources
Environmental Protection Commission

ITEM **#6** **DECISION**

TOPIC Derelict Building Grant Program – Grant Recommendations

The Derelict Building Grant Program is a program established by 2011 Legislation for purposes of providing funding assistance to eligible communities to address abandoned buildings by promoting public and environmental health through asbestos abatement and landfill diversion with deconstruction of building components for reuse and recycling. Funding for this program shall not exceed $400,000.00 per Iowa Code section 455E.11(2)(a)(1)(d).

Eligible communities include a city with a population of 5,000 or fewer. Eligible costs for program assistance include but are not limited to asbestos and other hazardous material abatement and removal, the recovery of recyclable or reusable material through the selective deconstruction of abandoned buildings, and reimbursement for purchased recycled content materials used in the renovation of buildings.

The Department received ten applications, requesting $390,838.50 in financial assistance, for consideration during the February 2024 round of funding. Eight projects were selected for funding with a total recommended award amount not to exceed $363,072.00 based on all deconstruction achieving maximum landfill diversion. Six of the eight projects award recommendations exceed $25,000.00 and are presented to the Commission for approval.

The review committee is comprised of five people representing: DNR Land Quality Bureau, Iowa Economic Development Authority, Iowa Society of Solid Waste Operations, Iowa Recycling Association, and Keep Iowa Beautiful.

A description of the recommended projects, and the amount and type of funding assistance is attached.

At this time, the Department is requesting Commission approval to enter into agreements with selected applicants whose recommended awards are in excess of $25,000.00.

Reid Bermel, Environmental Specialist Senior, Land Quality Bureau
Environmental Services Division
May 22 2024

Attachment
a) Recommended Project Descriptions

DERELICT BUILDING GRANT PROGRAM

PROPOSAL RECOMMENDATIONS

The following provides a description of each project for which Commission approval is requested.

City of Coon Rapids

Award: $84,708.00
Cash Match: $60,244.00
Total Project Cost: $144,952.00

Contact: Katie Mason
growcoonrapids@gmail.com
712-999-4769

Description: The City of Coon Rapids has targeted the use of these grant funds toward the following:

- Abatement and proper disposal of any identified asbestos and other hazardous material.
- Partial deconstruction of the existing structure with concrete, brick, metal, and fixtures separated for reuse and recycling.
- Renovation of the existing of remaining structure.

The city plans to sell the building and lot for retail or restaurant.

City of Glidden

Award: $58,934.00
Cash Match: $60,182.00
Total Project Cost: $119,116.00

Contact: Brooke Peterson
Brooke@cityofglidden.org
712-659-3010

Description: The City of Glidden has targeted the use of these grant funds toward the following:

- Abatement and proper disposal of any identified asbestos and other hazardous material.
- Partial deconstruction of the existing structure with concrete, brick, metal, and paper separated for reuse and recycling.
- Renovation of the existing of remaining structure.

The city plans to redevelop the site for retail business.

City of Rockford

Award: $45,810.00
Cash Match: $15,270.00
Total Project Cost: $61,080.00

Contact: Scott Johnson
c21scott.johnson@gmail.com
641-430-6217

Description: The City of Rockford has targeted the use of Derelict Building grant funds toward the following:

- Deconstruction of the existing structure with concrete, brick, and metal separated for reuse and recycling.

The city plans to sell to a private meat processor that has committed to buying the lot.

City of Greene

Award: $45,000.00
Cash Match: $41,200.00
Total Project Cost: $86,200.00

Contact: Warren Van Dyke
greeneia@myomnitel.com
641-816-4631

Description: The City of Greene has targeted the use of these grant funds toward the following:

- Abatement and proper disposal of any identified asbestos and other hazardous material.

The City's plan is to renovated the building for multi-residential housing.

City of New Market 402

Award: $44,851.25
Cash Match: $12,783.75
Total Project Cost: $57,635.00

Contact: Megan Wright
clerk@newmarketia.com
319-523-4091

Description: The City of New Market has targeted the use of these grant funds toward the following:

- Abatement and proper disposal of any identified asbestos and other hazardous material.
- Deconstruction of the existing structure with concrete, brick, and metal separated for reuse and recycling.

The city plans to redevelop the site for retail business on the main level and housing options on the second story.

City of Menlo

Award: $35,620.00
Cash Match: $10,875.00
Total Project Cost: $46,495.00

Contact: Katie Renyolds
menloia@netins.net
641-524-2411

Description: The City of Wesley has targeted the use of these grant funds toward the following:

- Abatement and proper disposal of any identified asbestos and other hazardous material.
- Deconstruction of the existing structure with concrete, brick, and metal separated for reuse and recycling.

The City's plan is to deed the property to the fire department, which is next door.

Iowa Department of Natural Resources
Environmental Protection Commission

ITEM *7 **indicates proposed consent item*

For Decision

Contract with the UNIVERSITY OF NORTHERN IOWA, Iowa Waste Reduction Center (IWRC)

Recommendation:
Commission review is requested for a service contract with the University of Northern Iowa, Iowa Waste Reduction Center (IWRC), at Cedar Falls, Iowa.

Contract Terms:

Amount: Not to exceed $30,000

Dates: July 1, 2024 to June 30, 2025.

Funding Source(s): the Groundwater Protection Fund, Solid Waste Account where monies are received from the tonnage fee levied under Iowa Code section 455B.310.

Statutory Authority: Iowa Code section 455E.11(2)(*a*)(2)(c)

Contract Background: Iowa Code section 455E.11(2)(*a*)(2)(c) Groundwater Protection Fund, says that the DNR shall expend not more than thirty thousand dollars of the moneys appropriated under that division of the subparagraph to contract with the IWRC at the University of Northern Iowa to provide training and other technical services to the Iowa Waste Exchange program.

Contract Purpose: The parties propose to enter into this Contract to retain the IWRC to provide technical assistance and training to the Iowa Waste Exchange program and its representatives.

Contractor Selection Process:
The selection process in this case is not competitive, because the contract with IWRC is mandated by Iowa Code section 455E.11(2)(*a*)(2)(c), as stated above in the Contract Background.

Contract History:
The DNR, as directed by Iowa Code section 455E.11(2)(*a*)(2)(c), has entered into a contract with the IWRC on an annual basis every year since 1990. The purpose of the contract with the IWRC is to provide technical assistance and training to the Iowa Waste Exchange program and its representatives. The six most recent contracts have been:

Contract #1: Timeframe: 7/2018-6/2019; Amount $30,000
Contract #2: Timeframe: 7/2019-6/2020; Amount $30,000
Contract #3: Timeframe: 7/2020-6/2021; Amount $30,000
Contract #4: Timeframe: 7/2021-6/2022; Amount $30,000
Contract #5: Timeframe: 7/2022-6/2023; Amount $30,000
Contract #6: Timeframe: 7/2023-6/2024; Amount $30,000

Reid Bermel, Environmental Specialist Senior, Land Quality Bureau
Environmental Services Division
April 24, 2024

Attachment: Contract Statement of Work

STATEMENT OF WORK

The DNR's statutorily directed objective is for the Iowa Waste Reduction Center (IWRC) to provide training and other technical assistance to the Iowa Waste Exchange (IWE) program. The services included below may be amended at any time by the DNR or the IWRC upon prior approval by the DNR.

The IWRC will provide the following tangible products by the Task Milestone Dates set out in the following table:

Deliverables	Task Milestone Dates
Task 1: Assist with, and support, IWE Handbook updates as necessary, and when requested by the DNR or by IWE Resource Specialists.	On-going, over the course of the Contract
Task 2: Coordinate with the DNR and IWE Resource Specialists to provide K-12 schools with food waste audits and cafeteria waste sorts as requested. The IWRC will also coordinate with the DNR in the publishing of data and results from these joint assistance activities.	When requested
Task 3: Provide technical assistance regarding hazardous materials/hazardous waste, and complete joint IWRC/IWE visits when requested. The IWRC will also refer clients to IWE Resource Specialists for assistance when applicable.	On-going, over the course of the Contract
Task 4: IWE marketing assistance: • Assist with development of marketing plans and/or strategies • Collaboratively brainstorm ideas to meet IWE Resource Specialists' marketing goals • Develop contact lists for outreach • Promotion of IWE events, services, and materials through IWRC marketing outlets (website, newsletter, social media)	On-going, over the course of the Contract
Task 5: Coordinate with the DNR and IWE Resource Specialists to assist with hosting, and support of developing, quarterly IWE meetings as requested, with IWRC training at one meeting on technical resources.	On-going, over the course of the Contract
Task 6: Provide regulatory guidance and training to IWE representatives on the management of solid and universal hazardous waste, as well as inform new IWE Resource Specialists on IWRC resources.	On-going, over the course of the Contract
Task 7: Provide training opportunities to IWE representatives to increase their professional development.	On-going, over the course of the Contract
Task 8: Submit monthly reports that have a narrative discussion of the delivery of the assistance services outlined in Tasks 1 through 7. Monthly reports will also describe any other activities relevant to the DNR and/or IWE Resource Specialists.	Within 3 weeks of the end of each month

CATEGORY	DNR FUNDS
PERSONNEL COSTS	$27,777.78
INDIRECT COST CHARGES (8% of Personnel Costs)	$2,222.22
TOTAL PROJECT COSTS	$30,000.00

Iowa Department of Natural Resources
Environmental Protection Commission

ITEM #8 **DECISION**

Contract with THE UNIVERSITY OF IOWA

Recommendation:
Commission approval is requested for a service contract with the State Hygienic Laboratory (SHL) at the University of Iowa.

Contract Terms:

Amount: Not to exceed $634,667.94
Dates: July 1, 2024 to September 30, 2025
Funding Source(s): HB8A Environment First Funding (88%)
EPA 106 Funding (11%)
EPA 319 Funding (1%)
Statutory Authority: Iowa Code section 455B.103(3)

Contract Background: The Clean Water Act requires states to monitor and report on the condition of the waters of the state. This Contract is a continuation of DNR's long-standing partnership with SHL to collect and analyze samples from Iowa's streams and rivers. Since 1994, the DNR has conducted biological assessments of Iowa streams to determine the ecological status and health of these waterbodies. The protocol primarily consists of sampling water quality, fish, benthic macroinvertebrates, and physical habitat during the summer low-flow index period (July through October).

Contract Purpose: The parties propose to enter into this Contract to retain the Contractor to provide sampling and analytical services for the ambient biological monitoring and assessment program.

Contractor Selection Process:
SHL was chosen for this project because of its ability to provide the necessary services. The authority to enter into this Contract is found in Iowa Code section 455B.103(3).

Contract History:
The FY24 Ambient Stream Biological Monitoring and Laboratory Services (AMBIO) Contract was $633,121.38.
The FY23 AMBIO Contract was $612,908.64.
The FY22 AMBIO Contract was $701,732.16.
The FY21 AMBIO Contract was $714,975.12.
The FY20 AMBIO Contract was $617,896.62.

Ken Krier, Environmental Specialist Senior, Water Quality Monitoring and Assessment Section
Water Quality Bureau
Environmental Services Division
May 22, 2024

Table 1: FY25 Ambient Biological Monitoring and Laboratory Services Contract Cost Breakdown by Task.

Task Description	Sample Collection Cost	BioAnalysis Cost	WQ Analysis Cost	Total Collection and Bioanalysis Cost
Task 1: Wadeable Stream Reference Sites	$98,880.00	$24,024.00	$10,584.00	$133,488.00
Task 2: Coldwater Stream Reference Sites	$12,360.00	$3,003.00	$1,323.00	$16,686.00
Task 3: Biological Trend Sites	$73,233.00	$9,009.00	$3,969.00	$86,211.00
Task 4: Ambient WQ Sites	$14,190.00	$23,182.50	$0.00	$37,372.50
Task 5: Follow-up Biological Sites	$67,980.00	$17,742.00	$7,938.00	$93,660.00
Task 6: Aquatic Life Use Attainability Assessment Sites	$100,000.00	$0.00	$0.00	$100,000.00
Task 7: Stream Nutrient Sites	$31,724.00	$22,368.00	$10,584.00	$64,676.00
Task 8: Watershed Improvement Section (WIS) Sites	$4,120.00	$1,001.00	$441.00	$5,562.00
Task 9: Supplemental Monitoring				$6,000.00
Task 10: Site Reconnaisance and Landowner Contacts				$10,000.00
Task 11: Professional Services				$7,500.00
Task 12: Equipment Purchase/Replacement/Repair				$25,000.00
Task 13: Shipping Samples				$1,500.00
Task 14: Data Transfer				$0.00
Sub-total	$402,487.00	$100,329.50	$34,839.00	$587,655.50
F&A (8%)				$47,012.44
			Grand Total	**$634,667.94**

Table 2: FY25 Ambient Biological Monitoring and Laboratory Services Contract Cost Water Quality Fee Breakdown.

Test Name	Fee / Test	# Tests	Total Fee / Test
Ammonia Nitrogen as N	$16.00	79	$1,264.00
Nitrite + Nitrate Nitrogen as N	$16.00	79	$1,264.00
Total Kjeldahl Nitrogen	$40.00	79	$3,160.00
Orthophosphate as P	$21.00	79	$1,659.00
Total Phosphate as P	$16.00	79	$1,264.00
Total Volatile Suspended Solids	$16.00	79	$1,264.00
Total Dissolved Solids	$16.00	79	$1,264.00
Total Suspended Solids	$16.00	79	$1,264.00
Turbidity	$15.00	79	$1,185.00
Carbonaceous BOD(5)	$40.00	79	$3,160.00
Chloride	$16.00	79	$1,264.00
Sulfate	$16.00	79	$1,264.00
Hardness, Total	$16.00	79	$1,264.00
Chlorophyll a	$46.00	79	$3,634.00
Field Temperature	$8.00	79	$632.00
Field pH	$8.00	79	$632.00
Field Dissolved Oxygen	$8.00	79	$632.00
Manual Stream Flow Measurement	$19.00	79	$1,501.00
Benthic Chlorophyll in Coarse Sediment	$46.00	79	$3,634.00
Benthic Chlorophyll in Fine Sediment	$46.00	79	$3,634.00
Totals	**$441.00**	**79**	**$34,839.00**

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 (SHL) at the University of Iowa.

Contract Terms:

Amount: Not to exceed $777,081.60
Dates: July 1, 2024 to June 30, 2025
Funding Source(s): Environment First Funding (HB8A)
Statutory Authority: Iowa Code section 455B.103

Contract Background: The Clean Water Act requires states to monitor their waters to determine the status and trends in water quality. The data from this program are used to determine general trends in larger river systems in the state, potential impairments, and to provide information to decision makers regarding the effectiveness of water pollution prevention programs. The DNR has been contracting with SHL for over two decades to collect water samples at streams across the State of Iowa and to test those water samples for general chemistry and other compounds. The results are used for water quality assessments and in support of water quality standard development. The data are placed into a publicly available database and are used by a wide variety of stakeholders including water quality programs, and for scientific research and general education.

Contract Purpose: The parties propose to enter into this Contract to retain the Contractor to provide assistance to DNR in the sampling and analysis of the State of Iowa's Ambient Stream Monitoring Network.

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

Contract History:
FY2024 Ambient Contract was $652,380.48
FY2023 Ambient Contract was $911,366.64
FY2022 Ambient Contract was $948,389.04
FY2021 Ambient Contract was $493,765.20
FY2020 Ambient Contract was $829,226.16

Ken Krier, Environmental Specialist Senior, Water Quality Monitoring and Assessment Section
Water Quality Bureau
Environmental Services Division
May 22, 2024

Table 1: FY25 Ambient Stream Monitoring, Collection, and Analysis Contract Cost Breakdown by Task.

Task:	**Total Task Compensation:**
Task 1: Monthly Ambient Stream Sample Collection	Not to exceed $177,840.00 at the sampling fee of $247.00 per sample.
Task 2: Monthly Ambient Stream Sample Analyses	Not to exceed $330,720.00.
Task 3: Quarterly Ambient Stream Sample Collection and Analyses	Not to exceed $206,160.00.
Task 4: Equipment Purchase/Repair	Not to exceed $4,000.00
Task 5: Shipping Samples	Not to exceed $800.00
Task 6: QA/QC Procedures	N/A
Task 7: Data Transfer	N/A
Sub-total	$719,520.00
Facilities and Administrative Costs @ 8%	$57,561.60
Total	$777,081.60

Table 2: FY25 Ambient Stream Monitoring, Collection, and Analysis Contract (25-ESD-WQB-Kkrie-0002) Site List.

AQuIA ID	Site Name	County	Latitude	Longitude
10070001	Beaver Creek near Cedar Falls	Black Hawk	42.5732	-92.5067
10770001	Beaver Creek near Grimes	Polk	41.6883	-93.7355
10070004	Black Hawk Creek at Waterloo	Black Hawk	42.4695	-92.4136
10220003	Bloody Run Creek Site #1 (BR01)	Clayton	43.0405	-91.2056
10400001	Boone River near Stratford	Hamilton	42.3410	-93.8923
10430001	Boyer River near Missouri Valley	Harrison	41.5731	-95.8452
10630002	Cedar Creek near Bussey	Marion	41.2191	-92.9079
10440001	Cedar Creek near Oakland Mills	Henry	40.9254	-91.6737
10570001	Cedar River Downstream of Cedar Rapids (DS1)	Linn	41.9257	-91.5506
10340001	Cedar River near Charles City (DS1)	Floyd	43.0060	-92.6026
10700001	Cedar River near Conesville	Muscatine	41.4094	-91.2902
10090001	Cedar River near Janesville	Bremer	42.6496	-92.4666
10040002	Chariton River at 461st St.	Appanoose	40.8105	-92.8823
10890001	Des Moines River near Keosauqua	Van Buren	40.7282	-91.9606
10550001	East Fork of The Des Moines River nr St. Joseph	Kossuth	42.9514	-94.2334
10360001	East Nishnabotna River near Shenandoah (US1)	Fremont	40.7857	-95.3849
10730002	East Nodaway River near Clarinda	Page	40.7274	-94.9797
10920001	English River at Riverside	Washington	41.4755	-91.5804
10750001	Floyd River near Sioux City	Plymouth	42.5767	-96.3120
10500001	Indian Creek near Colfax	Jasper	41.7462	-93.2261
10640002	Iowa River Downstream of Marshalltown (DS1)	Marshall	42.0508	-92.8466
10420001	Iowa River near Gifford	Hardin	42.3102	-93.0757
10580002	Iowa River near Lone Tree	Louisa	41.4239	-91.4791
10580003	Iowa River near Wapello	Louisa	41.1803	-91.1821
10180001	Little Sioux River near Larrabee	Cherokee	42.8647	-95.4636
10300001	Little Sioux River near Milford	Dickinson	43.3189	-95.1813
10970001	Little Sioux River near Smithland	Woodbury	42.2514	-95.9064
10670003	Little Sioux River near Turin	Monona	41.9651	-95.9729
10670002	Maple River near Mapleton	Monona	42.1714	-95.7961
10490005	Maquoketa River at Sprague ville	Jackson	42.1014	-90.5178
10490004	Maquoketa River west of Maquoketa	Jackson	42.0707	-90.6954
10910001	Middle River near Indianola	Warren	41.4247	-93.5873
10670001	Monona-Harrison Ditch	Monona	41.9649	-95.9921
10360003	Nishnabotna River near Hamburg	Fremont	40.6017	-95.6456
10490001	North Fork Maquoketa River near Hurstville	Jackson	42.0902	-90.6721
10810001	North Raccoon River near Sac City (DS1)	Sac	42.3400	-94.9857
10910002	North River at Hwy 28	Warren	41.4499	-93.6842
10540001	North Skunk River	Keokuk	41.2838	-92.2574
10520001	Old Mans Creek nr Iowa City	Johnson	41.6065	-91.6156
10840001	Rock River near Hawarden	Sioux	43.0839	-96.4451
10120001	Shell Rock River at Shell Rock	Butler	42.7115	-92.5814
10560002	Skunk River near Augusta	Lee	40.7534	-91.2756
10430002	Soldier River near Pisgah	Harrison	41.8306	-95.9316
10250001	South Raccoon River near Redfield	Dallas	41.5797	-94.1829
10910003	South River near Ackworth	Warren	41.3723	-93.4307

AQuIA ID	Site Name	County	Latitude	Longitude
10850002	South Skunk River near Cambridge (DS1)	Story	41.9504	-93.5510
10620001	South Skunk River near Oskaloosa	Mahaska	41.3553	-92.6571
10270001	Thompson Fork - Grand River at Davis City	Decatur	40.6407	-93.8079
10220001	Turkey River near Garber	Clayton	42.7395	-91.2620
10030001	Upper Iowa River near Dorchester	Allamakee	43.4215	-91.5089
10220002	Volga River near Elkport	Clayton	42.7497	-91.2768
10820001	Wapsipinicon River at De Witt	Scott	41.7665	-90.5349
10100001	Wapsipinicon River near Independence (US1)	Buchanan	42.5122	-91.9740
10070003	West Fork Cedar River at Finchford	Black Hawk	42.6290	-92.5437
10460001	West Fork Des Moines River near Humboldt	Humboldt	42.6744	-94.2071
10650001	West Nishnabotna River near Malvern	Mills	40.9873	-95.5279
10730001	West Nodaway River near Shambaugh	Page	40.6593	-95.0283
10630003	Whitebreast Creek near Dallas	Marion	41.2467	-93.2901
10070002	Wolf Creek at La Porte City	Black Hawk	42.3157	-92.1938
10030002	Yellow River near Volney	Allamakee	43.1118	-91.2649

Table 3. Water quality analysis fee breakdown for Task 2 – Monthly Ambient Parameters.

Parameter	Sampling Frequency	# of Samples	Analysis Fee	Total Analysis Fee
BOD, Carbonaceous 5 Day	Monthly	720	$40.00	$28,800.00
Total Dissolved Solids	Monthly	720	$16.00	$11,520.00
Total Suspended Solids	Monthly	720	$16.00	$11,520.00
Total Volatile Suspended Solids	Monthly	720	$16.00	$11,520.00
Total Phosphorus as P	Monthly	720	$16.00	$11,520.00
Ammonia Nitrogen as N	Monthly	720	$16.00	$11,520.00
Nitrite + Nitrate as N	Monthly	720	$16.00	$11,520.00
Total Kjeldahl Nitrogen	Monthly	720	$40.00	$28,800.00
Orthophosphate as P	Monthly	720	$21.00	$15,120.00
Chloride	Monthly	720	$16.00	$11,520.00
Sulfate	Monthly	720	$16.00	$11,520.00
Turbidity	Monthly	720	$15.00	$10,800.00
Chlorophyll *a,* pheophytin free, Analysis of Water	Monthly	720	$46.00	$33,120.00
E. coli in water[2]	Monthly	720	$19.50	$14,040.00
Field Dissolved Oxygen	Monthly	720	$8.00	$5,760.00
Field pH	Monthly	720	$8.00	$5,760.00
Field Temperature	Monthly	720	$8.00	$5,760.00
Stream Flow (2 sites)	Monthly	24	$19.00	$456.00
Dissolved Organic Carbon	Monthly	720	$40.00	$28,800.00
Copper, Dissolved	Monthly	720	$16.00	$11,520.00
Dissolved Carbon & Copper Filtering fee	NA	720	$15.00	$10,800.00
Copper, Dissolved QA Blank	One per route	144	$16.00	$2,304.00
Copper, Dissolved QA Blank Filter Fee	NA	144	$15.00	$2,160.00
Copper, Total	Monthly	720	$16.00	$11,520.00
Selenium	Monthly	720	$16.00	$11,520.00
			Total Overall Task 2 Analysis Fee	**$330,720.00**

Table 4. Water quality analysis fee breakdown for Task 3 – Quarterly Ambient Parameters.

Parameter	Sampling Frequency	# of Samples	Analysis Fee	Total Analysis Fee
Pharmaceuticals	Quarterly	240	$382.00	$91,680.00
Acetaminophen, Caffeine, Carbamazepine, Cotinine, Diclofenac, DEET, Gemfibrozil, Ibuprofen, Lincomycin, Metoprolol, Sulfadimethoxine, Sulfamethazine, Sulfamethoxazole, Sulfathiazole, Trimethoprim				
Nitrogen containing Herbicides	Quarterly	240	$159.00	$38,160.00
EPTC, Butylate, Propachlor, Atrazine, Desisopropyl Atrazine, Simazine, Acetochlor, Desethyl Atrazine, Trifluralin, Prometon, Propazine, Dimethenamid, Metribuzin, Alachlor, Ametryn, Metolachlor, Cyanazine, Butachlor				
Acid Herbicides	Quarterly	240	$159.00	$38,160.00
2,4-D, Pentachlorophenol, Picloram, Dinoseb, Silvex, Dalapon, Dicamba, 2,4,5-T, Bentazon, Chlorthal-dimethyl, Dichlorprop, Chloramben, 2,4-DB, Acifluorfen				
Chlorinated Insecticides	Quarterly	240	$159.00	$38,160.00
Lindane, Endrin, Methoxychlor, Heptachlor, Heptachlor epoxide, Hexachlorobenzene, Hexachlorocyclopentadiene, Chlordane, Toxaphene				
			Total Overall Task 3 Analysis Fee	**$206,160.00**

Iowa Department of Natural Resources
Environmental Protection Commission

#10

Decision Item

Commission approval is requested for a contract with Shive-Hattery, Inc. of West Des Moines, Iowa.

Contract Terms:

Amount: Not to exceed $46,200.

Dates: May 21, 2024 to December 31, 2024.

DNR shall have the option to extend this contract for up to six years from the beginning date of the original contract by executing a signed amendment prior to the expiration of this contract.

Funding Source(s): Section 319 Clean Water Act (Federal)

Contract Purpose: The purpose of this contract is to design a suite of stormwater and/or beach treatment options (infiltration based practices) at Big Creek State Park (Polk County, Iowa) and Brushy Creek State Park (Webster County, Iowa) to reduce environmental risks to beach users. The proposed practices should address stormwater runoff and reduce levels of E. coli. Attachment A provides a summary of the activities that will be performed under this contract.

This is a pilot project aimed at reducing pathogens that are present at state beaches. The ultimate goal of the project is to collaborate with park staff to design a series of practices to divert stormwater away from the beach area and reduce the transport of pathogens to the water's edge.

Selection Process Summary: Formal Selection Process (24ESDWQBPPAYT-0055) to acquire professional services from a qualified contractor with experience in beach management. In January 2024 an RFP was released by DNR procurement staff with only one proposal submitted. After negotiating the scope of work with the sole applicant, the team was comfortable moving forward with the bid.

Contract History:

- No contract history

Cost of services/ Scope of Work:

Task 1: Project management and coordination – $6,900

Task 2: Watershed Analysis - $13,900

Task 3: BMP Option Development – $13,100

Task 4: Final Report/Stakeholder Presentation - $12,300
Total Cost: $46,200

1. Kick-Off Meeting
   - Shive-Hattery will attend an on-site kickoff meeting with stakeholders. The goals of the meeting will be familiarization with park staff, drainage patterns, and existing management practices. In addition, a communication plan and project schedule will be established for each beach. This meeting will be scheduled by DNR staff.
2. Topographic Survey
   Following the kickoff meeting, Shive-Hattery will conduct limited topographic survey at each site to document existing drainage infrastructure impacting the beach watersheds. The survey data will be used to create a hydrology and hydraulics model for each site.
3. Watershed Drainage Study

- Identify and delineate the existing drainage area, soil types, land use, and slopes to develop a detailed hydrological model of each beach watershed.
- The hydrological model will be combined with a hydraulic model as required to understand drainage patterns and flow characteristics of intakes, pipes, curb & gutter, and swales within the watershed.
- The watershed model will serve as the baseline for the study and will be used to determine where new practices can be implemented that will provide the highest benefit.

4. Mid-Project Meeting
    - After completion of the existing conditions modeling, we will meet with the project team to discuss the results of the initial analysis and develop the suite of options desired to be developed in the next task.

5. Development of Best Management Practice Options
    - Utilizing information and feedback gathered at the mid project meeting, our team will review watershed model and determine locations where practices could provide the most benefit and meet with stakeholders to workshop proposed improvements to be analyzed.
    - Up to three proposed scenarios of improvements will be added to the H&H model for analysis and could include stormwater diversion, infiltration practices, detention practices, land use changes, or a combination of multiple practices.

6. Final Report
    - Synthesize the results of the study into a brief report including an executive summary, stormwater report, construction cost estimates, exhibits and recommendations. Provide the draft report to stakeholders for review and incorporation of comments prior to finalizing.

7. Stakeholder Presentation
    - Prepare and deliver an in-person presentation in the Des Moines area with selected stakeholders to discuss the project approach, methodologies, and outcomes. The presentation will incorporate items prepared in previous tasks.
        - A draft presentation will be provided to the client for review and comment prior to finalization. Comments will be incorporated to the extent practical.
        - Assumes preparation and delivery one time.

Kyle Ament, Watershed Basin Coordinator, Water Quality Bureau
Environmental Services Division
May 22, 2024

SHIVEHATTERY
ARCHITECTURE + ENGINEERING

Attachment *A – Scope of Services*

ATTN: Philip Payton
CLIENT: Iowa Department of Natural Resources
Wallace Building
502 East 9th Street
Des Moines, IA 50319

PROJECT: DNR - Beach Watershed BMPs

PROJECT LOCATION: IA

DATE OF AGREEMENT: April 12, 2024

PROJECT DESCRIPTION

Shive-Hattery previously prepared an RFP response for this project and has been selected for the work. A scoping meeting with Iowa DNR took place on April 4, 2024 to discuss the project background and scope. The resulting scope and fee is included here and includes removal of bacterial loading estimates and goose management and beach maintenance plan review. Preparation and delivery of a final presentation to project stakeholders was added to the scope.

SCOPE OF SERVICES

We will provide the following services for the project:

1. Kick-Off Meeting
    1. Shive-Hattery will attend an on-site kickoff meeting with stakeholders. The goals of the meeting will be familiarization with park staff, drainage patterns, and existing management practices. In addition, a communication plan and project schedule will be established for each beach. This meeting will be scheduled by DNR staff.

2. Topographic Survey
    1. Following the kickoff meeting, Shive-Hattery will conduct limited topographic survey at each site to document existing drainage infrastructure impacting the beach watersheds. The survey data will be used to create a hydrology and hydraulics model for each site.

3. Watershed Drainage Study
    1. Identify and delineate the existing drainage area, soil types, land use, and slopes to develop a detailed hydrological model of each beach watershed.
    2. The hydrological model will be combined with a hydraulic model as required to understand drainage patterns and flow characteristics of intakes, pipes, curb & gutter, and swales within the watershed.
    3. The watershed model will serve as the baseline for the study and will be used to determine where new practices can be implemented that will provide the highest benefit.

4. Mid-Project Meeting
    1. After completion oft the existing conditions modeling, we will meet with the project team to discuss the results of the initial analysis and develop the suite of options desired to be developed in the next task.

5. Development of Best Management Practice Options
    1. Utilizing information and feedback gathered at the mid project meeting, our team will review watershed model and determine locations where practices could provide the most benefit and meet with stakeholders to workshop proposed improvements to be analyzed.
    2. Up to three proposed scenarios of improvements will be added to the H&H model for analysis and could include stormwater diversion, infiltration practices, detention practices, land use changes, or a combination of multiple practices.

6. Final Report
    1. Synthesize the results of the study into a brief report including an executive summary, stormwater report, construction cost estimates, exhibits and recommendations. Provide the draft report to stakeholders for review and incorporation of comments prior to finalizing.

7. Stakeholder Presentation
    1. Prepare and deliver an in-person presentation in the Des Moines area with selected stakeholders to discuss the project approach, methodologies, and outcomes. The presentation will incorporate items prepared in previous tasks.
        1. A draft presentation will be provided to the client for review and comment prior to finalization. Comments will be incorporated to the extent practical.
        2. Assumes preparation and delivery one time.

CLIENT RESPONSIBILITIES

It will be your responsibility to provide the following:

1. Identify a Project Representative with full authority to act on behalf of the Client with respect to this project. The Client Project Representative shall render decisions in a timely manner in order to avoid delays of Shive-Hattery's services.
2. Legal, accounting, and insurance counseling services or other consultants, including geotechnical, or vendors that may be necessary. The Client shall coordinate these services with those services provided by Shive-Hattery.
3. Provide to Shive-Hattery any available drawings, survey plats, testing data and reports related to the project, either hard copy or electronic media. Electronic media is preferred.
4. Unless specifically included in the Scope of Services to be provided by Shive-Hattery, the Client shall furnish tests, inspections, permits and reports required by law, regulation or code including but not limited to hazardous materials, structural, mechanical, chemical, air pollution and water pollution tests.
5. Provide Shive-Hattery personnel access to the site as required.

SCHEDULE

We will begin our services upon receipt of this Agreement executed by you which will serve as a notice to proceed.

- The services shall be performed in accordance with the following schedule: Proposed work in the above scope of services will be completed by December 31, 2024 unless agreed upon by both parties in a contract amendment.

COMPENSATION

Description	Fee Type	Fee	Estimated Expenses	Total
Project Management & Coordination	Fixed Fee	$6,900	Included	$6,900
Watershed Analysis	Fixed Fee	$13,900	Included	$13,900
BMP Option Development	Fixed Fee	$13,100	Included	$13,100
Final Report	Fixed Fee	$9,100	Included	$9,100
Stakeholder Presentation	Fixed Fee	$3,200	Included	$3,200
			TOTAL	**$46,200**

Fee Types:

- Fixed Fee - We will provide the Scope of Services for the fee amounts listed above.

Expenses:

- Included - Expenses have been included in the Fee amount.

The terms of this proposal are valid for 30 days from the date of this proposal.

ADDITIONAL SERVICES

Unless specifically stated in the Scope of Services, any resilient design related services including areas of resistance, reliability and redundancy (i.e. flood protection, storm/tornado shelter, emergency generators, utility backup, etc.) are not included in this proposal.

The following are additional services you may require for your project. We can provide these services, but they are not part of this proposal at this time.

1. Final Design and Construction Documents
2. Bidding Phase Services
3. Construction Phase Services
4. Regulatory Permitting or environmental studies
5. Funding Application Assistance or Coordination with other agencies
6. Additional scenarios beyond those outlined in the scope of services
7. Additional presentations beyond those outlined in the scope of services

Iowa Department of Natural Resources

Environmental Protection Commission

ITEM **#11** **DECISION**

TOPIC **Grant funding for Environmental Management System (EMS) Proposals**

Applications and Recommendations:
DNR received five grant applications from EMS participants, requesting a total of $183,669.33 in financial assistance. During the review process for this round, all five proposals were recommended for funding. DNR is seeking EPC approval for funding the three proposals in which over $25,000 of financial assistance was requested, totaling $168,971.63. These proposals are described in Attachment #1.

Contract Selection Process:
The EMS grant review committee was composed of the following representatives: Department of Natural Resources (2), Iowa Society of Solid Waste Operations, Iowa Recycling Association and the Iowa Waste Exchange. Review Committee members independently evaluated each application based on its relevance to EMS program areas, its potential environmental impact and sustainability of the project. Recommendations were decided after each proposal was discussed by the five members who all attended the April 23, 2024 review committee meeting.

Background and Funding Source
The Iowa Solid Waste EMS program was established pursuant to 2008 Legislation (House File 2570) as a voluntary alternative to comprehensive planning. Under the program, DNR supports designated solid waste agencies in building their own EMS and actively pursuing environmental stewardship goals beyond waste reduction. Iowa Code section 455J.7 authorizes the EPC to allocate funds to reward EMS participants for operating in an innovative, cost-effective, technologically advanced, and environmentally sensitive manner.

Laurie Rasmus, Program Planner
Environmental Services Division – Financial and Business Assistance
May 22, 2024

Attachment #1

Commission approval is being request for the following proposals.

Dubuque Metropolitan Area Solid Waste Agency	**Requested Amount/Awarded Amount**	$37,500
	Cash Match:	$12,500
	Total Project Cost:	$50,000
Project Title:	PFAS/PFOS Pilot Study	
Description:	Grant funds shall be used to install and operate a PFAS removal system on a pilot skid at a leachate discharge point of the DMASWA landfill to demonstrate the effectiveness the system. Based on the results of the pilot study, DMASWA will evaluate the scope and costs for installing a full-scale pretreatment system for leachate destined for the City of Dubuque's waste water treatment plant. The grant project is associated with an EMS objective/target in water quality improvement to reduce/remove 99% of PFAS from leachate destined to the water treatment plant.	

Iowa City Landfill & Recycling Center	**Requested Amount/Awarded Amount**	$100,000
	Cash Match:	$600,000
	Total Project Cost:	$700,000
Project Title:	Compost Turner	
Description:	Grant funds shall be used to purchase a self-propelled, ride-over compost turner for the City's compost facility. Operating this type of turner will increase the annual processing capacity of the facility by allowing for the placement of larger windrows of organic materials and accelerating the composting process with optimal aeration. The grant project is associated with an EMS objective/target in organics management to divert 33% more organic materials, including food waste, from the landfill to the compost facility as compared to a baseline of 14,968 tons in FY2023.	

Waste Commission of Scott County	**Requested Amount/Awarded Amount:**	$31,471.63
	Cash Match:	$10,490.55
	Total Project Cost:	$41,962.18
Project Title:	Ecosystem Improvements	
Description:	Grant funds shall be used to establish prairie plantings on a stormwater drainage swale at the southside of the WCSC recycling campus and to also transplant 40 swamp white oak trees and install an irrigation system at the landfill facility. At the recycling campus, a stormwater runoff area of approximately 10,000 square feet will be prepared and seeded with a mix that includes salt-resistant grasses as well as native grasses and forbs. The prairie planting project is associated with an EMS objective/target in water quality improvement to reduce sediment runoff in the drainage area by 10%. At the landfill, trees that are unlikely to survive from being previously planted too close together 20 years ago, will be thinned by moving 40 swamp oaks to other areas compatible with the facility's masterplan. The project is associated an EMS objective/target in greenhouse gas emissions reduction in which modeling calculates that 30,000 pounds of CO2 will be sequestered over the next 10 years, which is the same amount sequestered by 225 tree seedlings grown for the same time period.	

Iowa Department of Natural Resources
Environmental Protection Commission

ITEM **#12** **DECISION**

TOPIC: **Solid Waste Alternatives Program – Contract Recommendation**

The Department is requesting approval to enter into a $1,000,000 agreement with J. Pettiecord, Inc. to provide composting services for organic material generated by Iowa ethanol plants, poultry/egg production facilities and in managing wood waste for mulch and composting.

The Grantee's permitted compost facility will create an outlet for organics management that can be replicated elsewhere in the state, supporting sustainable management of organics and eliminating methane generation associated with landfilling organics. The proposed project is compatible with and implements organic material management recommendations made by Sustainable Materials Management – Vision for Iowa stakeholders.

An annual goal of this project is to divert 5,000 tons of ethanol plant grain/agriculture material and 5,000 tons of poultry waste from landfills and produce 40,000 to 50,000 cubic yards of high-quality finished compost material. An estimated 20,000 cubic yards of wood waste will be processed into mulch and compost bulking agent for windrow composting.

This project was submitted and recommended for funding by the Solid Waste Alternatives Program review committee during the January 2024 round of funding. Following this recommendation, the proposal was provided to a local CPA firm to conduct an in-depth funding suitability study. The study looks at current liabilities, income, cash flow, etc. to help ensure loaned SWAP funding will be repaid. The funding suitability study was completed and indicated J. Pettiecord, Inc. to be in good standing regarding ability to repay the SWAP loan.

The SWAP application review committee consisted of five persons representing the Land Quality Bureau (2), Iowa Society of Solid Waste Operations (1), Iowa Recycling Association (1), and the Iowa Waste Exchange (1).

A description of the recommended project and the amount and type of funding assistance is attached.

At this time, the Department is requesting Commission approval to enter into a contract with J. Pettiecord, Inc.

Tom Anderson, Executive Officer II
Land Quality Bureau
Environmental Services Division

Attachment
a) Proposal description

May 22, 2024

SOLID WASTE ALTERNATIVES PROGRAM
PROPOSAL RECOMMENDATIONS

The following provides a description of the project for which Commission approval is requested.

J. Pettiecord, Inc.
1200 Prairie Dr. SW
Bondurant, Iowa 50035

Forgivable Loan:	**$10,000**
0% Loan:	**$50,000**
Three Percent Loan	**$940,000**
Total Award Amount:	**$1,000,000**
Cash Match:	**$350,000**
Total Project Cost:	**$1,350,000**

Project Title: **Composting Equipment**

Contact: Nick Wylie **Phone:** 515-263-8900

Project Type: Best Practices

Applicant: Private for Profit

Description: J. Pettiecord, Inc. is requesting funding assistance for the purchase and operation of a compost turner and a wood grinder to initially be used in composting ethanol plant grains, poultry waste and wood waste.

J. Pettiecord, Inc. operates a newly DNR permitted organics compost facility near Earlham, Iowa. Roll off containers will be placed at generator locations for transportation of organic material to the Grantee's compost facility. Material supply agreements are in place and end market outlets are established.

The goal of this project is to annually divert 5,000 tons of ethanol plant grain/agriculture material and 5,000 tons of poultry waste from landfills and produce 40,000 to 50,000 cubic yards of nutrient rich compost. Additionally, an estimated 20,000 cubic yards of wood waste will be processed into mulch and compost bulking agent in 2024.

The project will effectively reduce 20 million pounds of organic waste from Iowa landfills each year.

Service Area: All of Iowa

LITIGATION REPORT - PUBLIC

Prepared by: Bradley Adams
Date: May 22, 2024

I. Summary

The Department of Natural Resources (DNR) seeks referral of NEW Cooperative, Inc. (hereinafter, NEW Co.) to the Iowa Attorney General's Office for violations of Iowa's water quality and wastewater discharge laws and regulations. A valve controlling a 500,000 gallon nitrogen tank at the NEW Co. location in Red Oak, Iowa, was left open, resulting in the release of 265,000 gallons of fertilizer. The release entered a stormwater ditch and flowed into the East Nishnabotna River, causing a significant fish kill over a 50-mile stretch of the river. This discharge resulted in a violation of general water quality criteria. Due to the gravity of this harm, the DNR is requesting that this matter be referred to the Attorney General's office.

II. Alleged Violators

NEW Cooperative, Inc.
2626 1st Ave. South
Fort Dodge, IA 50501

III. Description of Facility

NEW Co. is a member-owned grain, energy, feed, and agronomy cooperative headquartered in Fort Dodge, IA with more than 80 locations throughout the states of Iowa and Missouri.

IV. Alleged Violations

A. FACTS

1. On March 11, 2024, NEW Co. Senior Safety Coordinator Marty Cameron notified DNR Field Office 4 (FO4) of a release of 265,000 gallons of fertilizer, which flowed into a stormwater ditch and then to the nearby East Nishnabotna River. According to Mr. Cameron, the release was discovered at approximately 5:30 a.m. by workers arriving for their shift. Specifically, a valve on a hose in the loading area was discovered to have been left open on Friday, March 8, causing the contents of the tank to spill over the weekend.

2. That same day, Brent Martens, FO4 Environmental Specialist, started the investigation. Mr. Martens noted the product from the NEW Co. site flowed through a tile intake, into a stormwater ditch, through a levee with an open flood gate, and then into the nearby East Nishnabotna River. At this point, the flood

gate was shut in an attempt to contain the product. Starting where the stormwater ditch entered the East Nishnabotna River, Mr. Martens used a field test kit to test the water. Elevated ammonia levels were detected. Upstream, source, and downstream water samples were collected and submitted to the State Hygienic Lab (SHL) for analysis. Mr. Martens was notified that NEW Co. retained the firm Terracon to assist with the cleanup effort.

3. That same day, field tests and water samples were taken along 33.8 miles of stream. Dead fish were observed and John Lorenzen, DNR Fisheries Biologist, started assessing the extent of the fish kill.

4. That same day, Green Tree Company constructed berms and started clearing ground at NEW Co. in an attempt to contain the product and for future excavation.

5. On March 12, 2024, Mr. Martens traveled to the river ramp east of the city of Hamburg near the Iowa-Missouri state line. Elevated ammonia levels were detected and a water sample was collected for SHL analysis.

6. That same day, at the New Co. facility, Mr. Martens documented the cleanup efforts made by the facility's staff. Excavated soils from the stormwater ditch were transported and stockpiled on the NEW Co. property across the road from the facility. The stormwater ditch was pumped into mobile tanks and taken to large water tanks on-site for storage. Mr. Martens collected additional water samples at the confluence of the stormwater ditch and East Nishnabotna River for SHL analysis.

7. On March 13, 2024, Mr. Martens returned to the East Nishnabotna River for additional sampling. In Hamburg, Mr. Martens and Mr. Lorenzen met with the Missouri Department of Conservation fisheries staff and discussed the spill. Iowa fisheries staff stated they would need to return the following day to count the fish as they were still actively dying. Missouri DOC staff stated they would be initiating sampling protocols.

8. That same day at NEW Co., approximately one half of the stormwater ditch had been excavated and soil was continuing to be stockpiled. Pumping of the stormwater ditch from both sides of the levee was in progress and being stockpiled onsite.

9. On March 14, 2024, Jessica Montana, FO4 Supervisor, and Mr. Martens met at NEW Co. with NEW Co. staff. Mr. Cameron showed Ms. Montana and Mr. Martens the stormwater intake that had caused the direct discharge to the stormwater ditch. Ms. Montana and Mr. Cameron discussed permanently closing the stormwater intake.

10. On March 18, 2024, Mr. Martens returned to the East Nishnabotna River for more water sampling.

11. That same day, Derek Wilken, Terracon Senior Project Manager, and Mr. Martens discussed Terracon's lab samples and plans for applying excavated and pumped material at agronomic rates.

12. On March 25, 2024, after the Red Oak area had received around 1"-1.5" of rain, Red Oak Police Chief Justin Rhamy ordered the levee's floodgate to be opened, causing the berm that was blocking the flow of the stormwater ditch and East Nishnabotna River to fail.

13. That same day, Mr. Martens traveled back to the City of Red Oak to collect additional water samples.

14. That same day, Mr. Martens advised the city to ensure the flood gate remained closed until cleanup was complete.

15. On March 26, 2024, Mr. Martens received and approved the disposal plan for the excavated soils sent by Mr. Cameron. Mr. Wilken also provided further analytic reports and results from the continued excavation work at the site.

16. On March 27, 2024, Mr. Martens received a memorandum from Mr. Lorenzen providing a summary of the DNR Fisheries Bureau's investigation regarding the fish kill. The DNR's Fisheries staff documented the fish kill occurring in all 49.8 miles of the East Nishnabotna River downstream of the spill and estimated that **749,242** fish were killed. The kill continued in Missouri's portion of the Nishnabotna River and ended near the waterway's confluence with the Missouri River.

17. On March 29, 2024, Mr. Cameron informed Mr. Martens that the dam was back in place at the confluence of the East Nishnabotna River and the stormwater ditch. Mr. Cameron also relayed that dewatering the stormwater ditch was ongoing.

18. On April 2, 2024, Mr. Wilken stated that Terracon had received soil and water sample results. These samples were collected by Terracon after the levee gate was opened. Ammonia levels were elevated in the ditch and needed to be dewatered again. After the stormwater ditch was dewatered, Terracon stated it would again take soil samples to see if further excavation was needed.

19. On April 3, 2024, Mr. Martens and Jon Wells, NEW Co.'s Safety and Risk Coordinator, discussed field application of the water/nitrogen mixture that had been pumped. Mr. Wells stated that he anticipated cleanup would be completed no later than April 26, 2024.

20. On April 9, 2024, Mr. Wells provided land application records of the fertilizer-water mixture from the holding tank.

21. On April 11, 2024, Mr. Martens sent the DNR's investigative write-up report and notice of violation letter to NEW Co. The letter advised that the 30-day report would be needed at the time of final cleanup.

22. On April 16, 2024, Mr. Wilken received lab results from water sampling. Results still showed increased concentrations of ammonia, nitrates, and nitrites in the stormwater ditch, and in the area between the berm blocking the East Nishnabotna River and the stormwater ditch. Water continued to be pumped out of the stormwater ditch and additional soil and water samples would need to be collected and submitted to the DNR.

23. On April 26, 2024, in anticipation of an upcoming storm, a meeting was held between DNR staff and Mr. Wells, Mr. Wilken, and Brian Hamman, Montgomery County Emergency Management Coordinator. The parties agreed to pump the water around the contaminated stormwater ditch to ensure that further contamination into the river was avoided. It was also agreed that because cleanup of the contaminated soil in the ditch was not completed, NEW Co. staff would pump the water and hold it with the use of on-site frac tanks.

B. APPLICABLE LAW

The above-stated facts either implicate or demonstrate violations of the following provisions of Iowa 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 rules adopted by the Environmental Protection Commission.

2. 567 Iowa Administrative Code section 61.3(2)"d," which states that "…waters shall be free from substances attributable to wastewater discharges or agricultural practices in concentrations or combinations which are acutely toxic to human, animal, or plant life."

3. Iowa Code section 455B.392, which states that those persons having control over a hazardous substance are strictly liable to the state or a political subdivision for certain costs related to the cleanup of a released hazardous substance, and 567 Iowa Administrative Code 133.6, which sets out the applicability and methodology by which the DNR determines compensation.

4. Iowa Code section 481A.151, which states that those liable for polluting a water of this state in violation of state law shall also be liable to pay restitution to the DNR for injury caused to a wild animal by the pollution, and 571 Iowa

Administrative Code 113, which sets out the applicability and methodology by which the DNR determines compensation.

V. Witnesses

Brent Martens, Environmental Specialist FO4
Wendy Witrock, Environmental Specialist Senior FO4
John Lorenzen, DNR Fisheries Biologist

CC