

State of Iowa
Executive Department

IN THE NAME AND BY THE AUTHORITY OF THE STATE OF IOWA

EXECUTIVE ORDER NUMBER TEN

- WHEREAS**, over several decades the proliferation of administrative rules and regulations at all levels of government has imposed high costs on employers, inhibited job growth, impeded private sector investment, and increased the complexity and expense of economic life;
- WHEREAS**, reducing this regulatory burden on Iowans will promote citizens' freedom to engage in individual, family, and business pursuits;
- WHEREAS**, the Iowa Administrative Code contains over 20,000 pages and 190,000 restrictive terms;
- WHEREAS**, a comprehensive evaluation of existing administrative rules is essential to determine the necessity and effectiveness of those rules in light of national economic headwinds facing Iowans;
- WHEREAS**, obsolete, ineffective, excessively burdensome, or redundant administrative rules and regulations should be repealed;
- WHEREAS**, rulemaking authority is derived from and limited by the authority delegated to executive agencies by the general assembly;

Executive Order 10 Water Quality Bureau Rulemaking

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Overview of Executive Order 10 (EO10)

EO10 Objectives

- Reduce or remove regulatory burden including restrictive terms
- Remove obsolete, inconsistent, redundant or unnecessary regulations, including instances where rule language is duplicative of statutory language
- Comply with a new statutory requirement, court order, or federal mandate where no waiver is permitted
- Prevent a substantiated and well-documented threat to public health, peace, or safety
- Reduce state spending

What does this mean?

Our focus is on Iowa Administrative Code.

There are 31 Iowa Administrative Code chapters that pertain to programs within the Water Quality Bureau.

Each chapter needs to be reviewed from a decision making perspective of keep, delete or combine; and reduction of restrictive terms.

Each chapter needs to be analyzed in terms of implementation costs compared to the public benefits achieved through the rule.

At the end of the process the current chapters will be rescinded and a decision will be made on whether or not to put forth a new chapter for consideration.

What will you see

1. New chapters that are streamlined and/or combined

- Corresponding redline/strikeout versions
- Summary of changes

1. Regulatory Analysis for each chapter

- Persons bearing the costs
- Persons benefiting from the proposed rule
- Nature and amount of costs
- Costs to the state for implementation and enforcement
- Comparison of costs and benefits
- Discussion of less costly or less intrusive methods
- Impact to small businesses

1. Red Tape Review (aka Retrospective) for each chapter

- Intended benefits of the rule
- Evidence that the benefit is being achieved
- Costs incurred by the public to comply with the rule
- Costs to the agency to implement/enforce the rule
- Explain how the costs justify the benefits achieved
- List and provide analysis of less restrictive alternatives

General Timeline

	September 1	Month of September	December
Annual Deadlines for 2023 - 2026	To IGOV: <ol style="list-style-type: none"> Draft Brand New Chapter Regulatory Analysis Red Tape Review 	Public Comment Period and Hearing on Rule/Reports presented to IGOV	Notice of Intended Action presented to Environmental Protection Commission

- Over the next 3 years a new group of chapters will move through this process.
- For Water Quality, Chapter 9 goes through this year, 2023
- For the remainder of the water quality rules, the deadlines will fall in 2024

Water Quality Rulemaking Approach

Internal Scoping Meetings April 2023

- Grouped Rule Chapters by Topic
- Initial Keep/Delete/Combine Decisions
- Review Federal approval and primacy needs
- Initial High Level Schedule

Communication Planning May 2023

- Web page
 - Placeholders for draft rules and retrospective analyses
- High level schedule
- Communication Tools
 - Redline/Strikeout Versions
 - Big picture change documentation

Drafting Rules and Reports/Gathering Stakeholder Input June - December 2023

- Web Page
- List Servs
- Virtual Meetings
- Recorded Presentations

Water Quality Rule Web Page

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

The screenshot shows a web browser displaying the Iowa Department of Natural Resources website. The address bar shows the URL: <https://www.iowadnr.gov/Environmental-Protection/Water-Quality/Water-Quality-Rulemaking>. The page features a dark blue header with the Iowa DNR logo and navigation links for Services, Agencies, and Social. Below the header is a main navigation bar with categories: HOME, HUNTING, FISHING, THINGS TO DO, PLACES TO GO, CONSERVATION, ENVIRONMENTAL PROTECTION (selected), and ABOUT DNR. The page title is "WATER QUALITY RULEMAKING". A breadcrumb trail indicates the path: ENVIRONMENTAL PROTECTION > WATER QUALITY > WATER QUALITY RULEMAKING. On the left, a sidebar menu lists categories: Air Quality, Land Quality, and Water Quality (selected). Under Water Quality, there are sub-links: Drinking Water Compliance, Certification, Iowa Water Plan, Private Well Program, Lake Restoration, River Restoration, Water Supply Engineering, Source Water Protection, Water Security, and Watershed Improvement. The main content area is titled "Water Quality Rulemaking" and contains the following text: "Executive Order 10 (EO10) signed by the Governor on January 10, 2023, requires all state agencies to identify which administrative rule chapters will be retained or rescinded. For more information on EO10, please go to the Governor's Office webpage for Executive Orders or use the pdf link provided below." Below this text is a button labeled "Copy of Executive Order 10 [PDF]". Further down, there is a section titled "Current Activities and Upcoming Opportunities" with text about the EO10 process and public engagement. At the bottom of this section are two buttons: "Sign up for Water Supply News" and "Sign up for Wastewater News".

Water Quality Rulemaking

Executive Order 10 (EO10) signed by the Governor on January 10, 2023, requires all state agencies to identify which administrative rule chapters will be retained or rescinded. For more information on EO10, please go to the Governor's Office webpage for Executive Orders or use the pdf link provided below.

[Copy of Executive Order 10 \[PDF\]](#)

Current Activities and Upcoming Opportunities

The EO10 process for both the review of existing rule chapters and the reauthorization of rule chapters that will be retained includes public engagement with the opportunity for meaningful input throughout the process. Opportunities for public input and information for public review during the Water Quality Bureau's implementation of EO10 will be posted below as they become available.

Water Quality staff continue to review current water quality rules and develop proposed changes to implement EO10. Please stay tuned for new of upcoming stakeholder input opportunities and availability of materials for review, including a Water Quality Rule Review Tracking Sheet. Meeting invitations and materials will be posted on this webpage and announced through the Water Quality Bureau electronic newsletters. Please use the links below to sign up for one or more of the newsletters.

[Sign up for Water Supply News](#)

[Sign up for Wastewater News](#)



Water Quality Rulemaking Groups

2023

Group 1: Construction Permit Authority Delegation

- 567 IAC Chapter 9 Delegation of Construction Permitting Authority
- This chapter is on the schedule for 2023.

2024

Group 2: Private Wells

- Chapter 38 Private Water Well Construction Permits
- Chapter 39 Requirements for Properly Plugging Abandoned Wells
- Chapter 49 Nonpublic Water Supply Wells
- Chapter 82 Well Contractor Certification

Water Quality Rulemaking Groups

Group 3: Safe Drinking Water Act

- Chapter 40 Scope of Division-Definitions-Forms-Rules of Practice
- Chapter 41 Water Supplies
- Chapter 42 Public Notification, Public Education, Consumer Confidence Reports, Reporting, and Record Maintenance
- Chapter 43 Water Supplies - Design and Operation
- Chapter 81 Operator Certification: Public Water Supply Systems and Wastewater Treatment Systems

Group 4: Water Use and Allocation

- Chapter 50 Scope of Division-Definitions-Forms-Rules of Practice
- Chapter 51 Water Permit or Registration - When Required
- Chapter 52 Criteria and Conditions for Authorizing Withdrawal, Diversion and Storage of Water
- Chapter 53 Protected Water Sources-Purposes-Designation Procedures . . .
- Chapter 54 Criteria and Conditions for Permit Restrictions or Compensation . . .
- Chapter 55 Aquifer Storage and Recovery

Water Quality Rulemaking Groups

Group 5: NPDES Effluent Limits and Monitoring

- Chapter 60 Scope of Title-Definitions-Forms-Rules of Practice
- *Chapter 61 Water Quality Standards*
- Chapter 62 Effluent and Pretreatment Standards: Other Effluent Limitations or Prohibitions
- Chapter 63 Monitoring, Analytical and Reporting Requirements
- Chapter 66 Pesticide Application to Waters

Group 6: Wastewater Construction and Land Application of Sewage Sludge

- Chapter 64 Wastewater Construction Operation Permits
- Chapter 67 Standards for the Land Application of Sewage Sludge

Water Quality Rulemaking Groups

Group 7: Private Sewage Disposal Systems

- Chapter 68 Commercial Septic Tank Cleaners
- Chapter 69 Private Sewage Disposal Systems

Group 8: Lab Certification

- Chapter 83 Laboratory Certification

Group 9: State Revolving Loan Fund

- Chapter 44 Drinking Water State Revolving Fund
- Chapter 90 Scope of Title-Definitions-Forms
- Chapter 91 Criteria for Rating and Ranking Projects for the Water Pollution Control State Revolving Fund
- Chapter 92 Clean Water State Revolving Fund
- Chapter 93 Nonpoint Source Pollution Control Set Aside Programs

Year 1 Timeline

	June 2023	July - August 2023	September 1 2023	Month of September 2023	December 2023
Group 1 (567 IAC Chapter 9)	Initial draft of documents and gather stakeholder input	Final draft documents and gather final stakeholder comments	To IGOV: <ol style="list-style-type: none"> 1. Draft New Chapter 2. Regulatory Analysis 3. Red Tape Review 	Public Comment Period and Hearing on Rule/Reports presented to IGOV	Notice of Intended Action presented to Environmental Protection Commission

Year 2 Timeline for Water Quality Rule Chapters

	June - December 2023	January - June 2024	September 1, 2024	Month of September 2024	December 2024
Groups 2 - 9	Initial draft of documents and gather stakeholder input	Final draft documents and gather final stakeholder comments	To IGOV: <ol style="list-style-type: none"> 1. Draft New Chapter 2. Regulatory Analysis 3. Red Tape Review 	Public Comment Period and Hearing on Rule/Reports presented to IGOV	Notice of Intended Action presented to Environmental Protection Commission

Rulemaking Group Contacts

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Thank you!

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