



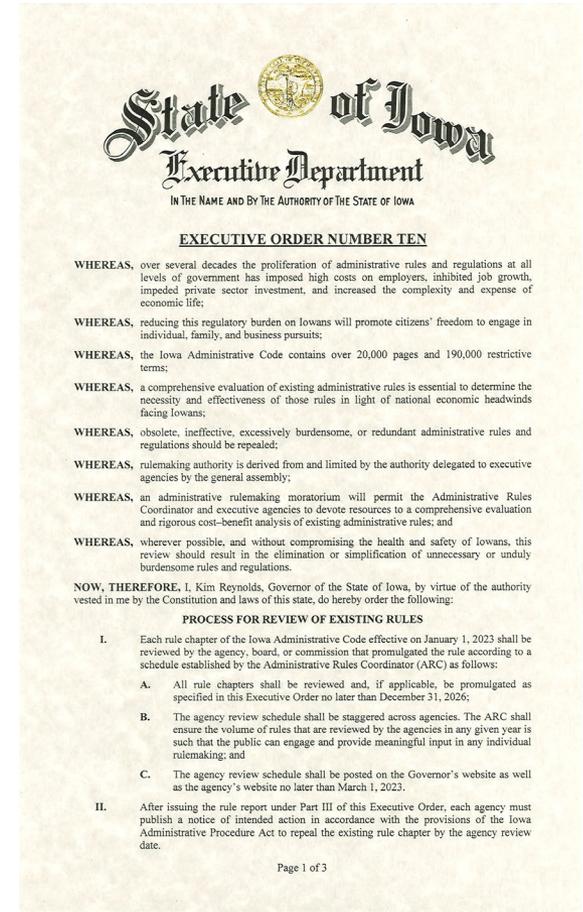
IOWA DEPARTMENT OF NATURAL RESOURCES

LEADING IOWANS IN CARING FOR OUR NATURAL RESOURCES

DNR Update on Executive Order 10
Mike Sullivan
Iowa Department of Natural Resources
2024 ISOSWO Spring Conference
Marshalltown, IA
March 14, 2024

Executive Order 10: Introduction

- Thorough Review of All Administrative Rules
- All Chapters will Either be Rescinded or Rescinded and Replaced
- Moratorium on New Rulemakings
- Complete by December 31, 2026



Executive Order 10: Goals and Objectives

- Deliberative Approach to Rulemaking
- Increase Public Input in Rulemaking Process
- Strictly Adhere to Rulemaking Authority Granted by Legislature
- Eliminate Rules That Do Not Provide Substantiated Benefits to Iowans
- Adopt Least Costly Way to Realize Public Benefits of Rule
- Reduce Size (Page and Word Count) of Iowa Administrative Code (IAC)
- Reduce Restrictive Language
- Avoid Verbatim Language Duplicative of Statutory Language

- III. An agency wishing to renew a rule chapter beyond the agency review date must promulgate a new rulemaking in accordance with the following requirements in addition to the provisions of the Iowa Administrative Procedure Act:
- A. The agency, board, or commission must perform a retrospective analysis that includes a comprehensive evaluation and rigorous cost-benefit analysis of each existing administrative rule to determine whether the benefits the rule is intended to achieve are being realized, whether those benefits justify the costs of the rule, and whether there are less restrictive alternatives to accomplish those benefits. This analysis should be guided by the statutory language giving the agency, board, or commission the authority to promulgate the rule.
 - i. The ARC, with the assistance of the Department of Management (DOM), shall develop a standardized process for the required retrospective analysis. Any such forms shall be posted on the website of DOM no later than March 1, 2023.
 - ii. Agencies, boards, and commissions should start the new rulemaking from a zero-base and not seek to reauthorize an existing rule chapter without a critical and comprehensive review. Agencies, boards, and commissions must use the retrospective analysis to guide which regulations, if any, should be re-promulgated in order to carry out the statutory language giving the agency, board, or commission the authority to promulgate the rulemaking. The agency, board, or commission shall remove obsolete, outdated, inconsistent, incompatible, redundant, or unnecessary language, including instances where rule language is duplicative of statutory language.
 - iii. The agency, board, or commission shall submit a rule report to the ARC by September 1 of the year of the agency review date. The rule report shall contain the retrospective analysis of the rule chapter, a list of rules the agency, board, or commission proposes to repeal and not re-promulgate, and a list of rules the agency, board, or commission proposes to re-promulgate.
 - B. The agency, board, or commission must publish a notice of intended action and hold at least two public hearings designed to maximize public participation in the rulemaking process. A copy of the retrospective analysis must be published on the agency's website prior to the public hearings.
 - C. Each new rule chapter finalized by the agency must reduce the overall regulatory burden, or remain neutral, as compared to the previous rule chapter.
 - D. All proposed amendments to an existing chapter must be contained within a single rulemaking.
- PROCESS FOR NEW AND AMENDED RULES**
- IV. To create a more stable regulatory environment and provide businesses with certainty, there is a moratorium on rulemaking. State agencies shall not initiate, by filing a notice of intended action or an adopted and filed emergency, any new rulemaking from February 1, 2023 through the agency review date established by the ARC, unless the agency is directed by the ARC to take a rulemaking action or all of the following conditions apply and the rulemaking is precleared by the ARC:
- A. The rulemaking is narrowly-tailored to achieve one or more of the following objectives:
 - i. To reduce or remove a regulatory burden, including reducing restrictive terms;
 - ii. To remove obsolete, outdated, inconsistent, incompatible, redundant, or unnecessary regulations, including instances where rule language is duplicative of statutory language;
 - iii. To comply with a new statutory requirement, court order, or federal mandate where no waiver is permitted;
 - iv. To prevent a substantiated and well-documented threat to public health, peace, or safety;

Executive Order 10: DNR Schedule

- 2023 (Air Quality, ECs, and Tax Certification)

567-1, 3, 9, 10, 11, 12, 14, 15, 16, 17, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 65

571-1, 10, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 61, 91, 94, 106

- 2024 (Water Quality)

567-38, 39, 40, 41, 42, 43, 44, 49, 50, 51, 52, 53, 54, 55, 60, 61, 62, 63, 64, 66, 67, 68, 69, 70, 71, 72, 73, 75, 76, 81, 82, 83, 90, 91, 92, 93

571-36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 54, 55, 56, 63, 64, 66, 67, 72, 73, 74

- 2025 (Solid Waste, FABA, and Contaminated Sites)

567-2, 4, 5, 6, 7, 8, 13, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 111, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 131, 133, 134, 135, 136, 137, 145, 149, 152, 209, 211, 213

571-2, 3, 4, 5, 6, 7, 8, 11, 76, 77, 78, 79, 80, 81, 82, 83, 84, 86, 87, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116



Executive Order 10: Air Quality Bureau Schedule

- Four Stakeholder Meetings Between March 2023 and July 2023.
- Draft Rule Changes Posted (Summer 2023)
- Public Comment Period on Regulatory Analysis and Proposed Rule Changes (September 2023)
- Notices of Intended Action (NOIA) Published in Iowa Administrative Bulletin (December 27, 2023)
- Public Comment Period (December 27, 2023 through January 30, 2024)
- Two (2) Public Hearings Held (January 29, 2024 and January 30, 2024)
- Adopted and Filed to EPC (April 2024)
- <https://www.iowadnr.gov/Environmental-Protection/Air-Quality/Public-Participation#Executive-Order-10-Implementation-402>

Executive Order 10: Water Quality Bureau Schedule

- Draft Notices of Intended Action (NOIAs), Retrospective Analyses, and Regulatory Analyses Submitted to DNR Legal (July 31, 2024)
- EO10 Rule Revisions Presented to Governor's Office (September 1, 2024)
- NOIAs Presented to EPC (Fall 2024)
- NOIAs Published in Iowa Administrative Bulletin (December 2024)
- Adopted and Filed to EPC (Spring 2025)
- <https://www.iowadnr.gov/Environmental-Protection/Water-Quality/Water-Quality-Rulemaking>

Executive Order 10: Solid Waste and FABAs Schedule

- Workgroups Form for Landfill Chapters/Divisions, Comp Planning/EMS, Beneficial Use – Composting Workgroup Previously Formed (March 2024)
- Workgroups Meet and Drafting of Individual Chapters (March 2024 – February 2025)
- Solid Waste/FABA Chapters EO10 Drafts Combined into NOIAs (February 2025 – July 2025)
- Draft Notices of Intended Action (NOIAs), Retrospective Analyses, and Regulatory Analyses Submitted to DNR Legal (July 31, 2025)
- EO10 Rule Revisions Presented to Governor’s Office (September 1, 2025)
- NOIAs Presented to EPC (Fall 2025)
- NOIAs Published in Iowa Administrative Bulletin (December 2025)
- Adopted and Filed to EPC (Spring 2026)
- <https://www.iowadnr.gov/Environmental-Protection/Land-Quality/Land-Quality-Rulemaking>

Executive Order 10: Chapter Structure and Key Changes

- Key Changes
 - Reduce Total Chapters from 28 to 8
 - Eliminate Duplicative Language in Multiple Rule Chapters
 - Eliminate Duplicative Language in Rule Chapters from Iowa Code
 - Eliminate Chapters/Rules without Statutory Authority for Rulemaking
 - Eliminate Chapters/Rules Unnecessary Where Sufficient Detail in Statute

Proposed Chapter Structure

- Chapter 11 - Tax Certification of Pollution Control of Recycling Property
- Chapter 100 - Authority/Purpose, Definitions, General Requirements for all Permits/Licenses (Ch.83 Lab Cert. ref.)
- Chapter 101 - Sanitary Disposal Projects (SDP)
 - Division I - Landfill Specific Requirements
 - Division II - MSW LFs
 - Division III - Industrial LFs
 - Division IV - CCR LFs
 - Division V - SW Transfer Stations
 - Division VI - SW Incinerators (Only Op. Cert. now)(Reserved - future rulemaking)
 - Division VII - Inf. Waste Treatment & Disposal (Reserved - future rulemaking)
 - Division VIII - Financial Assurance
- Chapter 102 - Solid Waste Management (SWM)
 - Division I - Organic Materials Composting
 - Division II - Land Application
 - Division III - PCS Landfarming
 - Division IV - Beneficial Use Determinations
 - Division V - Waste Tire Management
 - Division VI - Special Waste Authorizations
 - Division VII - ADP (If not rescinded)
 - Division VIII - CRT (If not rescinded)
- Chapter 103 - RCCs/HHW
- Chapter 104 - Comprehensive Planning/Waste Flow/EMS Reporting
- Chapter 105 - Notification of Hazardous Conditions
- Chapter 106 - Reserved
- Chapter 107 - Beverage Container Deposits
- Chapter 108 - Reserved
- Chapter 109 - Reserved
- Chapter 110 - Reserved

Executive Order 10: Landfill Workgroup

- Consolidation of CCR (Chapter 103), MSWLF (Chapter 113), C&D (Chapter 114), and Industrial Monofills (Chapter 115) in Divisions I, II, III, and IV of (New) Chapter 101 – Sanitary Disposal Projects
- Status: Workgroup formed. Initial Meeting Planned for April 2024. Tentatively Planning to Meet ~Every 6 Weeks

Landfill - Chapters 103, 113, 114 & 115

Lead: Brian Rath, DNR 515-537-4051 Brian.Rath@dnr.iowa.gov

- Nicole Crain, Iowa Association of Business and Industry
- Gina Wilming, Foth Infrastructure & Environment, LLC
- Doug Luzbetak, HLW Engineering
- Tim Buelow, SCS Engineers
- Jamie Wallerstedt, WM (Waste Management)
- John Foster, Black Hawk County Solid Waste Management Commission
- Garrett Prestegard, Cedar Rapids Linn County Solid Waste Agency
- Dan Chism, City of Spencer
- Brian Seals, Waste Commission of Scott County
- Tim Harden, Alliant Energy

Executive Order 10: Comprehensive Planning Workgroup

- Consolidation of Comprehensive Planning – Chapter 101 and EMS – Chapter 111 in (New) Chapter 104 – Comprehensive Planning/Waste Flow/EMS Reporting
- Status: Workgroup formed

Comprehensive Planning - Chapters 101 & 111

Lead: Laurie Rasmus, 515-474-4921

Laurie.Rasmus@dnr.iowa.gov

- Mary Wittry, Carroll County Solid Waste Management Commission
- Dixit Solanki, Foth Infrastructure & Environment, LLC
- Nicole Crain, Iowa Association of Business and Industry
- Kenneth Grove, NCIRSWA
- Hannah Sperfslage, SCS Engineers
- Bryce Stalcup, Waste Commission of Scott County
- Julie Ketchum, WM (Waste Management)

Executive Order 10: Beneficial Use Workgroup

- Consolidation of Beneficial Use Determinations in Division IV of (New) Chapter 102 – Solid Waste Management
- Status: Chad Stobbe Plans to Convene this Workgroup Later in 2024

Beneficial Use - Chapter 108

Lead: Chad Stobbe, DNR 515-201-8272

Chad.Stobbe@dnr.iowa.gov

- Brian Seals, Waste Commission of Scott County
- Chris Polley, John Deere
- Joshua Love, MidAmerican Energy
- Karmin McShane, Cedar Rapids Linn County Solid Waste Agency
- Kenneth Miller, DMASWA/City of Dubuque
- Kevin Jensen, SCS Engineers
- Bill Robinson, Lee Crawford Quarry

Executive Order 10: Compost Workgroup

- Rewrite of Chapter 105 – Organic Materials Composting and Consolidation into Division I of (New) Chapter 102 – Solid Waste Management
- Incorporation of Feedback Received from Compost Workgroup in Fall 2022
- Status: Initial Draft Complete, Currently Undergoing Internal DNR Review before Presentation to Workgroup for Feedback

Composting - Chapter 105

Lead: Theresa Stiner, DNR 515-721-7979

Theresa.Stiner@dnr.iowa.gov

- Jennifer Trent, Iowa Waste Exchange
- Jeff Phillips, SCS Engineers
- Lloyd Krutzfeldt, Iowa Dept. of Agriculture
- Chris Gruenhagen, Farm Bureau
- Karmin McShane, Cedar Rapids Linn County Solid Waste Agency
- Jennifer Jordan, Iowa City Landfill and Recycling Center
- Kapil Arora, Iowa State University
- Abe Sandquist, Natural Fertilizer Services, Inc.
- Justin Sprague, Pro Ag Engineering
- Doug MacCrea, Red Barn Acres / Chamness
- Dan Bacehowski, HDR
- Alison Manz, DNR Field Office 4
- Laurie Rasmus, DNR FABA