



IOWA DEPARTMENT OF NATURAL RESOURCES

LEADING IOWANS IN CARING FOR OUR NATURAL RESOURCES

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Difference Between Statute and Rules

Iowa Code (Statute)

- Laws enacted by the Iowa General Assembly (Legislature) and signed by the Governor
- Provides overarching structure
- May give authority to state agency to promulgate rules
- Only changed through legislative action

Iowa Administrative Code (Rules)

- Promulgated by state agencies with oversight from the Legislature and Governor
- Administrative rules implement or interpret law, prescribe policy, and are more detailed/technical in nature
- State agency must be given authority for the rule in statute
- Agency can amended through the rulemaking process
- Public has opportunities to offer comment on proposed rules.



Executive Order 10 - Introduction

- Thorough review of all administrative rules
- All chapters will either be rescinded, revised or combined with other chapters.
- A moratorium on new rule making
- Take place by December 31, 2026



Executive Order 10 (EO10) - Directives

- Reduce or remove regulatory burden, including restrictive terms (e.g., shall, must, may not, prohibit, require, restrict)
- Remove obsolete, inconsistent, redundant or unnecessary regulations, including instances where rule language is duplicative of Code
- Strictly adhere to the rulemaking authority granted by the legislature
- Increase public input in the rulemaking process
- Reduce page and word count of the IAC
- Eliminate rules that do not provide substantiated benefits to Iowans
- Adopt the least costly way to realize the public benefits of the rule



Executive Order 10 (EO10) - Process

- Work with stakeholders to evaluate existing rules and draft revisions
 - 29 Iowa Administrative Code (IAC) chapters administered by the FABA and SW sections
 - 2 chapters in 2023
 - 27 chapters in 2025
- Retrospective review
 - Each existing chapter will be reviewed and a recommendation made to rescind, revise, or combine with other chapters.
 - To Governor's office by September 1
- Regulatory analysis
 - For proposed revisions and consolidated chapters
 - Draft rule
 - Analysis of implementation costs compared to the public benefits achieved through the rule.
 - Published in the Administrative Bulletin
 - Public hearing

Executive Order 10 (EO10) - Process

- Formal rulemaking process
 - EPC approval of Notice of Intended Action (NOIA)
 - Published in Administrative Bulletin by December 31
 - Public hearings and written comments (20 days after publication)
 - Administrative Rules Review Committee (ARRC)
 - Revisions made if needed
 - Approval of Final rule by EPC
 - Publication in Administrative Bulletin
 - ARRC
 - Effective 35 days after publication

Executive Order 10 (EO10) - Timeframes

- Moratorium on any new rulemaking began January 10, 2023
- NOIA for Chapters 11 and Chapter 14 will be published on December 27, 2023
- Initial Stakeholder meeting October 24, 2023
- Stakeholder Engagement on individual Chapters 2023 - 2025
- Retrospective Analyses due to Governor's Office September 1, 2025
- Regulatory Analyses
- Proposed rules published no later than December 31, 2025
- Moratorium lifted





LQB EO10 Rulemaking Webpage

<https://www.iowadnr.gov/Environmental-Protection/Land-Quality/Land-Quality-Rulemaking>

Scan the EO10 QR Code

The screenshot shows the Iowa Department of Natural Resources website. The main navigation bar includes links for HOME, HUNTING, FISHING, THINGS TO DO, PLACES TO GO, CONSERVATION, ENVIRONMENTAL PROTECTION (highlighted), and ABOUT DNR. The breadcrumb trail reads: ENVIRONMENTAL PROTECTION > LAND QUALITY > LAND QUALITY RULEMAKING. The left sidebar menu is expanded to 'Land Quality', showing sub-items like Emergency Planning (EPCRA), Solid Waste, Waste Planning & Recycling, etc. The main content area is titled 'Land Quality Bureau Rulemaking' and contains sections for 'General Information - Executive Order 10', 'EO10 - Governor's Office', 'EO10 - Natural Resources', and 'EO10 - Solid Waste'. The 'EO10 - Solid Waste' section lists key dates and events, such as 'Early Stakeholder Outreach Email' on October 5, 2023, and 'Recommended Revisions and Proposed Structure' on September 2023. A 'LQB Rulemaking Schedule and News' section at the bottom states that the deadline for completion of the rule review process is December 31, 2025.

Initial & Future Rulemakings

First Required Rulemakings

- **567 IAC Chapter 11**
(Tax Certification of Pollution Control or Recycling Property)
 - Will be edited for length and clarity w/out changes to the program
- **567 IAC Chapter 14**
(Environmental Covenants)
 - Rescission will not impact the DNR's ability to enter into effective environmental covenants
 - Chapter either expressly or implicitly duplicates §455I

Unique Rulemakings

- **Infectious Waste Treatment & Disposal Facilities**
 - §455B.503 directs the DNR to adopt rules for permitting
 - No prohibition on the operation without a permit
- **Solid Waste Incinerators**
 - Incinerators are SDPs (i.e. facilitates final disposition)
 - Permit must be issued for each SDP (§455B.305)
- **567 IAC Chapter 107**
(Beverage Container Deposits)
 - Retain w/minor edits for clarity

QUESTIONS

Solid Waste Section - Recommended Rescind/Replace and Consolidate

- **567 IAC Chapter 100** (Scope of Title – Definition – Rules of Practice)
 - Scope of Title will be moved to a new overarching solid waste chapter.
 - Definitions will be moved to appropriate chapters.
 - General conditions of solid waste disposal will be moved to new Chapter 113 (landfills) and combined with disruption and excavation of sanitary landfills or closed dumps in Chapter 102.

Solid Waste Section - Recommended Rescissions

- **567 IAC Chapter 152** (Criteria for Siting Low-Level Radioactive Waste Disposal Facilities)
 - Artifact from the implementation of the Low-Level Radioactive Waste Policy Amendments Act (LLRWPA) of 1980 and the creation of the Midwest Compact.
 - Not necessary to maintain Iowa's responsibilities in the Midwest Compact.
 - Iowa has no authority to regulate disposal facilities for radioactive waste. Therefore, it is unnecessary to maintain rules for siting requirements.

QUESTIONS

FABA Section - Recommended Rescissions

- **567 IAC Chapter 119** (Used Oil and Used Oil Filters)
- **567 IAC Chapter 145** (Household Batteries)
- **567 IAC Chapter 209** (Landfill Alternatives Financial Assistance Programs)
- **567 IAC Chapter 213** (Packaging – Heavy Metal Content)
 - Rely on relevant statutory authority in Iowa Code or Federal regulations as well as guidance documents, forms and Frequently Asked Questions, etc.

QUESTIONS

FABA Section - Recommended Rescind/Replace & Consolidate

- **567 IAC Chapter 101** (Solid Waste Comprehensive Planning Requirements)
 - Retain/revise and reformat rule sections that describe tonnage fees and goal progress toward state waste reduction and recycling goals to provide greater clarity.
 - Revise and reduce requirements for Comprehensive Plans to lighten the regulatory burden upon stakeholders.
- **567 IAC Chapter 111** (Annual Reports for Solid Waste Env. Mgmt. Systems)
 - Combine in Chapter 111 to consolidate Comprehensive Planning and its alternative program into a single chapter.

FABA Section - Recommended Rescind/Replace & Consolidate

- **567 IAC Chapter 123** (Regional Collection Centers and Satellite Facilities)
 - Retain existing licensing system for RCCs and satellites.
- **567 IAC Chapter 211** (Financial Assistance for the Mgmt. of HHMs and Hazardous Waste from Very Small Quantity Generators)
 - Incorporate select content, such as the definition for eligible pounds and description of funding (reimbursement of costs). Fact 2

QUESTIONS

Non-Landfill Chapters (Part 1)

- **567 IAC Chapter 102** (Permits and Rules of Practice)
 - Consolidate permitting criteria within an overarching SW chapter
 - Move excavation of closed dumps to single sanitary landfill chapter
 - Simplify ERRAP requirements for all SDPs
 - Move incinerator operator certification criteria to future incinerator rule or seek transfer of Code mandate to DNR Air Quality
- **567 IAC Chapter 106** (Citizen Convenience Centers and Transfer Stations)
 - Remove CCC designation and consolidate permitting criteria within an overarching SW permitting chapter
 - Permitting options: Licenses, General Permits & Individual Permits
 - Simplify and standardize permitting application requirements
 - Financial Assurance alternative for smaller facilities
 - Extend Permit Duration to 5 years

Non-Landfill Chapters (Part 1) Cont'd

- **567 IAC Chapter 108** (Beneficial Use Determinations)
 - Move alternative cover material provisions to sanitary landfill chapter
 - Chapter is voluntary...Iowa Code does not expressly prohibit reuse activities outside of a beneficial use determination
 - Reporting deficiencies result in the inability to quantify the extent of reuse occurring and to assess the program's impact
 - Revisit appropriate level of by-product characterization/evaluation regarding universally-approved applications
- **567 IAC Chapter 110** (Sanitary Disposal Project Financial Assurance)
 - Significant duplication across all chapters
 - Consolidate and standardize requirements into a single chapter
 - Allow use of all statutorily-mandated instruments (§455B.301(9)(c))
 - Correct deficiency regarding sanitary landfills being required to maintain closure and post-closure care accounts (§455B.306(9)(b))

Non-Landfill Chapters (Part 1) Cont'd

- **567 IAC Chapter 116** (Registration of Waste Tire Haulers)
- **567 IAC Chapter 117** (Waste Tire Management)
 - Iowa Code dictates more regarding waste tire management than most other types of waste.
 - Both chapters contain significant duplication. Remove statutory duplication (§455D.11, §455D.11A, §455D.11B, §455D.11I)
 - Both chapters can be streamlined and consolidated into a single Waste Tire Management chapter.
 - Revisit storage quantity limitations to be exempt from regulation
 - Revisit beneficial use of waste tires. Specific attention to whole waste tire applications:
 - Artificial fishing reefs and fish habitat structures
 - Stream bank erosion control

QUESTIONS

Non-Landfill Chapters (Part 2)

- **567 IAC Chapter 105 Organic Materials Composting Facilities**
 - Major revisions, will reconvene stakeholder group
 - Include in solid waste management permitting chapter
- **567 IAC Chapter 109 Special Waste Authorizations**
 - Remove duplication with Iowa code and Federal regulations
 - Include in solid waste management permitting chapter
- **567 IAC Chapter 118 Discarded Appliance Demanufacturing**
 - More discussion need to determine if chapter could be rescinded
 - Rely on Federal regulations
 - Some components have been phased out
 - If not entirely rescinded, include in solid was management chapter

Non-Landfill Chapters (Part 2) Cont'd

- **567 IAC Chapter 120 Landfarming of Petroleum Contaminated Soil**
 - Recently revised as part of Five Year Rule Review
 - Include in solid waste management permitting chapter
- **567 IAC Chapter 121 Land Application of Wastes**
 - Major revisions to streamline the permitting process
 - Work with stakeholders to draft revisions
 - Include in solid waste management permitting chapter
- **567 IAC Chapter 122 Cathode Ray Tube Recycling**
 - Recently revised
 - More discussion need to determine if chapter could be rescinded
 - If kept, include in solid waste management permitting chapter

QUESTIONS

Sanitary Landfill Chapters

- **567 IAC Chapter 103** (Sanitary Landfills: Coal Combustion Residue)
- **567 IAC Chapter 113** (Sanitary Landfills: Municipal Solid Waste)
- **567 IAC Chapter 114** (Sanitary Landfills: Construction & Demolition Wastes)
- **567 IAC Chapter 115** (Sanitary Landfills: Industrial Monofills)
 - Maintain Chapter 113 (MSW Landfills) as its own chapter.
 - Consolidate other landfill chapters (i.e. Chapters 103, 114, and 115) into Chapter 113 as their own divisions.
 - Allows landfill permitting, design, monitoring, and operations to be located in a single chapter.
 - Where overlaps occur between the different types of landfills, those requirements can be consolidated.
 - Financial assurance for solid waste disposal facilities will be consolidated into a new chapter.

QUESTIONS

Meeting Wrap-up



- **Next Steps**

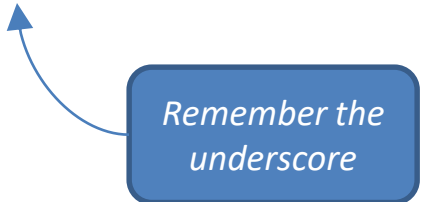
- Provide Feedback on Framework by Dec. 1, 2023
- Final Framework Published
- Individual Chapters

- **Staying Connected**

- [Land Quality Bureau Executive Order 10 Webpage](#)
- EO10 Subgroups
- GovDelivery Email Notifications

- **Submit Feedback**

- Email: eo10_solidwaste@dnr.iowa.gov



Scan the EO10 QR Code

<https://tinyurl.com/2fxzruc7>

THANK YOU
for your participation!