

Regulatory Plan for SFY2018

Iowa Department of Natural Resources

Introduction

This plan is intended to implement the Governor's Executive Order #9 and provides the Iowa Department of Natural Resources' (DNR) expected regulatory actions for State Fiscal Year 2018, which began July 1, 2017.

Regulatory Objectives

The Director of the DNR, the Environmental Protection Commission, the Natural Resource Commission, and the State Advisory Board for Preserves:

- Strive to provide by rule general statements that implement, interpret or prescribe law or policy or serve an important public need;
- Strive to describe by rule the organization, procedure, and practice requirements of the DNR;
- Strive to use sound science, economic analysis, and policy analysis;
- Strive to use an open, inclusive process for rulemaking; and
- Strive to provide rules that are plain-spoken, direct, productive, and are necessary to carry out the laws of Iowa and the federally mandated programs.

In doing so, these rulemaking authorities will strive to accomplish the DNR's goals that:

- Iowa will have a healthy and safe environment for work and play.
- Iowans will connect with nature.
- The DNR continually strives to improve organizational performance.

A number of regulatory actions are a result of the comprehensive five year review that the DNR is currently undertaking as per Iowa Code section 17A.7(2). The goal of the review is to identify and eliminate rules that are outdated, redundant, or inconsistent with statute or other rules.

Regulatory Actions

The following table lists the DNR's anticipated regulatory actions by rulemaking authority. A summary of each action follows.

How Can You Participate?

You can participate by contacting the person listed in the summary of a regulatory action. You may also participate by commenting on proposed rules that are published in the Iowa Administrative Bulletin. In addition, proposed rules are now available for public comment at <https://rules.iowa.gov/>

Once a rule has been proposed, the DNR will consider your comments and address them before issuing a final rule. To be most effective, comments should contain information and data that support your position, and explain why they should be incorporated in the final rule. You can be particularly helpful and persuasive if you provide examples to illustrate your concerns and offer specific alternatives.

**SFY 2018 Regulatory Items
December 19, 2017**

Chapter(s)	Title of Regulatory Action
561 IAC 1	Agency Description Update
561 IAC 8	Contract Chapter Updates
567 IAC 20, 22, 23, 25, 30 33 and 34	Regulatory Certainty Part 2
567 IAC 20 - 35	Updates for Federal Air Quality Regulations
567 IAC 30	Sustainable Air Quality Funding
567 IAC 38, 39, 48(new) 49 and 82	Geothermal Heat Exchange Borehole Regulation (GHEX)
567 IAC 40, 41, 42, 43, 81 and 83	Public Water Supply Rulemaking: Groundwater Rule, Lead & Copper Rule Short-term Revisions, Revised Total Coliform Rule, Analytical Methods, Operator Certification, Environmental Laboratory Certification
567 IAC 42 and 43	Public Water Supply Rulemaking: Engineering Design Standards and Self-monitoring Requirements
567 IAC 53	Water Use Rules Revision: Protected Source Designation for Withdrawals from the Alluvial Aquifer Associated with the Iowa Army Ammunition Plant Site near Middleton in Portions of Des Moines and Lee Counties
567 IAC 60 and 64	General Permit for Dewatering of Groundwater
567 IAC 60 and 64	General Permit for Hydrostatic Test Waster, Underground Storage Tank Ballast Water, and Potable Water Line Discharges
567 IAC 61	401 Certification Update
567 IAC 61	Water Quality Standards - Aluminum/Metals Criteria Update
567 IAC 61	Water Quality Standards - Stream Use Designations (Batch 5)
567 IAC 63	Wastewater Monitoring and Reporting Rule Update
567 IAC 63	Effluent Toxicity Testing Rule Revisions
567 IAC 64	Wastewater General Permit Cleanup
567 IAC 64	Operation Permit Exemption for Small Wastewater Discharges
567 IAC 64	Renewal of Storm Water General Permits Nos. 1, 2 and 3
567 IAC 64	Renewal of National Pollution Elimination System General Permit No.4 for Private Sewage Disposal Systems
567 IAC 64	Separation Distances for Anaerobic Lagoons
567 IAC 64	Wastewater Construction and Operation Permits - Revisions to the Iowa Wastewater Facilities Design standards
567 IAC 67	Sewage Sludge Land Application
567 IAC 100	Asbestos-Containing Building Debris Disposal
567 IAC 103	Coal Combustion Residue Units
567 IAC 104	Waste Conversion Technologies Permit and Annual Fees
567 IAC 106	Citizen Convenience Centers and Transfer Stations
567 IAC 111	Annual Reports of Solid Waste Environmental Management Systems

567 IAC 121	Land Application of Wastes
567 IAC 123, 144, 211 and 214	Household Hazardous Materials
567 IAC 131	Reportable Quantities and Minor Corrections
567 IAC 134, 135 and 136	Technical Standards and Corrective Action Requirements for Owners and Operators of Underground Storage Tanks
571 IAC 1	Operation of the Natural Resource Commission
571 IAC 15	Definition of License and Suspension; Point Value of turtles
571 IAC 44 and 81	Fishing Tournaments (Bass and Catfish) and Paddlefish
571 IAC 46	Off-highway Vehicle Program
571 IAC 47 Div. III	Snowmobile Program
571 IAC 54	Restrictions on Introduction and Removal of Plant Life
571 IAC 61	State Parks, Recreation Areas and State Forest Camping
571 IAC 91, 96, 98, 106 and 117 (new)	Youth and Severely Disabled Hunting
571 IAC 91	Waterfowl and Coot Hunting Seasons
571 IAC 94	Nonresident Deer hunting
571 IAC 98	Wild Turkey Spring Hunting
571 IAC 101	Falconry Regulations
571 IAC 104	Wildlife Importation, Transportation and Disease Monitoring
571 IAC 106	Deer hunting by residents
571 IAC 108	Mink, Muskrat, Raccoon, Badger, Opossum, Weasel, Striped Skunk, Fox, Beaver, Coyote, River Otter, Bobcat, Gray Wolf, and Spotted Skunk Seasons
571 IAC 110	Reduce Caught Animals to Possession or Release

**DNR REGULATORY AGENDA FOR SFY 2018
FORM FOR REGULATOR ACTION DESCRIPTION**

- Rule Making Authority** Director
 Environmental Protection Commission (EPC)
 Natural Resource Commission (NRC)
 Energy & Geological Resource Division

Title of Regulatory Action Agency Description Update

Rule Chapter(s) Involved 561 IAC Chapter 1 – Description of Organization

Description of Contemplated Regulatory Action (Including, to the extent reasonable and practicable, alternatives to be considered and preliminary estimate of costs and benefits of the Action)

Revise 561 IAC Chapter 1, Description of Organization, to reflect current agency organization structure.

Legal Basis (Include whether action is required by statute or court order)

This rulemaking will update Chapter 1 to reflect the current agency organizational structure in accordance with the provisions of Iowa Code sections 17A.3(1)(a) and 455A.4(1)(i).

Need for Regulatory Action (Include if applicable how the action will reduce risk to public health, safety, or the environment)

These rules describe the agency, as required by Iowa Code, and will not directly affect the risk to public health, safety or the environment.

Is this action a result of the five year regulatory review? Yes No

Other Affected/Interested Rule Making Authorities

These rules will be of interest to the Environmental Protection Commission and the Natural Resource Commission. Other interested agencies include the Iowa Economic Development Authority (EDA), Homeland Security & Emergency Management and the Iowa Department of Agriculture and Land Stewardship (IDALS).

Potential Public Groups Impacted

These rules should not have an impact on any particular public group.

Schedule: (Actions & month/year)

Submit to Governor’s office for preclearance by August 2017

Notice of Intended Action to be filed by October 2017

Public hearings in November 2017

Final rule by January 2018

Staff Contact/Phone # Ed Tormey 515-725-8373

**DNR REGULATORY AGENDA FOR SFY 2018
FORM FOR REGULATOR ACTION DESCRIPTION**

- Rule Making Authority** Director
 Environmental Protection Commission (EPC)
 Natural Resource Commission (NRC)
 Energy & Geological Resource Division

Title of Regulatory Action Contract Chapter Updates
Rule Chapter(s) Involved 561 IAC Chapter 8 – Contracts for Public Improvements and Professional Services

Description of Contemplated Regulatory Action (Including, to the extent reasonable and practicable, alternatives to be considered and preliminary estimate of costs and benefits of the Action)
The DNR plans to make revisions to 561 IAC Chapter 8 to update contracting practices consistent with changes in policy.

Legal Basis (Include whether action is required by statute or court order)
This action is not required by statute or order. This rulemaking will update Chapter 8 to be consistent with current contract practices.

Need for Regulatory Action (Include if applicable how the action will reduce risk to public health, safety, or the environment)
This rulemaking will be consistent with the DNR’s ongoing five year regulatory review efforts to identify rules that can be amended because they are outdated.

Is this action a result of the five year regulatory review? Yes No

Other Affected/Interested Rule Making Authorities
Department of Administrative Services.

Potential Public Groups Impacted
Members of the public who enter into or may potentially enter into contracts with the DNR.

Schedule: (Actions & month/year)
Submit to Governor’s office for preclearance by February 2018
Notice of Intended Action to be filed by April 2018
Public hearings in May 2018
Final rule by July 2018

Staff Contact/Phone # Ed Tormey 515-725-8373

**DNR REGULATORY AGENDA FOR SFY 2018
FORM FOR REGULATOR ACTION DESCRIPTION**

- Rule Making Authority** Director
 Environmental Protection Commission (EPC)
 Natural Resource Commission (NRC)
 Energy & Geological Resource Division

Title of Regulatory Action Regulatory Certainty Part 2

Rule Chapter(s) Involved 567 IAC Chapters 20, 22, 23, 25, 30, 33 and 34

Description of Contemplated Regulatory Action (Including, to the extent reasonable and practicable, alternatives to be considered and preliminary estimate of costs and benefits of the Action)

This rulemaking combines two rulemakings described in the 2017 regulatory plan, Regulatory Certainty Part 2 and Updates to Federal Air Quality Regulations. The rulemaking will:

- 1) *Rescind unnecessary rules and update other rules to provide regulatory certainty and flexibility.* The proposed rules will implement a portion of the DNR’s 5-year rules review plan to accomplish the requirements of Iowa Code section 17A.7(2). The proposed rule changes continue previous efforts to identify rules that can be rescinded or amended for air quality programs because the rules are obsolete or outdated. These rule changes include construction permits, Title V permits, Prevention of Significant Deterioration (PSD), air toxics standards, and testing and monitoring methods. The proposed rules achieve a purpose similar to the Regulatory Certainty rulemaking package adopted earlier this year.

- 2) *Offer uniform rules by making changes that match federal regulations and eliminating inconsistency between federal and state rules.* The proposed rule changes will adopt new and revised federal air toxics standards, known as National Emission Standards for Hazardous Air Pollutants or NESHAP, and new source performance standards (NSPS). These changes include updating existing federal standards that are already adopted by reference, but the Environmental Protection Agency (U.S. EPA) has since amended. By adopting federal updates into state administrative rules, the Commission is ensuring that Iowa’s air quality rules are no more stringent than federal regulations. Adopting U.S. EPA’s amendments also allows state rules to be consistent with federal regulations, and provides certainty to affected businesses and other interested stakeholders. Additionally, the proposed updates allow the DNR, rather than the U.S. EPA, to be the primary agency to implement the air quality requirements in Iowa, thereby allowing the DNR and its partners to provide compliance assistance and outreach to affected facilities.

Preliminary Estimates of Costs: After analysis and review, the DNR has determined that most of the proposed changes will have no fiscal impact on private sector jobs, or will have a positive fiscal impact on private sector jobs. The proposed rules include rescinding unnecessary rules, updating other rules, and streamlining the rules to provide regulatory certainty and, in many cases, regulatory flexibility. While adoption of new and amended NSPS and NESHAP standards may impact private sector jobs, the proposed amendments are only implementing federally mandated regulations. The proposed amendments are identical to the federal regulations and would not impose any regulations on Iowa businesses not already required by federal law.

Benefits of the Action: Most of the proposed rule changes would match federal regulations and eliminate inconsistency between federal and state rules. By adopting federal updates into state rules, the Commission would be ensuring that Iowa’s air quality rules are no more stringent than federal regulations. Affected businesses and the public benefit from clear and up-to-date air quality requirements. In some cases, the revised federal standards proposed for adoption provide more flexibility and potential cost savings for affected businesses, offering a positive impact on private sector jobs. Further, the updates allow the DNR rather than the U.S. EPA to be the primary agency to implement the standards in Iowa, thereby allowing the

DNR and its partners to provide compliance assistance to affected facilities.

Legal Basis (Include whether action is required by statute or court order)

The rule change will implement Iowa Code section 455B.133, as well as the United States Clean Air Act sections 110 (42 USC §7410), 111 (42 USC §7411), 112 (42 USC §7412) and 501-507 (42 USC §7661 - §7661f).

Need for Regulatory Action (Include if applicable how the action will reduce risk to public health, safety, or the environment)

The rules changes will continue previous efforts in Phase 1 of the DNR’s five year regulatory review plan to identify rules that can be rescinded or amended because they are outdated or obsolete. The changes would improve rules for several air quality programs, including construction permits, Title V permits, PSD, and testing and monitoring methods. Additionally, the rule changes are needed to ensure that Iowa’s Title V, PSD, NSPS and NESHAP rules are consistent with federal regulations. Inconsistency would cause regulatory uncertainty and confusion for affected facilities. Further, Iowa Code 455B.133(4) prohibits state air quality rules from being more stringent than federal regulations.

Is this action a result of the five year regulatory review? Yes No

Other Affected/Interested Rule Making Authorities

U.S. EPA, EDA, IDALS, Linn and Polk County air quality programs, Homeland Security and Emergency Management, Department of Commerce’s Professional Licensing Bureau (Engineering and Land Surveying), Department of Public Safety (DPS) and Department of Transportation (DOT).

Potential Public Groups Impacted

Affected industries and businesses, Iowa Association of Business and Industry, Iowa Environmental Council, and other citizens or citizen groups.

Schedule: (Actions & month/year)

- Submit to Governor’s office for preclearance by August 2017
- Notice of Intended Action to be filed by October 2017
- Public hearings in November/December 2017
- Final rule to Commission by February 2018

Staff Contact/Phone # Christine Paulson 515-725-9510

**DNR REGULATORY AGENDA FOR SFY 2018
FORM FOR REGULATOR ACTION DESCRIPTION**

- Rule Making Authority** Director
 Environmental Protection Commission (EPC)
 Natural Resource Commission (NRC)
 Energy & Geological Resource Division

Title of Regulatory Action Updates for Federal Air Quality Regulations
Rule Chapter(s) Involved 567 IAC Chapters 20-35 (the specific chapters that may be involved are unknown at this time)

Description of Contemplated Regulatory Action (Including, to the extent reasonable and practicable, alternatives to be considered and preliminary estimate of costs and benefits of the Action)

This rulemaking will update air quality rules to match changes to federal regulations that the U.S. EPA finalizes in late 2017/early 2018 (after the Regulatory Certainty Part 2 rulemaking is finalized). Although it is unknown what U.S. EPA’s changes may be, U.S. EPA, in any given year, typically makes updates to programs such as New Source Review (NSR), Title V Operating Permits, New Source Performance Standards (NSPS) and associated Emission Guidelines (EGs), National Emission Standards for Hazardous Air Pollutants (NESHAP), and national ambient air quality standards (NAAQS). In particular, the DNR expects that U.S. EPA may make changes to federal regulations to conclude reconsiderations or in response to settled litigation. The DNR does not plan to propose rule changes for any federal regulations under active reconsideration or litigation.

Preliminary Estimates of Costs: Since the specific rules that may be updated are unknown at this time, costs estimates cannot be determined. However, any rule changes will be implementing federally mandated regulations. The planned rulemaking will not impose any regulations on Iowa businesses not required by federal law. Since the DNR would adopt any NSPS or NESHAP by reference, the rule changes would be identical to federal requirements, and would be no more or less stringent than federal regulations. Additionally, facilities would be affected by the federal standards regardless of whether the DNR adopts the standards into state administrative rules.

Benefits of the Action: The adoption of these rules would ensure that state rules match current federal regulations and are not more stringent than federal regulations. Upon adoption, the DNR rather than U.S. EPA would be the primary authority to implement these regulations in Iowa, allowing the DNR to provide compliance assistance and outreach to affected facilities as soon as possible.

Legal Basis (Include whether action is required by statute or court order)

The rule change will implement Iowa Code section 455B.133, as well as the United States Clean Air Act sections 110 (42 USC §7410), 111 (42 USC §7411), 112 (42 USC §7412), 160-193 (42 USC §7470-§7515) and 501-507 (42 USC §7661 - §7661f).

Need for Regulatory Action (Include if applicable how the action will reduce risk to public health, safety, or the environment)

The rule changes are needed to ensure that Iowa’s rules are consistent with federal regulations. Inconsistencies may cause regulatory uncertainty and confusion for affected facilities. Further, Iowa Code section 455B.133(4) prohibits state air quality rules from being more stringent than federal regulations.

Is this action a result of the five year regulatory review? Yes No

Other Affected/Interested Rule Making Authorities

U.S. EPA, Iowa Utilities Board, Office of the Consumer Advocate, Board of Regents, IDALS, EDA, Linn and Polk County air quality programs, Homeland Security and Emergency Management, Department of Commerce’s

Professional Licensing Bureau (Engineering and Land Surveying), DPS and DOT.

Potential Public Groups Impacted

Affected industries and businesses, Iowa Association of Business and Industry, utility associations, Iowa Renewable Fuel Association, other trade associations, Iowa Environmental Council, and other citizens or citizen groups.

Schedule: (Actions & month/year)

Submit to Governor’s office for preclearance by February 2018

Notice of Intended Action to be filed by April 2018

Public hearings in May/June 2018

Final rule to Commission by August 2018

Staff Contact/Phone # Christine Paulson 515-725-9510

**DNR REGULATORY AGENDA FOR SFY 2018
FORM FOR REGULATOR ACTION DESCRIPTION**

- Rule Making Authority** Director
 Environmental Protection Commission (EPC)
 Natural Resource Commission (NRC)
 Energy & Geological Resource Division

Title of Regulatory Action Sustainable Air Quality Funding
Rule Chapter(s) Involved 567 IAC Chapter 30

Description of Contemplated Regulatory Action (Including, to the extent reasonable and practicable, alternatives to be considered and preliminary estimate of costs and benefits of the Action)
DNR implemented fees for asbestos notifications and construction and operating permit applications, and a revised Title V emissions fee, in January 2016. DNR will meet with stakeholders in 2017 to review and discuss the successes and challenges associated with implementation of the current fees. A rulemaking to implement adjustments to one or more of these fees to provide for on-going sustainable air quality program funding may be an outcome of the meetings with stakeholders. The DNR will continue to work closely with stakeholders prior to and during the rulemaking process to ensure a sustainable structure that accommodates the DNR’s Air Quality Bureau funding needs and industry’s permitting needs.

Preliminary Estimates of Costs: Since the specific rules that may be updated are unknown at this time, costs estimates cannot be determined. Costs estimates will include, but not be limited to, costs based on the prior years’ permit application activity and future projections of permit application activities once possible changes to current fee levels are identified.

Benefits of the Action: Revised fees or a revised fee structure will provide sustainable funding for essential program activities in order to provide crucial, timely services to stakeholders.

Legal Basis (Include whether action is required by statute or court order)
This action is intended to implement Iowa Code sections 455B.133, 455B.133B, and 455B.133C.

Need for Regulatory Action (Include if applicable how the action will reduce risk to public health, safety, or the environment)
From 1996 - 2014 the Air Quality Bureau funded up to 75% of the air quality program with annual Title V emission fees (455B.133(8)). Emissions have declined dramatically since 2007 and are projected to decline even further.

The Iowa General Assembly established the Air Quality Stakeholder Group to study the air quality services provided and the funding for the air quality program ([2013 Iowa Acts, Chapter 1141](#); HF 2473, Iowa GA 85). The Stakeholder Group recommended an additional \$2,000,000 State appropriation along with new revenues from fees to support the asbestos program, and application fees for operating permits, construction permits, and dispersion modeling (note: the recommended additional appropriation was never funded). Senate File 488 [86th GA] granted authority to assess fees and deposit the funds in accounts dedicated to air quality. The DNR will meet with stakeholders again in 2017 to discuss additional adjustments needed to fee levels to provide sustainable program funding.

Is this action a result of the five year regulatory review? Yes No

Other Affected/Interested Rule Making Authorities
U.S. EPA, Iowa Utilities Board, Office of the Consumer Advocate, Board of Regents, IDALS, EDA, Linn and Polk

County air quality programs, Homeland Security and Emergency Management, Department of Commerce's Professional Licensing Bureau (Engineering and Land Surveying), DPS and DOT.

Potential Public Groups Impacted

Affected industries and businesses, Iowa Association of Business and Industry, utility associations, Iowa Renewable Fuel Association, other trade associations, Iowa Environmental Council, and other citizens or citizen groups.

Schedule: (Actions & month/year)

Submit to Governor's office for preclearance by September 2017

Notice of Intended Action to be filed by November 2017

Public hearings in December 2017/January 2018

Final rule to Commission by February 2018

Staff Contact/Phone # Wendy Walker 515-725-9570

**DNR REGULATORY AGENDA FOR SFY 2018
FORM FOR REGULATOR ACTION DESCRIPTION**

Rule Making Authority	<input type="checkbox"/> Director <input checked="" type="checkbox"/> Environmental Protection Commission (EPC) <input type="checkbox"/> Natural Resource Commission (NRC) <input type="checkbox"/> Energy & Geological Resource Division
Title of Regulatory Action	Geothermal Heat Exchange Borehole Regulation (GHEX) <hr/> 567 IAC Chapter 38 Private Water Well Construction Permits 567 IAC Chapter 39 Requirements for Plugging Abandoned Wells
Rule Chapter(s) Involved	567 IAC Chapter 48 Ground Heat Exchange (GHEX) Loop Boreholes (new chapter) 567 IAC Chapter 49 Nonpublic Water Supply Wells 567 IAC Chapter 82 Well Contractor Certification <hr/>

Description of Contemplated Regulatory Action (Including, to the extent reasonable and practicable, alternatives to be considered and preliminary estimate of costs and benefits of the Action)

- Adopt a new chapter of rules – 567 IAC Chapter 48 - Ground Heat Exchange (GHEX) Loop Boreholes.
- Amend 567 IAC Chapter 38 to add the classification of “ground heat exchange (GHEX) borehole.”
- Amend 567 IAC Chapter 39 to add the classification of “ground heat exchange (GHEX) borehole.”
- Amend 567 IAC Chapter 49 to add a sub-classification to the definition of “well” for “ground heat exchange (GHEX) borehole” and refer to the new 567 IAC Chapter 48 rules to specifically address rules for ground heat exchange installations. Replace setback table in 567 IAC 49.6(1) with updated table.
- Amend 567 IAC Chapter 82 to include a new classification of certification and requirements for “Ground Heat Exchange Borehole (GHEX) driller.”

Legal Basis (Include whether action is required by statute or court order)

The DNR has the authority to require all well installations to follow minimum construction requirements, that all well contractors be appropriately certified for each type of well service performed, and to set the experience, education, and examination requirements for the various well contractor classifications (Iowa Code sections 455B.173, 455B.187, 455B.190, and 455B.190A).

Need for Regulatory Action (Include if applicable how the action will reduce risk to public health, safety, or the environment)

Ground heat exchange boreholes/wells are being installed in increasing numbers each year. These boreholes require construction standards which are more specific and more stringent than current private well construction standards in order to provide adequate protection to the groundwater and surrounding private and public drinking water supply wells. The proposed 567 IAC Chapter 48 rules will be similar to voluntary standards that the industry has already proposed. The amendments to 567 IAC Chapters 38, 39, 49, and 82 are also required to add the proposed rules to existing rule Chapters.

Is this action a result of the five year regulatory review? Yes No

Other Affected/Interested Rule Making Authorities

Iowa Comprehensive Petroleum Underground Storage Tank Fund Board, EDA, Department of Commerce’s Professional Licensing Bureau (Engineering and Land Surveying), and the Department of Public Health (DPH).

Potential Public Groups Impacted

The Iowa Geothermal Association, the Iowa Water Well Association, and any of the 362 DNR certified well contractors who install, or have the ability to install, ground heat exchange boreholes. Also affected are the equipment and product manufacturers and distributors of geothermal products and citizens who may be interested in using this technology for heating and cooling.

Schedule: (Actions & month/year)

Submit to Governor's office for preclearance by October 2017

Notice of Intended Action February 2018

Public hearings April 2018

Final rule to Commission by June 2018

Staff Contact/Phone # Russ Tell, Water Supply Engineering Section, 515-725-0462
Mark Moeller, Water Supply Engineering Section, 515-725-0275

**DNR REGULATORY AGENDA FOR SFY 2018
FORM FOR REGULATOR ACTION DESCRIPTION**

Rule Making Authority Director
 Environmental Protection Commission (EPC)
 Natural Resource Commission (NRC)
 Energy & Geological Resource Division
 Public Water Supply Rulemaking: Groundwater Rule, Lead & Copper Rule Short-term Revisions, Revised Total Coliform Rule, Analytical Methods, Operator Certification, Environmental Laboratory Certification

Title of Regulatory Action _____

Rule Chapter(s) Involved 567 IAC Chapters 40, 41, 42, 43, 81, and 83

Description of Contemplated Regulatory Action (Including, to the extent reasonable and practicable, alternatives to be considered and preliminary estimate of costs and benefits of the Action)

U.S. EPA promulgated three new public drinking water regulations in 2006, 2007, and 2013, which need to be incorporated into the Iowa Administrative Code in order for the state to retain primacy for the Safe Drinking Water Act (SDWA). The Groundwater Rule (GWR), Lead & Copper Rule Short-term Revisions (LCR-STR) and Revised Total Coliform Rule (RTCR) are final federal regulations. U.S. EPA has also adopted several changes to approved analytical methods since February 2007, and there are other changes needed to update the rules. There are also updates to Operator Certification and Environmental Laboratory Certification rules. The rules have been drafted and the technical stakeholder group meeting has been held. Next step is to submit rules to Governor’s Office for pre-clearance.

As a condition of primacy, states are required to adopt rules equivalent to the federal rules. Failure to retain primacy in Iowa would result in the loss of the federal Public Water Supply Supervision grant (now incorporated into the DNR’s Performance Partnership Agreement and Grant with U.S. EPA), which is approximately \$1.4M in FFY2017, as well as loss of the Drinking Water State Revolving Loan Fund of \$12M/year. Rules should have been adopted by November 2010 for the GWR and LCR-STR, and April 2016 for the RTCR, under the U.S. EPA agreement.

Legal Basis (Include whether action is required by statute or court order)

Action is required in order to retain primacy for SDWA in Iowa. The DNR has the jurisdiction to administer the drinking water program in Iowa (Iowa Code subsection 455B.172(1)), the operator certification program (Iowa Code section 455B.217 and Iowa Code Chapter 272C), and the environmental laboratory certification program (Iowa Code section 455B.113). Duties of the Environmental Protection Commission include rulemaking relating to drinking water supplies (Iowa Code subsections 455B.173(3), (5) and (6)), operator certification (Iowa Code section 272C.4 and Iowa Code section 455B.222), and environmental laboratory certification (Iowa Code subsection 455B.113(2)).

Need for Regulatory Action (Include if applicable how the action will reduce risk to public health, safety, or the environment)

Action is required in order to retain primacy for the SDWA in Iowa. The federal regulations are meant to reduce the risk to public health from public drinking water supplies through new contaminant standards and operation requirements, and to inform the public when a problem is detected so that they may take the appropriate action to protect their health.

Is this action a result of the five year regulatory review? Yes No

Other Affected/Interested Rule Making Authorities

EDA, Department of Commerce’s Professional Licensing Bureau (Engineering and Land Surveying), DPH and Board of Regents.

Potential Public Groups Impacted

All 1,800 public water supplies in Iowa; stakeholders: Iowa Association of Municipal Utilities, Iowa Section – American Water Works Association, Iowa Rural Water Association, Iowa Association of Water Agencies; any group interested in water and water quality (e.g., Iowa Farm Bureau Federation and Sierra Club).

Schedule: (Actions & month/year)

- Submit to Governor’s office for preclearance by July 2017
- Notice of Intended Action to be filed by September 2017
- Public hearings in November 2017
- Final rule to Commission by December 2017

Staff Contact/Phone # Diane Moles, Water Supply Engineering Section, 515-725-0281
Mark Moeller, Water Supply Engineering Section, 515-725-0275

**DNR REGULATORY AGENDA FOR SFY 2018
FORM FOR REGULATOR ACTION DESCRIPTION**

Rule Making Authority Director
 Environmental Protection Commission (EPC)
 Natural Resource Commission (NRC)
 Energy & Geological Resource Division
 Public Water Supply Rulemaking: Engineering Design Standards and Self-monitoring

Title of Regulatory Action Requirements

Rule Chapter(s) Involved 567 IAC Chapters 42 and 43

Description of Contemplated Regulatory Action (Including, to the extent reasonable and practicable, alternatives to be considered and preliminary estimate of costs and benefits of the Action)

Changes are needed to the rules pertaining to engineering design standards at public water supply systems and the self-monitoring requirements at public water supply systems with some type of treatment. The engineering design standards will address needed changes to the separation distances between water main and sewer (sanitary and storm) crossings and reduce the need to issue variances for the approval of such crossings. Clarification of specific allowances within the current design standards (Ten States Standards) will also be noted. The public water supply systems with treatment are required to monitor the treatment to ensure it is successfully operated (removing the contaminant, ensuring adequate disinfection, etc.). The self-monitoring requirements are updated to include new treatment technology and also new monitoring technology.

Legal Basis (Include whether action is required by statute or court order)

The DNR has the jurisdiction to administer the drinking water program in Iowa (Iowa Code subsection 455B.172(1)). Duties of the Environmental Protection Commission include rulemaking relating to drinking water supplies (Iowa Code subsections 455B.173(3), (5) and (6)). These rule changes are not mandated by a statute or court order, and are needed to modernize the existing rules.

Need for Regulatory Action (Include if applicable how the action will reduce risk to public health, safety, or the environment)

Action is required to improve the existing public water supply rules by clarifying engineering design standards, updating the self-monitoring requirements of existing treatment processes, and include new treatment technology that is employed by Iowa public water supply systems.

Is this action a result of the five year regulatory review? Yes No

Other Affected/Interested Rule Making Authorities

EDA, Department of Commerce’s Professional Licensing Bureau (Engineering and Land Surveying), DPH and Board of Regents.

Potential Public Groups Impacted

All 1,800 public water supplies in Iowa; stakeholders: Iowa Association of Municipal Utilities, Iowa Section – American Water Works Association, Iowa Rural Water Association, Iowa Association of Water Agencies; any group interested in water and water quality (e.g., Iowa Farm Bureau Federation and Sierra Club).

Schedule: (Actions & month/year)

Submit to Governor's office for preclearance by March 2018

Notice of Intended Action to be filed by June 2018

Public hearings in August 2018

Final rule to Commission by November 2018

Staff Contact/Phone # Diane Moles, Water Supply Engineering Section, 515-725-0281
Mark Moeller, Water Supply Engineering Section, 515-725-0275

**DNR REGULATORY AGENDA FOR SFY 2018
FORM FOR REGULATOR ACTION DESCRIPTION**

Rule Making Authority Director
 Environmental Protection Commission (EPC)
 Natural Resource Commission (NRC)
 Energy & Geological Resource Division
 Water Use Rules Revision: Protected Source Designation for Withdrawals from the Alluvial Aquifer Associated with the Iowa Army Ammunition Plant Site near
Title of Regulatory Action Middleton in Portions of Des Moines and Lee Counties

Rule Chapter(s) Involved 567 IAC Chapter 53

Description of Contemplated Regulatory Action (Including, to the extent reasonable and practicable, alternatives to be considered and preliminary estimate of costs and benefits of the Action)
Establish a groundwater protection area for a portion of the Iowa Army Ammunition Plant site near Middleton in Des Moines County and an area south of the current plant site extending into Lee County. Royal Demolition Explosive (RDX) (or hexahydro-1,3,5-trinitro-1,3,5-triazine) is a contaminant found in the groundwater at these locations. The current RDX levels in the groundwater are above the U.S. EPA’s lifetime drinking water health advisory of 2 parts per billion. Wells installed into the contaminated aquifer can create health concerns with the well user. In addition, this contaminant can migrate to currently unaffected groundwater aquifers if the wells installed in this area are not properly designed and constructed.

Legal Basis (Include whether action is required by statute or court order)
This action is not required by statute or court order. The DNR has the jurisdiction to conduct the water use program in Iowa (Iowa Code section 455B.262). Duties of the Environmental Protection Commission include rulemaking relating to water use/allocation (Iowa Code subsection 455B.263(8)).

Need for Regulatory Action (Include if applicable how the action will reduce risk to public health, safety, or the environment)
Action is required to assist the DNR in preserving the public health of area well users and protect the quality and quantity of water available in the local aquifers for sustained beneficial use. By designating a protected source area and increasing the protections used during well construction, the contamination plume will be less likely to contaminate other aquifers and become part of the drinking water used by the area’s residents.

The action will create defined permitting, construction, and documentation requirements for wells in the limited area affected by the contaminant plume. These measures will provide greater protections for the region’s currently uncontaminated aquifers and preserve the resource for the area’s well users.

The DNR is the permitting entity in the protected source areas, relieving the local county permitting authority from implementing the special conditions created by this action.

Is this action a result of the five year regulatory review? Yes No

Other Affected/Interested Rule Making Authorities
EDA, DPH, Des Moines County Health Department and Lee County Health Department.

Potential Public Groups Impacted
Water well users local to the specified area.

Schedule: (Actions & month/year)

Submit to Governor's office for preclearance July 2017
Notice of Intended Action to be filed by October 2017
Public hearings in December 2018
Final rule to Commission by February 2018

Staff Contact/Phone # Russell Tell, Water Supply Engineering Section, 515-725-0462
Mark Moeller, Supervisor, Water Supply Engineering Section, 515-725-0275

**DNR REGULATORY AGENDA FOR SFY 2018
FORM FOR REGULATOR ACTION DESCRIPTION**

- Rule Making Authority** Director
 Environmental Protection Commission (EPC)
 Natural Resource Commission (NRC)
 Energy & Geological Resource Division

Title of Regulatory Action General Permit for Dewatering of Groundwater

Rule Chapter(s) Involved 567 IAC Chapters 60 and 64

Description of Contemplated Regulatory Action (Including, to the extent reasonable and practicable, alternatives to be considered and preliminary estimate of costs and benefits of the Action)

Adopt a general permit according to the requirements in 567 IAC 64.4(2) for dewatering activities that are not covered under the current categories of general permits. Dewatering activities include the removal and control of ground water from pores or other open spaces in soil or rock formations to the extent that allows construction activities to proceed as intended. A general permit would allow for faster permitting of emergency dewatering situations that happen several times throughout the year. It will also authorize discharges to waters of the United States from small residential open-loop geothermal systems. Currently, these discharges can only be authorized by an individual NPDES permit. Usually the nature and concentration of pollutants in these discharges present a low risk to water quality. The permit will establish eligibility requirements and best management practices to ensure the discharges meet state water quality standards. The eligibility and notification requirements of the permit will reduce the burden for dischargers to obtain permit coverage (compared to individual permits) but ensure that higher-risk discharges are reviewed by the DNR and only authorized if water quality will be protected. Note this rulemaking will be combined with the rulemaking for the General Permit for Hydrostatic Test Water, Underground Storage Tank Ballast Water, and Potable Water Line Discharges. Both permits have many stakeholders in common and the identical rules will need to be changed.

Legal Basis (Include whether action is required by statute or court order)

Iowa Code section 455B.173

Need for Regulatory Action (Include if applicable how the action will reduce risk to public health, safety, or the environment)

This permit will prescribe the appropriate best management practices to protect water quality in these instances and legally protect the discharger when discharging wastewater.

Is this action a result of the five year regulatory review? Yes No

Other Affected/Interested Rule Making Authorities

EDA, IDALS' Division of Soil Conservation and Water Quality, Iowa Turkey Marketing Council, DPH, Department of Commerce's Professional Licensing Bureau (Engineering and Land Surveying) and DOT.

Potential Public Groups Impacted

Construction contractors and engineers, new or expanding facilities, homeowners with open loop geothermal systems, Iowa Environmental Council, Sierra Club, Iowa League of Cities, Iowa Water Environmental Association, Iowa Association of Business and Industry and Iowa Farm Bureau Federation.

Schedule: (Actions & month/year)

Submit to Governor's office for preclearance by July 2017
Notice of Intended Action to Commission October 2017
Public hearings in November 2017
Final rule to Commission by January 2018

Staff Contact/Phone # Wendy Hieb 515-725-8405

**DNR REGULATORY AGENDA FOR SFY 2018
FORM FOR REGULATOR ACTION DESCRIPTION**

Rule Making Authority Director
 Environmental Protection Commission (EPC)
 Natural Resource Commission (NRC)
 Energy & Geological Resource Division
 General Permit for Hydrostatic Test Water, Underground Storage Tank Ballast
Title of Regulatory Action Water, and Potable Water Line Discharges
Rule Chapter(s) Involved 567 IAC Chapters 60 and 64

Description of Contemplated Regulatory Action (Including, to the extent reasonable and practicable, alternatives to be considered and preliminary estimate of costs and benefits of the Action)

Adopt a general permit according to the requirements in 567 IAC 64.4(2) for discharges resulting from hydrostatic testing, underground storage tank ballasting, and potable water line testing, disinfection, and flushing. It will authorize discharges to waters of the United States, surface waters of the state and to the ground surface. The permit will also establish eligibility requirements and best management practices to ensure the discharges meet state water quality standards. Currently, these discharges can only be authorized by an individual NPDES or state operation permit. The discharges often occur over a short time period. Usually the nature and concentration of pollutants in these discharges present a low risk to water quality. Acquiring an individual permit is an investment of time and money that is usually disproportionate to the impact of these discharges. Issuing individual permits for these discharges diverts permitting resources away from other issues. The eligibility and notification requirements of the permit will reduce the burden for dischargers to obtain permit coverage (compared to individual permits) but ensure that higher-risk discharges are reviewed by the DNR and only authorized if water quality will be protected. Note this rulemaking will be combined with the rulemaking for the General Permit for Dewatering of Groundwater. Both permits have many stakeholders in common and the identical rules will need to be changed.

Legal Basis (Include whether action is required by statute or court order)

Iowa Code section 455B.173

Need for Regulatory Action (Include if applicable how the action will reduce risk to public health, safety, or the environment)

This permit will prescribe the appropriate best management practices to protect water quality in these instances and legally protect the discharger when discharging wastewater.

Is this action a result of the five year regulatory review? Yes No

Other Affected/Interested Rule Making Authorities

EDA, IDALS' Division of Soil Conservation and Water Quality, Iowa Turkey Marketing Council, DPH, Department of Commerce's Professional Licensing Bureau (Engineering and Land Surveying) and DOT.

Potential Public Groups Impacted

Construction contractors and engineers, new or expanding facilities, gas station owners, pipeline companies, power companies, Iowa Environmental Council, Sierra Club, Iowa League of Cities, Iowa Water Environment Association, Iowa Rural Water Association, Iowa Association of Municipal Utilities, Iowa Association of Business and Industry, Iowa Farm Bureau Federation, and Iowa Renewable Fuels Association.

Schedule: (Actions & month/year)

Submit to Governor's office for preclearance by July 2017
Notice of Intended Action to Commission October 2017
Public hearings in November 2017
Final rule to Commission by January 2018

Staff Contact/Phone # Wendy Hieb 515-725-8405

**DNR REGULATORY AGENDA FOR SFY 2018
FORM FOR REGULATOR ACTION DESCRIPTION**

- Rule Making Authority** Director
 Environmental Protection Commission (EPC)
 Natural Resource Commission (NRC)
 Energy & Geological Resource Division

Title of Regulatory Action Revision to 567 IAC Chapter 61, 401 Certification Update

Rule Chapter(s) Involved 567 IAC Chapter 61 Water Quality Standards (WQS)

Description of Contemplated Regulatory Action (Including, to the extent reasonable and practicable, alternatives to be considered and preliminary estimate of costs and benefits of the Action)

Revise Chapter 61 to be more understandable and better describe the Section 401 Water Quality Certification (Certification) procedure for the regulated public. As written, this section of rule only discusses Certification of Army Corps of Engineers Section 404 Nationwide Permits and doesn't mention Certification of Section 404 Individual Permits and other federal permits issued that may require Section 401 Water Quality Certification. There will be no costs to the state or regulated community due to this rule change.

The primary benefit of undertaking this revision is to develop rules that are simpler to understand and provide better guidance for the Section 401 Water Quality Certification without imposing unnecessary burdens. This will make it easier for the regulated public to navigate and for the DNR to administer and enforce. The improvements will result in improved program effectiveness and efficiency, thereby allowing the DNR to spend less time explaining how Section 401 Water Quality Certification works in Iowa and instead direct resources toward the review and certification of projects.

Legal Basis (Include whether action is required by statute or court order)

Required by Iowa Code sections 455B.173 and 455B.176A
33 U.S. Code § 1341 – Certification

Need for Regulatory Action (Include if applicable how the action will reduce risk to public health, safety, or the environment)

Section 401 of the Clean Water Act (33 U.S. Code § 1341 – Certification) gives states and tribes the authority to issue, waive or deny state water quality certifications for projects that require a federal license or permit that may result in a discharge to navigable waters/waters of the United States. The certification states that the discharge will comply with applicable provisions of the Clean Water Act, including state water quality standards.

Is this action a result of the five year regulatory review? Yes No

Other Affected/Interested Rule Making Authorities

US Army Corps of Engineers, DOT, Federal Highway Administration, County Engineers, Cities and Board of Regents.

Potential Public Groups Impacted

General Public, Iowa Environmental Council, Sierra Club, Hawkeye Fly Fishing, Iowa League of Cities, Des Moines Water Works, Iowa Limestone Producers, Iowa Water Environment Association, Iowa Rural Water Association, Iowa Association of Municipal Utilities, Iowa Association of Business and Industry, Iowa Farm Bureau Federation, Iowa Renewable Fuels Association, Raccoon River Watershed Association, Trout Unlimited, Iowa Rural Water Association, Iowa Drainage District Association, and IDALS.

Schedule: (Actions & month/year)

Submit to Governor's office for preclearance by August 2017

Notice of Intended Action to be filed by November 2017

Public hearings in January 2018

Final rule to Commission by May 2018

Staff Contact/Phone # Christine Schwake 515-725-8399
Roger Bruner 515-310-0247

**DNR REGULATORY AGENDA FOR SFY 2018
FORM FOR REGULATOR ACTION DESCRIPTION**

- Rule Making Authority** Director
 Environmental Protection Commission (EPC)
 Natural Resource Commission (NRC)
 Energy & Geological Resource Division

Title of Regulatory Action Water Quality Standards – Aluminum / Metals criteria update
Rule Chapter(s) Involved 567 IAC Chapter 61

Description of Contemplated Regulatory Action (Including, to the extent reasonable and practicable, alternatives to be considered and preliminary estimate of costs and benefits of the Action)

This regulatory action will focus on updating the 567 IAC Chapter 61 metal criteria by using dissolved concentration in place of total recoverable concentration to better reflect the biologic impacts of metals in discharge waters.

For those metals that are not amenable to this approach, an U.S. EPA approved species deletion approach may be used to provide Iowa appropriate criteria for selected metal criteria.

Legal Basis (Include whether action is required by statute or court order)

Required by Iowa Code sections 455B.105 and 455B.173

Need for Regulatory Action (Include if applicable how the action will reduce risk to public health, safety, or the environment)

Stakeholders have requested this action to enhance flexibility while maintaining water quality protection.

Is this action a result of the five year regulatory review? Yes No

Other Affected/Interested Rule Making Authorities

U.S. EPA, IDALS, EDA, DOT, and Board of Regents.

Potential Public Groups Impacted

Iowa Environmental Council, Sierra Club, Hawkeye Fly Fishing, Iowa League of Cities, Iowa Water Environment Association, Iowa Rural Water Association, Iowa Association of Municipal Utilities, Iowa Association of Business and Industry, Iowa Farm Bureau Federation, Iowa Renewable Fuels Association, Trout Unlimited and Iowa Rural Water Association.

Schedule: (Actions & month/year)

Submit to Governor’s office for preclearance on December 2017

Notice of Intended Action to be filed by February 2018

Public hearings in June 2018

Final rule to Commission by December 2018

Staff Contact/Phone # Connie Dou 515-725-8400
 Roger Bruner 515-310-0247

**DNR REGULATORY AGENDA FOR SFY 2018
FORM FOR REGULATOR ACTION DESCRIPTION**

- Rule Making Authority** Director
 Environmental Protection Commission (EPC)
 Natural Resource Commission (NRC)
 Energy & Geological Resource Division

Title of Regulatory Action Water Quality Standards – Stream Use Designations (Batch 5)
Rule Chapter(s) Involved 567 IAC Chapter 61

Description of Contemplated Regulatory Action (Including, to the extent reasonable and practicable, alternatives to be considered and preliminary estimate of costs and benefits of the Action)

This regulatory action will focus on continuing work to assess Iowa’s rivers and streams to ensure they are assigned the correct stream use designation. Past rulemaking and legislative action have brought the DNR’s water quality rules towards compliance with federal Clean Water Act requirements and U.S. EPA regulations, establishing new levels of protection for water quality. As an outcome of these efforts, all 26,000 miles of Iowa’s perennial (flowing year-round) streams are initially protected at the highest levels for recreation and aquatic life uses. These actions provide initial protection for many miles of perennial streams that were previously not designated for one or both of the aquatic life or recreational uses. Under these rules, it is presumed that all perennial streams and rivers are attaining the highest level of recreation and aquatic life uses and should be protected for things such as fishing and swimming. This concept of assigning all perennial streams the highest use designation, unless assessments show that the stream does not deserve that level of protection, is referred to as the “rebuttable presumption.”

The concept of Use Assessment and Use Attainability Analysis (UA/UAA) is being applied by the DNR as a step-by-step process to gather site-specific field data on stream features and uses. The DNR then assesses available information to determine if the “presumed” recreational and aquatic life uses are appropriate. The DNR will evaluate any newly designated stream that receives a continuous discharge from a facility with a National Pollutant Discharge Elimination System (NPDES) permit. Prior to issuing a NPDES permit for an affected facility, the DNR will complete a UA/UAA for the receiving stream or stream network. Each stream use designation decision is required to go through the state rulemaking process.

Benefits: Stream reaches will be better protected for aquatic life and recreational uses due to more accurate designated use assignments. Water quality improvements will occur locally where these treatment plants are located and implementing new processes to comply with the water quality standards.

Legal Basis (Include whether action is required by statute or court order)
Required by Iowa Code sections 455B.173 and 455B.176A

Need for Regulatory Action (Include if applicable how the action will reduce risk to public health, safety, or the environment)
Stream reaches will be better protected for aquatic life and recreational uses due to more accurate designated use assignments. Water quality improvements will occur locally where these treatment plants are located and implementing new processes to comply with the water quality standards.

Is this action a result of the five year regulatory review? Yes No

Other Affected/Interested Rule Making Authorities
EDA, Board of Regents, and DOT.

Potential Public Groups Impacted

Iowa Environmental Council, Sierra Club, Hawkeye Fly Fishing, Iowa League of Cities, Des Moines Water Works, Iowa Limestone Producers, Iowa Water Environment Association, Iowa Rural Water Association, Iowa Association of Municipal Utilities, Iowa Association of Business and Industry, Iowa Farm Bureau Federation, Iowa Renewable Fuels Association, Raccoon River Watershed Association, Trout Unlimited and Iowa Rural Water Association.

Schedule: (Actions & month/year)

Submit to Governor’s office for preclearance by July 2017

Notice of Intended Action to be filed by August 2017

Public hearings in September 2017

Final rule to Commission by November 2017

Staff Contact/Phone # Matt Dvorak 515-725-8397
 Roger Bruner 515-310-0247

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**DNR REGULATORY AGENDA FOR SFY 2018
FORM FOR REGULATOR ACTION DESCRIPTION**

- Rule Making Authority** Director
 Environmental Protection Commission (EPC)
 Natural Resource Commission (NRC)
 Energy & Geological Resource Division

Title of Regulatory Action Wastewater Monitoring and Reporting Rule Update

Rule Chapter(s) Involved 567 IAC Chapter 63 – Monitoring, Analytical, and Reporting Requirements

Description of Contemplated Regulatory Action (Including, to the extent reasonable and practicable, alternatives to be considered and preliminary estimate of costs and benefits of the Action)

Revise the rule-referenced document “Supporting Document for Permit Monitoring Frequency Determinations” and the associated reference language in 567 IAC Chapter 63. This document is referenced in rule 567 IAC 63.3 and is used in conjunction with the monitoring tables in 567 IAC Chapter 63 to determine the monitoring frequencies in permits for organic waste dischargers, inorganic waste dischargers, and significant industrial users. The document is dated August 2008, and it has not been updated since then. The document needs to be revised to incorporate recent changes to the Water Quality Standards (567 IAC Chapter 61), to incorporate new parameters, to correct the rule citations in the document, and to correct typos. These changes will have a minimal effect on permittees for two reasons; 1) the monitoring frequencies for the parameters currently included in the document will not change, and 2) monitoring frequencies in permits for the parameters that are not currently included in the Supporting Document are based on the frequencies for similar parameters, thus the addition of these parameters to the Supporting Document will not increase the monitoring requirements for permittees.

Revise Table IV “Minimum Self-Monitoring in Permits for Land Application Systems” in 567 IAC 63.3. The monitoring requirements in Table VI were based on the assumption that only domestic wastewater is land applied in Iowa. In fact, the vast majority of wastewater that is land applied is not domestic wastewater and as such does not require bacteria monitoring. The Table needs to be modified to waive bacteria monitoring requirements for land application facilities that do not apply domestic wastewater. The monitoring frequencies in Table VI are also based on design flows that do not exist for smaller operations. The table should be modified to specify that land application facilities without design flows should monitor at the least frequent rate in the Table. These modifications will not affect monitoring costs for most land application facilities and should lessen costs for others. This will also reduce the number of variances that the DNR needs to review.

Revise 567 IAC Chapter 63 to include electronic reporting requirements. The federal NPDES electronic reporting rule (40 CFR part 127) that became final on December 21, 2016, requires NPDES regulated entities to electronically submit NPDES compliance monitoring reports and notices. The rule does not change the information required to be submitted by permitted facilities; it simply changes the format of the submittal. Authorized NPDES programs (such as DNR) need to update their regulations to make it clear that electronic reporting is required and that these electronic submissions must be compliant with 40 CFR part 127 and 40 CFR part 3. Existing U.S. EPA regulations at 40 CFR 123.62(e) require that rule updates take place within one year of the effective date of the final rule. This action will result in costs to the state associated with the needed changes and additions to DNR’s wastewater program databases. These costs were addressed by U.S. EPA in the federal rule preamble, and are necessary to comply with the federal rule. This action is intended to result in a more complete and more accurate set of NPDES program data.

Legal Basis (Include whether action is required by statute or court order)

Iowa Code section 455B.173. The revisions to require electronic reporting are required by 40 CFR 123.62(e) and 40 CFR 127.25.

Need for Regulatory Action (Include if applicable how the action will reduce risk to public health, safety, or the environment)

This rule revision will ensure that the monitoring frequencies in permits are being determined using the most recent Water Quality Standards, that the monitoring requirements for land application systems are necessary and appropriate, and that DNR complies with the federal NPDES electronic reporting rule.

Is this action a result of the five year regulatory review? Yes No

Other Affected/Interested Rule Making Authorities

U.S. EPA, EDA, DPH, Department of Corrections (DOC), and DOT.

Potential Public Groups Impacted

All NPDES Regulated Facilities, Iowa Environmental Council, Sierra Club, Iowa League of Cities, Iowa Water Environment Association, Iowa Rural Water Association, Iowa Association of Municipal Utilities, Iowa Association of Business and Industry, Iowa Farm Bureau Federation, Iowa Renewable Fuels Association, and Iowa Rural Water Association.

Schedule: (Actions & month/year)

Submit to Governor's for preclearance office by January 2018

Notice of Intended Action to Commission by April 2018

Public hearings in May 2018

Final rule to Commission by July 2018

Staff Contact/Phone # Courtney Cswercko 515-725-8411

**DNR REGULATORY AGENDA FOR SFY 2018
FORM FOR REGULATOR ACTION DESCRIPTION**

- Rule Making Authority** Director
 Environmental Protection Commission (EPC)
 Natural Resource Commission (NRC)
 Energy & Geological Resource Division

Title of Regulatory Action Effluent Toxicity Testing Rule Revisions
Rule Chapter(s) Involved 567 IAC Chapter 63 - Monitoring, Analytical and Reporting Requirements

Description of Contemplated Regulatory Action (Including, to the extent reasonable and practicable, alternatives to be considered and preliminary estimate of costs and benefits of the Action)
The proposed changes to Chapter 63 will primarily focus on the inclusion of chronic whole effluent toxicity (WET) testing. Other minor changes will be included to accommodate the inclusion of a chronic WET test program, and a clarification of current acute WET testing rules. There are no alternatives to the chronic WET testing requirements; however, the implementation of the proposed testing can be negotiated with stakeholders, as long as U.S. EPA’s basic chronic testing requirements are met. There will be increased costs to certain regulated facilities resulting from new and increased monitoring requirements. The benefits include testing to determine if the effluent from certain regulated facilities does not adversely impact aquatic life in Iowa’s rivers, lakes, and streams.

Legal Basis (Include whether action is required by statute or court order)
Iowa Code section 455B.173

Need for Regulatory Action (Include if applicable how the action will reduce risk to public health, safety, or the environment)
The inclusion of the chronic WET testing program is a need identified by U.S. EPA in order to have a complete toxicity testing program. Iowa is one of the few states that do not have a chronic WET testing program. The benefits to the environment include testing to determine if the effluent from certain regulated facilities adversely impacts aquatic life in Iowa’s rivers, lakes, and streams.

Is this action a result of the five year regulatory review? Yes No

Other Affected/Interested Rule Making Authorities
U.S. EPA

Potential Public Groups Impacted
NPDES Regulated Facilities, Iowa Water Environment Association, Iowa Environmental Council, Sierra Club, Iowa Rural Water Association and Iowa League of Cities.

Schedule: (Actions & month/year)
Submit to Governor’s office for preclearance by November 2017
Notice of Intended Action to Commission February 2018
Public hearings in March 2018
Final rule to Commission by May 2018

Staff Contact/Phone # Courtney Cswercko 515-725-8411

**DNR REGULATORY AGENDA FOR SFY 2018
FORM FOR REGULATOR ACTION DESCRIPTION**

- Rule Making Authority** Director
 Environmental Protection Commission (EPC)
 Natural Resource Commission (NRC)
 Energy & Geological Resource Division

Title of Regulatory Action Wastewater General Permit Cleanup

Rule Chapter(s) Involved 567 IAC Chapter 64 – Wastewater Construction and Operating Permits

Description of Contemplated Regulatory Action (Including, to the extent reasonable and practicable, alternatives to be considered and preliminary estimate of costs and benefits of the Action)

The language regarding general permits in 567 IAC Chapter 64 needs to be updated to accord with the reissued general permits, the proposed general permit renewals, and the proposed new general permits. The language to be adjusted includes the portions on general permit fees, general permit suspension and revocation, and general permit public notice. There will not be any additional costs to the state or regulated entities as a result of this action. This action will benefit permittees by clarifying the general permit requirements.

Legal Basis (Include whether action is required by statute or court order)
Iowa Code section 455B.173

Need for Regulatory Action (Include if applicable how the action will reduce risk to public health, safety, or the environment)
This rule revision will ensure that the language regarding general permits in Chapter 64 matches the requirements in the reissued, proposed renewals, and proposed new general permits.

Is this action a result of the five year regulatory review? Yes No

Other Affected/Interested Rule Making Authorities

U.S. EPA, Department of Commerce’s Professional Licensing Bureau (Engineering and Land Surveying), DOT, IDALS’s Division of Soil Conservation and Water Quality, EDA and DPH.

Potential Public Groups Impacted

Entities covered by NPDES general permits, Iowa Environmental Council, Sierra Club, Iowa League of Cities, Iowa Water Environment Association, Iowa Rural Water Association, Iowa Association of Municipal Utilities, Iowa Association of Business and Industry, Iowa Farm Bureau Federation, Iowa Renewable Fuels Association, and Iowa Rural Water Association.

Schedule: (Actions & month/year)

- Submit to Governor’s for preclearance by August 2017
- Notice of Intended Action to Commission by October 2017
- Public hearings in December 2017
- Final rule to Commission by February 2018

Staff Contact/Phone # Courtney Cswercko 515-725-8411

**DNR REGULATORY AGENDA FOR SFY 2018
FORM FOR REGULATOR ACTION DESCRIPTION**

- Rule Making Authority** Director
 Environmental Protection Commission (EPC)
 Natural Resource Commission (NRC)
 Energy & Geological Resource Division

Title of Regulatory Action Operation Permit Exemption for Small Wastewater Discharges
Rule Chapter(s) Involved 567 IAC Chapter 64 – Wastewater Construction and Operating Permits

Description of Contemplated Regulatory Action (Including, to the extent reasonable and practicable, alternatives to be considered and preliminary estimate of costs and benefits of the Action)
Add an exemption to state operating permits in 567 IAC 64.3(1) for wastewater disposal systems that do not reach a Water of the United States provided they meet certain criteria to ensure the exempted disposal systems are low volume and benign. The exemption criteria will likely include a weekly flow volume restriction and a requirement that all water quality standards are met. For years staff has responded to many permit requests for ground surface discharges that do not reach a Water of the United States. These discharges include power washing, portable showers, residential car washing, pool filter backwash, basement sumps, etc. While these activities could be considered disposal systems requiring a permit under 455B.186, the DNR prefers to concentrate on permitting higher environmental risk dischargers. However, the lack of permitting may leave some disposal system operators unshielded to civil lawsuits. A rule change that clarifies who needs a permit for ground surface discharges with exemptions for low risk disposal systems should solve both problems.

Legal Basis (Include whether action is required by statute or court order)
Iowa Code section 455B.173

Need for Regulatory Action (Include if applicable how the action will reduce risk to public health, safety, or the environment)
This rule change exempts from permitting owners of low risk disposal systems which will allow DNR staff to focus their permitting efforts on higher environmental risk facilities.

Is this action a result of the five year regulatory review? Yes No

Other Affected/Interested Rule Making Authorities
EDA, IDALS' Division of Soil Conservation, Iowa Turkey Marketing Council, DPH, Department of Commerce's Professional Licensing Bureau (Engineering and Land Surveying) and DOT.

Potential Public Groups Impacted
The wastewater industry (operators, wastewater associations, industries, consulting engineers), people who land apply wastewater, Iowa Environmental Council, Sierra Club, Iowa League of Cities, Iowa Water Environment Association, Iowa Rural Water Association, Iowa Association of Municipal Utilities, Iowa Association of Business and Industry, Iowa Farm Bureau Federation, Iowa Renewable Fuels Association, and Iowa Rural Water Association.

Schedule: (Actions & month/year)

Submit to Governor's office for preclearance by January 2018

Notice of Intended Action to Commission April 2018

Public hearings in May 2018

Final rule to Commission by July 2018

Staff Contact/Phone # Wendy Hieb 515-725-8405

**DNR REGULATORY AGENDA FOR SFY 2018
FORM FOR REGULATOR ACTION DESCRIPTION**

- Rule Making Authority** Director
 Environmental Protection Commission (EPC)
 Natural Resource Commission (NRC)
 Energy & Geological Resource Division

Title of Regulatory Action Renewal of Storm Water General Permits Nos. 1, 2 and 3.
Rule Chapter(s) Involved 567 IAC Chapter 64 – Wastewater Construction and Operating Permits

Description of Contemplated Regulatory Action (Including, to the extent reasonable and practicable, alternatives to be considered and preliminary estimate of costs and benefits of the Action)
Renew Storm Water General Permits Nos. 1, 2 and 3. No alternative is possible since renewal is required by state and federal law.

Legal Basis (Include whether action is required by statute or court order)
Permits cannot be in effect more than 5 years as stipulated in subrule 567 IAC 64.3(7) and in 40 CFR 122.46.

Need for Regulatory Action (Include if applicable how the action will reduce risk to public health, safety, or the environment)
Permits cannot be in effect more than 5 years as stipulated in subrule 567 IAC 64.3(7) and in 40 CFR 122.46.

Is this action a result of the five year regulatory review? Yes No

Other Affected/Interested Rule Making Authorities
Department of Commerce’s Professional Licensing Bureau (Engineering and Land Surveying), DOT, IDALS’ Division of Soil Conservation and Water Quality, EDA and DPH.

Potential Public Groups Impacted
Any entity that engages in construction activity or any other activity classified by the U.S. EPA as discharging storm water associated with industrial activity.

Schedule: (Actions & month/year)
Submit to Governor’s office for preclearance by June 2017
Notice of Intended Action to be filed by September 2017
Public hearings in October 2017
Final rule to Commission by December 2017

Staff Contact/Phone # Joe Griffin 515-725-8417

**DNR REGULATORY AGENDA FOR SFY 2018
FORM FOR REGULATOR ACTION DESCRIPTION**

Rule Making Authority Director
 Environmental Protection Commission (EPC)
 Natural Resource Commission (NRC)
 Energy & Geological Resource Division
 Renewal of National Pollution Discharge Elimination System (NPDES) General Permit

Title of Regulatory Action No. 4 for Private Sewage Disposal Systems

Rule Chapter(s) Involved 567 IAC Chapter 64 – Wastewater Construction and Operating Permits

Description of Contemplated Regulatory Action (Including, to the extent reasonable and practicable, alternatives to be considered and preliminary estimate of costs and benefits of the Action)
NPDES General Permit No. 4 expires on August 15, 2017. This permit covers legally discharging septic systems that discharge to a designated water of the state or a subsurface drainage tile. The purpose of the permit is to ensure that these systems function properly and are not unduly polluting waterways. The permit will be renewed in its current form with no changes.

There are no additional costs associated with the permit renewal.
The benefits will be continued protection of Iowa waterways from malfunctioning septic systems.

Legal Basis (Include whether action is required by statute or court order)
The permit is authorized by 567 IAC Chapter 64, “Wastewater Construction and Operation Permits” and its use is described in 567 IAC Chapter 69, “Private Sewage Disposal Systems”

Need for Regulatory Action (Include if applicable how the action will reduce risk to public health, safety, or the environment)
Renewal of NPDES General Permit No. 4 will continue to ensure that septic systems that legally discharge to designated waters of the state or subsurface drainage tiles will meet the requirements necessary to protect public health and the environment.

Is this action a result of the five year regulatory review? Yes No

Other Affected/Interested Rule Making Authorities
Department of Commerce’s Professional Licensing Bureau (Engineering and Land Surveying), DOT, IDALS’ Division of Soil Conservation and Water Quality, EDA and DPH.

Potential Public Groups Impacted
Iowa Environmental Health Association and Iowa Onsite Wastewater Association.

Schedule: (Actions & month/year)
Submit to Governor’s office for preclearance by June 2017
Notice of Intended Action to be filed by August 2017
Public hearings in September 2017
Final rule to Commission by January 2018

Staff Contact/Phone # Daniel Olson, 515-725-8404

**DNR REGULATORY AGENDA FOR SFY 2018
FORM FOR REGULATOR ACTION DESCRIPTION**

- Rule Making Authority** Director
 Environmental Protection Commission (EPC)
 Natural Resource Commission (NRC)
 Energy & Geological Resource Division

Title of Regulatory Action Separation Distances for Anaerobic Lagoons
Rule Chapter(s) Involved 567 IAC Chapter 64 – Wastewater Construction and Operation Permits

Description of Contemplated Regulatory Action (Including, to the extent reasonable and practicable, alternatives to be considered and preliminary estimate of costs and benefits of the Action)

To avoid confusion among stakeholders, it is proposed to adopt the separation distances required for anaerobic lagoons from Iowa Code 455B.134(3)(e)(1)(b) into subrule 567 IAC 64.2(3). The reason for the change is to streamline and incorporate all required separation distances for wastewater treatment into an easily accessible location and rule instead of the current scattered locations.

The proposed change will also revise 567 IAC Chapter 64 to update the Iowa Wastewater Facilities Design Standards (Chapter 14 and Chapter 18C) for construction permits. The changes will update design standards, and provide clarification of permit requirements for separation distances for wastewater treatment facilities.

Legal Basis (Include whether action is required by statute or court order)

Iowa Code 455B.173.

This rulemaking will update subrule 567 IAC 64.2(3) and Chapter 14 and Chapter 18C of the Iowa Wastewater Facilities Design Standards (rule by reference - 567 IAC 64.2(9)"b") in accordance with the provisions of Iowa Code 455B.173.

Need for Regulatory Action (Include if applicable how the action will reduce risk to public health, safety, or the environment)

The benefit of the action is reduced confusion and time savings for applicants and consulting engineers when submitting applications for wastewater construction permits. The action is expected to have positive effect on public health, safety and the environment since the requirements will be easier to find and follow, and wastewater treatment facilities will be built in a way that is protective of the environment and public health.

Is this action a result of the five year regulatory review? Yes No

Other Affected/Interested Rule Making Authorities

U.S. EPA, Department of Commerce’s Professional Licensing Bureau (Engineering and Land Surveying), DOT, IDALS’ Division of Soil Conservation and Water Quality, EDA and DPH.

Potential Public Groups Impacted

Municipalities with POTWs, Iowa League of Cities, Iowa Water Environment Association, Iowa Association of Municipal Utilities, Iowa Association of Business and Industry and Iowa Farm Bureau Federation.

Schedule: (Actions & month/year)

Submit to Governor's office for preclearance by November 2017

Notice of Intended Action to be filed by January 2018

Public hearings in March 2018

Final rule to Commission by April 2018

Staff Contact/Phone # Satya Chennupati 515-725-8436

**DNR REGULATORY AGENDA FOR SFY 2018
FORM FOR REGULATOR ACTION DESCRIPTION**

Rule Making Authority Director
 Environmental Protection Commission (EPC)
 Natural Resource Commission (NRC)
 Energy & Geological Resource Division
 Wastewater Construction and Operation Permits – Revisions to the Iowa
Title of Regulatory Action Wastewater Facilities Design Standards
Rule Chapter(s) Involved 567 IAC Chapter 64 – Wastewater Construction and Operation Permits

Description of Contemplated Regulatory Action (Including, to the extent reasonable and practicable, alternatives to be considered and preliminary estimate of costs and benefits of the Action)
Revise 567 IAC Chapter 64 to update the Iowa Wastewater Facilities Design Standards for construction permits. The changes will correct outdated code references, update design standards, provide clarification of permit requirements, incorporate new methods and processes and provide consistency with the Recommended Standards for Wastewater Facilities 2014 Edition adopted by the Great Lakes-Upper Mississippi River Board (GLUMRB). The updates will eliminate the need for variances for certain construction methods and processes to allow processing and approval of construction permits without delays for all regulated entities such as municipalities, industries and semi-public facilities. Costs to the regulated entities are expected to decrease due to the expected reduction in application submittal expenditures as a result of the updated standards.

Legal Basis (Include whether action is required by statute or court order)
This rulemaking will update applicable Chapters 11 through 21 of the Iowa Wastewater Facilities Design Standards (rule by reference - 567 IAC 64.2(9)“b”) in accordance with the provisions of Iowa Code 455B.173.

Need for Regulatory Action (Include if applicable how the action will reduce risk to public health, safety, or the environment)
The benefit of the action is a reduced number of variance requests for construction methods that are not covered by the current design standards. The action is expected to have positive effect on public health, safety and the environment since the new construction methods are expected to be better and have longer useful life. The action is anticipated to reduce applicant submittal expenditures.

Is this action a result of the five year regulatory review? Yes No

Other Affected/Interested Rule Making Authorities
U.S. EPA, Department of Commerce’s Professional Licensing Bureau (Engineering and Land Surveying), DOT, IDALS’ Division of Soil Conservation and Water Quality, EDA and DPH.

Potential Public Groups Impacted
Applicants for wastewater construction permits (municipalities, industries, semi-public entities and developers), Consulting Engineers, Iowa Environmental Council, Iowa League of Cities, Iowa Water Environment Association, Iowa Rural Water Association, Iowa Association of Municipal Utilities and Iowa Association of Business and Industry.

Schedule: (Actions & month/year)

Submit to Governor's office for preclearance by November 2017

Notice of Intended Action to be filed by February 2018

Public hearings in April 2018

Final rule to Commission by June 2018

Staff Contact/Phone # Satya Chennupati 515-725-8436

**DNR REGULATORY AGENDA FOR SFY 2018
FORM FOR REGULATOR ACTION DESCRIPTION**

- Rule Making Authority** Director
 Environmental Protection Commission (EPC)
 Natural Resource Commission (NRC)
 Energy & Geological Resource Division

Title of Regulatory Action Sewage Sludge Land Application

Rule Chapter(s) Involved 567 IAC Chapter 67- Standards For the Land Application of Sewage Sludge

Description of Contemplated Regulatory Action (Including, to the extent reasonable and practicable, alternatives to be considered and preliminary estimate of costs and benefits of the Action)

1. Update 567 IAC 67.7(4) and 567 IAC 67.8(4) for Class I and Class II sewage sludge land application annual reporting requirements in light of U.S. EPA’s electronic reporting rule for NPDES permit compliance. This rule will merge the state’s reporting template with U.S. EPA’s standard electronic template to reduce redundancy.

2. Update the biosolids classification and terminology in 567 IAC Chapter 67 to be compatible with 40 CFR part 503 biosolids land application standards.

3. Add applicable pathogen reduction methods allowed by 40 CFR part 503 to the administrative rule to allow municipalities the options of sludge digestion and land application.

Legal Basis (Include whether action is required by statute or court order)
Iowa Code 455B.173.

Need for Regulatory Action (Include if applicable how the action will reduce risk to public health, safety, or the environment)
Currently, the biosolids annual report for major facilities is reported by paper format and sent to both U.S. EPA and DNR every year. According to U.S. EPA’s new NPDES electronic reporting rule, by December 21, 2016 biosolids annual land application information had to be reported to U.S. EPA’s database through an electronic data portal. DNR has complied with the electronic reporting mandated by U.S. EPA for biosolids. It is time to update DNR’s regulations as a result of this federal rule change. This change will eliminate reporting the same information in two different formats as well as providing more alternatives for municipalities in meeting biosolids standards.

Is this action a result of the five year regulatory review? Yes No

Other Affected/Interested Rule Making Authorities
U.S. EPA, EDA, DPH, IDALS’ Soil Conservation and Water Quality Division.

Potential Public Groups Impacted
Municipalities with POTWs, semi-public entities, contracted land applicators, consulting engineers, Iowa Environmental Council, Iowa League of Cities, Iowa Water Environment Association, Iowa Rural Water Association, and Iowa Association of Municipal Utilities.

Schedule: (Actions & month/year)
Submit to Governor’s office for preclearance by November 2017
Notice of Intended Action to be filed by February 2018

Public hearings in April 2018
Final rule to Commission by June 2018

All the above dates are dependent on U.S. EPA's pending biosolids reporting method release.

Staff Contact/Phone # Emy Liu 515-725-8421

**DNR REGULATORY AGENDA FOR SFY 2018
FORM FOR REGULATOR ACTION DESCRIPTION**

- Rule Making Authority** Director
 Environmental Protection Commission (EPC)
 Natural Resource Commission (NRC)
 Energy & Geological Resource Division

Title of Regulatory Action Asbestos-Containing Building Debris Disposal

Rule Chapter(s) Involved 567 IAC Chapter 100

Description of Contemplated Regulatory Action (Including, to the extent reasonable and practicable, alternatives to be considered and preliminary estimate of costs and benefits of the Action)

This regulatory action will focus on incorporating the federal asbestos National Emission Standards for Hazardous Air Pollutants (NESHAP) criteria for inactive asbestos waste disposal sites, and certain revisions identified during the DNR’s five-year rule review pursuant to Iowa Code section 17A.7(2).

Structures are at times damaged by unforeseeable disasters such as floods, fires, and tornados prior to conducting an asbestos inspection, which results in the structure or portion of the structure permanently uninhabitable or unusable. Debris from the collapsed structure and any resulting ash cannot be inspected for asbestos using conventional procedures, and established protocol for sampling of building debris does not exist. In those instances, onsite debris burial within the structure’s foundation may be the most viable management option for the property owner or local municipality overseeing the project. However, when the structure is classified as a “non-farm building” (567—100.4(455B) currently provides for farm building disposal), allowing burial of the resulting debris within the structure’s foundation according to the NESHAP active waste disposal criteria would currently violate Iowa Code section 455B.307(1). Iowa Code section 455B.307(1) prohibits burial of solid waste at any place other than a sanitary disposal project, i.e., department approved sanitary landfill. To ensure this debris management option does not violate Iowa law, and that the applicable federal regulations are complied with, adoption by reference of 40 C.F.R. 61.150 is necessary.

Preliminary Estimate of Costs: It is unknown at this time what potential costs will occur, since the DNR will take recommendations from stakeholders before initiating rulemaking. In addition, because these minimum federal criteria are currently in effect, the associated costs will be borne by the affected facilities regardless of the DNR’s adoption by reference. Up-front costs incurred by building owners are likely to be less when burial of the material occurs on-site as opposed to paying waste hauling and landfill disposal costs.

Benefits of the Action: The adoption of these amendments will ensure that state regulations parallel current federal regulations and ensure compliance with Iowa statutory requirements.

Legal Basis (Include whether action is required by statute or court order)

This action is not required by statute or court order.

The DNR has the jurisdiction to regulate the disposal of solid waste via Iowa Code sections 455B.304(1), 455B.305(1), 455B.306(7), 455B.307(1), 455B.381(4) and (5), 455B.381(9), 455B.387, 455E.3(2) and (5), 455E.4, and 455E.5(1) through (6).

Need for Regulatory Action (Include if applicable how the action will reduce risk to public health, safety, or the environment)

The federal rule provides a comprehensive set of requirements for the disposal of asbestos-containing waste under the asbestos NESHAP, which will prevent exposure by establishing design and site management requirements, and by placing restrictions upon potential future excavation/disturbance of the asbestos-

containing waste. The proposed amendments to Chapter 100 are needed to not only incorporate the minimum national criteria in 40 C.F.R. 61.150, but also revisions identified by the DNR through the comprehensive five-year rule review completed pursuant to Iowa Code section 17A.7(2).

Is this action a result of the five year regulatory review? Yes No

Other Affected/Interested Rule Making Authorities

U.S. EPA, Workforce Development, EDA, and DOT

Potential Public Groups Impacted

General public, Iowa Society of Solid Waste Operations, Association of Business and Industry, Iowa State Association of Counties, Iowa League of Cities, Iowa Recycling Association, Iowa Environmental Council, Sierra Club – Iowa Chapter, Environment Iowa, Iowa Farm Bureau Federation, Iowa Citizens for Community Improvement and county environmental health sanitarians.

Schedule: (Actions & month/year)

Submit to Governor’s office for preclearance by December 2017

Notice of Intended Action to be filed by April 2018

Public hearings in May 2018

Final rule to Commission by July 2018

Staff Contact/Phone # Chad A. Stobbe 515-725-8351

**DNR REGULATORY AGENDA FOR SFY 2018
FORM FOR REGULATOR ACTION DESCRIPTION**

- Rule Making Authority** Director
 Environmental Protection Commission (EPC)
 Natural Resource Commission (NRC)
 Energy & Geological Resource Division

Title of Regulatory Action Coal Combustion Residual Units
Rule Chapter(s) Involved 567 IAC Chapter 103

Description of Contemplated Regulatory Action (Including, to the extent reasonable and practicable, alternatives to be considered and preliminary estimate of costs and benefits of the Action)

This regulatory action will focus on incorporating the national minimum criteria for the safe disposal and beneficial use of coal combustion residuals (CCR) in 40 CFR Part 257, Subpart D, and revisions identified during the DNR’s five-year rule review pursuant to Iowa Code section 17A.7(2). The proposed amendments will ensure compliance with minimum federal regulations while also resulting in a less burdensome environmental framework that will be easier for the regulated public to navigate and for the DNR to administer.

Preliminary Estimate of Costs: It is unknown at this time what potential costs will occur, since the DNR will take recommendations from stakeholders before initiating rulemaking. In addition, because these minimum national criteria are currently in effect, the associated costs will be borne by the affected facilities regardless of the DNR’s adoption. Given the scope of the federal CCR regulations in comparison with current 567 IAC Chapter 103, the proposed amendments will result in some additional costs for affected facilities and the DNR.

Benefits of the Action: The adoption of these amendments will ensure that state regulations parallel current federal regulations, and that Iowa statutory requirements are being met. Despite the federal regulation’s self-implementing construct, upon adoption, the DNR will be able to provide compliance assistance and outreach to affected facilities, providing the regulatory certainty they desire.

Legal Basis (Include whether action is required by statute or court order)

This action is not required by statute or court order. The DNR has the jurisdiction to regulate the disposal of solid waste via Iowa Code sections 455B.304(1), 455B.304(4) through (6), 455B.304(8), 455B.305(1), 455B.306(7)“a” through “d”, 455B.306(9), 455B.306(12), 455B.381(4) and (5), 455B.381(9), 455B.387, 455E.3(2) and (5), 455E.4, and 455E.5(1) through (6).

Need for Regulatory Action (Include if applicable how the action will reduce risk to public health, safety, or the environment)

The U.S. EPA published in the *Federal Register* on April 17, 2015, a final rule establishing national minimum criteria for the safe disposal and beneficial use of CCR generated by electric utilities and independent power producers, which became effective on October 19, 2015. U.S. EPA’s assessment demonstrates that risks posed to human health and the environment by certain CCR management units and practices warrants regulatory controls. The federal rule provides a comprehensive set of requirements for the disposal of CCR under the solid waste provisions, Subtitle D, of the Resource Conservation and Recovery Act (RCRA). The proposed amendments to Chapter 103 are needed to not only incorporate the minimum national criteria in 40 CFR Part 257, Subpart D, but also those revisions identified by the DNR through the comprehensive five-year rule review completed pursuant to Iowa Code section 17A.7(2).

Is this action a result of the five year regulatory review? Yes No

Other Affected/Interested Rule Making Authorities

IDALS' Division of Soil Conservation and Water Quality, Iowa Utilities Board, U.S. EPA, U.S. Department of Defense, EDA and Department of Commerce's Profesional Licensing Bureau (Engineering and Land Survey).

Potential Public Groups Impacted

General public, Iowa Society of Solid Waste Operations, Association of Business and Industry, Iowa Utility Association, Iowa Association of Municipal Utilities, Iowa Board of Regents, Iowa Recycling Association, Iowa Environmental Council, Sierra Club – Iowa Chapter, Environment Iowa, Iowa Limestone Producers Association, Iowa Farm Bureau Federation, and county environmental health sanitarians.

Schedule: (Actions & month/year)

Submit to Governor's office for preclearance by December 2017

Notice of Intended Action to be filed by April 2018

Public hearings in May 2018

Final rule to Commission by July 2018

Staff Contact/Phone # Chad A. Stobbe 515-725-8351

**DNR REGULATORY AGENDA FOR SFY 2018
FORM FOR REGULATOR ACTION DESCRIPTION**

- Rule Making Authority** Director
 Environmental Protection Commission (EPC)
 Natural Resource Commission (NRC)
 Energy & Geological Resource Division

Title of Regulatory Action Waste Conversion Technologies Permit and Annual Fees
Rule Chapter(s) Involved 567 IAC Chapter 104

Description of Contemplated Regulatory Action (Including, to the extent reasonable and practicable, alternatives to be considered and preliminary estimate of costs and benefits of the Action)
This rulemaking effort will rescind the current rules in 567 IAC Chapter 104 “Sanitary Disposal Projects With Processing Facilities” and replace them with rules promulgated in response to House File 544, signed by Governor Branstad on June 18, 2015. The new rule will establish a permitting program for facilities that utilize waste conversion technologies. The chapter will include an annual fee for the permit. The new chapter will be revenue neutral because the permit fee will be set at a rate that covers the costs of administering the program.

Legal Basis (Include whether action is required by statute or court order)
Rulemaking is required by Iowa Code section 455D.15A.

Need for Regulatory Action (Include if applicable how the action will reduce risk to public health, safety, or the environment)
The current administrative chapter provides requirements for processing operations at sanitary disposal projects (SDPs). The intent of this administrative chapter was to provide requirements for processing operations at SDPs; however it has been misconstrued over time to imply that all facilities that mechanically process solid waste, with the exception of source-separated recycling operations, are SDPs. Additionally, the requirements in the chapter are outdated and currently not applicable to any facility in Iowa. Rescinding this chapter and replacing it with requirements for processing and handling materials specifically at waste conversion facilities will eliminate this misunderstanding remove unnecessary regulations without causing any negative environmental impacts.

Iowa Code section 455D.15A requires facilities using waste conversion technologies to obtain a permit from the DNR and for the DNR to develop rules for the establishment of a fee for the permits.

Is this action a result of the five year regulatory review? Yes No

Other Affected/Interested Rule Making Authorities
EDA

Potential Public Groups Impacted
Facilities using waste conversion technologies.

Schedule: (Actions & month/year)

Submit to Governor's office for preclearance by August 2017

Notice of Intended Action to be filed by December 2018

Public hearings in February 2018

Final rule to Commission by March 2018

Staff Contact/Phone # Theresa Stiner, 515-725-8315

**DNR REGULATORY AGENDA FOR SFY 2018
FORM FOR REGULATOR ACTION DESCRIPTION**

- Rule Making Authority** Director
 Environmental Protection Commission (EPC)
 Natural Resource Commission (NRC)
 Energy & Geological Resource Division

Title of Regulatory Action Citizen Convenience Centers and Transfer Stations

Rule Chapter(s) Involved 567 IAC Chapter 106

Description of Contemplated Regulatory Action (Including, to the extent reasonable and practicable, alternatives to be considered and preliminary estimate of costs and benefits of the Action)

The primary objective in undertaking this review of Iowa’s solid waste consolidation and transfer regulations is to develop a simpler and less burdensome environmental framework that will be easier for the regulated public to navigate and for the DNR to administer and enforce. This regulatory action will focus on incorporating revisions identified through the five year rule review pursuant to Iowa Code section 17A.7(2), such as removing or revising outdated provisions, updating references and adding needed clarification.

The citizen convenience center (CCC) and transfer station regulatory framework can be simplified, as there are opportunities for “general permits” to be issued for a type of solid waste facility that is representative of a class of facilities across the state, or a “permit-by-rule” approach for CCC facilities that manage solid waste on a smaller scale. These approaches would expedite permit issuance, as well as minimize unnecessary paperwork and DNR staff oversight. Additional advantages include simplified application forms, limited submittal of engineering plans, reduced DNR review and processing times, improved permit consistency, and explicit permit requirements prior to application.

Preliminary Estimate of Costs: It is unknown at this time what potential costs will occur, since the DNR will take recommendations from stakeholders before initiating rulemaking. The proposed revisions would not only streamline the permitting process for the DNR and the permit applicant, but would result in reduced costs realized through those efficiencies. The time and financial resources saved in not having to periodically submit duplicative permit application documentation could be significant, not to mention the shorter timeframe with which the DNR could review and issue permits.

Benefits of the Action: The adoption of these amendments will ensure that CCC and transfer station facilities undertake best management practices in siting, design, and operation to maximize facility effectiveness and efficiency, while minimizing their impact on the surrounding community.

Legal Basis (Include whether action is required by statute or court order)

This action is not required by statute or court order. The DNR has the jurisdiction to regulate the disposal of solid waste via Iowa Code sections 455B.304(1) and 455B.304(8), 455B.305(1) and 455B.305(4), 455B.306(1) and 455B.306(2), 455B.306(7)“a”, “d” and “e,” and 455B.306(9)“a”, “c” and “d.”

Need for Regulatory Action (Include if applicable how the action will reduce risk to public health, safety, or the environment)

These changes were identified through the five-year rule review process as per Iowa Code section 17A.7(2). Opportunities exist to restructure and simplify the required plans that must accompany each permit application, and opportunities to reduce paperwork through streamlining and standardizing reporting requirements. There are also opportunities to streamline the permitting process and the DNR’s oversight, thereby reducing the amount of paperwork, engineering consulting, and associated costs needed to maintain a permit.

Is this action a result of the five year regulatory review? Yes No

Other Affected/Interested Rule Making Authorities

DOT and EDA

Potential Public Groups Impacted

General public, Iowa Society of Solid Waste Operations, Association of Business and Industry, Iowa League of Cities, Iowa State Association of Counties, Iowa Recycling Association, Iowa Environmental Council, Sierra Club – Iowa Chapter, Environment Iowa, county environmental health sanitarians, and Iowa Farm Bureau Federation.

Schedule: (Actions & month/year)

Submit to Governor’s office for preclearance by September 2017

Notice of Intended Action to be filed by December 2017

Public hearings in January 2018

Final rule to Commission by March 2018

Staff Contact/Phone # Theresa Stiner 515-725-8315

**DNR REGULATORY AGENDA FOR SFY 2018
FORM FOR REGULATOR ACTION DESCRIPTION**

- Rule Making Authority** Director
 Environmental Protection Commission (EPC)
 Natural Resource Commission (NRC)
 Energy & Geological Resource Division

Title of Regulatory Action Annual Reports of Solid Waste Environmental Management Systems
Rule Chapter(s) Involved 567 IAC Chapter 111

Description of Contemplated Regulatory Action (Including, to the extent reasonable and practicable, alternatives to be considered and preliminary estimate of costs and benefits of the Action)

In response to House File 202, signed by Governor Branstad on April 12, 2017, the DNR will update the administrative code chapter to match changes made to Iowa Code 455J related to Environmental Management Systems. Iowa Code 455J was changed to remove the Solid Waste Alternatives Program Advisory Council (Council), which has successfully completed its original charge from the legislature by developing the framework of the Environmental Management System (EMS) program. Changes to 567 IAC Chapter 111 will update terminology and numbering and reflect that the DNR instead of the Council, will provide EMS Annual Report review and any recommendations to the Environmental Protection Commission regarding lack of compliance.

This change will be cost and revenue neutral because it will not change how the annual reports are received and administered.

Legal Basis (Include whether action is required by statute or court order)

This rule update is intended to implement Iowa Code 455J and HF202, signed into law on April 12, 2017 by Governor Branstad.

Need for Regulatory Action (Include if applicable how the action will reduce risk to public health, safety, or the environment)

Iowa Code 455J.4 requires DNR to adopt rules and criteria for determining whether an EMS program is in compliance. Because of updates to Iowa Code 455J, 567 IAC Chapter 111 must be updated.

Is this action a result of the five year regulatory review? Yes No

Other Affected/Interested Rule Making Authorities

EDA

Potential Public Groups Impacted

Iowa Society of Solid Waste Operations, Iowa Recycling Association, Solid Waste Comprehensive Planning Area contacts, Iowa Association of Business and Industry, and Iowa Grocery Industry Association.

Schedule: (Actions & month/year)

- Submit to Governor's office for preclearance by August 2017
- Notice of Intended Action to be filed by November 2017
- Public hearings in January 2018
- Final rule to Commission by March 2018

Staff Contact/Phone # Leslie Bullock Goldsmith 515-725-8319

**DNR REGULATORY AGENDA FOR SFY 2018
FORM FOR REGULATOR ACTION DESCRIPTION**

- Rule Making Authority** Director
 Environmental Protection Commission (EPC)
 Natural Resource Commission (NRC)
 Energy & Geological Resource Division

Title of Regulatory Action Land Application of Wastes
Rule Chapter(s) Involved 567 IAC Chapter 121

Description of Contemplated Regulatory Action (Including, to the extent reasonable and practicable, alternatives to be considered and preliminary estimate of costs and benefits of the Action)
A number of potential changes were identified through the five year regulatory review process to improve 567 IAC 121 Land Application of Wastes. The changes will clarify and simplify the requirements, and remove redundancies and inconsistencies with the DNR’s wastewater program and IDALS’ fertilizer, soil conditioner and liming agents programs. The specific changes will be determined after input from stakeholders and may depend upon changes that are made to the DNR’s wastewater program. One possibility to be discussed is to rescind the chapter and manage land application of solid wastes under 567 IAC 108 as a beneficial use and manage land application of sludge under the wastewater regulations.

Legal Basis (Include whether action is required by statute or court order)
455B.173 and 455B.304. The need for revisions was identified through the comprehensive five year rule review that the DNR is undertaking as per Iowa Code section 17A.7(2)

Need for Regulatory Action (Include if applicable how the action will reduce risk to public health, safety, or the environment)
The five year rule review identified some duplication between this chapter and IDALS’ fertilizer soil conditioner and liming agents programs, and the DNR’s wastewater programs.

Is this action a result of the five year regulatory review? Yes No

Other Affected/Interested Rule Making Authorities
IDALS’ Soil Conservation and Water Quality Division, Iowa Beef Industry Council, EDA, Iowa Egg Council, Iowa Sheep and Wool Promotion Board, DOT and Iowa Turkey Marketing Council.

Potential Public Groups Impacted
Industries that use land application as a disposal option for solid waste or sludge and farmers that allow land application of waste on their fields.

Schedule: (Actions & month/year)
Submit to Governor’s office for preclearance by November 2017
Notice of Intended Action to be filed by January 2018
Public hearings in March 2018
Final rule to Commission by April 2018

Staff Contact/Phone # Theresa Stiner 515-725-8315

**DNR REGULATORY AGENDA FOR SFY 2018
FORM FOR REGULATOR ACTION DESCRIPTION**

- Rule Making Authority** Director
 Environmental Protection Commission (EPC)
 Natural Resource Commission (NRC)
 Energy & Geological Resource Division

Title of Regulatory Action Household Hazardous Materials
Rule Chapter(s) Involved 567 IAC Chapters 123, 144, 211, and 214

Description of Contemplated Regulatory Action (Including, to the extent reasonable and practicable, alternatives to be considered and preliminary estimate of costs and benefits of the Action)

This rulemaking is proposed in response to changes made to Iowa Code Chapter 455F. Recent legislation streamlined the management of household hazardous materials (HHMs) by updating the law to reflect current program progress and processes, eliminating expired deadlines, updating commonly used terminology, and eliminating redundant reporting requirements. This proposed rulemaking is needed to make the corresponding program efficiency changes to administrative rules for HHMs.

This proposal supports the Governor’s goal of reducing the cost of government through efficiency, streamlining of programs, and reducing burden on small businesses.

There are no costs to the private sector or to the state as a result of the proposed rulemaking. There will be cost savings to businesses by removing regulatory barriers and cost and time savings to DNR by updating and simplifying outdated and unused programs.

Legal Basis (Include whether action is required by statute or court order)

Authority for 567 IAC Chapters 123, 144, 211, and 214 is found in Iowa Code sections 455B.488, 455E.11, and Chapter 455F.

Need for Regulatory Action (Include if applicable how the action will reduce risk to public health, safety, or the environment)

This rulemaking is needed to make the administrative rules consistent with the changes made to Iowa Code. Recent legislation removed the Toxic Cleanup Day Program which had become obsolete due to the increase in permanent regional collections for HHMs. The changes to the administrative rules will reduce regulations for retailers, streamline the administrative code by removing obsolete rules (567 IAC Chapters 144 and 214), correct references to the Iowa Code, and make the administrative rules more user friendly. The impact on risk to public health, safety or the environment is unknown but anticipated to be neutral.

Is this action a result of the five year regulatory review?

Yes No

Other Affected/Interested Rule Making Authorities

Department of Revenue, EDA and DPH.

Potential Public Groups Impacted

Iowa Association of Business and Industry, Iowa Grocery Industry Association, Petroleum Marketers and Convenience Stores of Iowa, and Iowa Society of Solid Waste Operations.

Schedule: (Actions & month/year)

Submit to Governor's office for preclearance by August 2017

Notice of Intended Action to be filed by November 2017

Public hearings in January 2018

Final rule to Commission by March 2018

Staff Contact/Phone # Tom Anderson 515-725-8323

**DNR REGULATORY AGENDA FOR SFY 2018
FORM FOR REGULATOR ACTION DESCRIPTION**

- Rule Making Authority** Director
 Environmental Protection Commission (EPC)
 Natural Resource Commission (NRC)
 Energy & Geological Resource Division

Title of Regulatory Action Reportable Quantities and Minor Corrections

Rule Chapter(s) Involved 567 IAC Chapter 131

Description of Contemplated Regulatory Action (Including, to the extent reasonable and practicable, alternatives to be considered and preliminary estimate of costs and benefits of the Action)

The addition of reportable quantities for chemicals. This rulemaking will clarify for the public and regulated community when spill and release incidents need to be reported to the DNR. At this time the public and regulated community must determine if a spill or release creates a hazardous condition according to current rules. This technical requirement creates an undue burden and potentially leads to violations due to misinterpretation.

Correction of the Iowa Code citation and Incident Reporting Hotline. The rule currently references the incorrect Code of Iowa and contains the incorrect telephone number for the reporting hotline. These errors need to be corrected to reduce confusion and simplify compliance.

Estimate of cost: At this time, no additional cost is expected to the State of Iowa.

Legal Basis (Include whether action is required by statute or court order)

455B.383 allows the DNR to promulgate rules to protect Iowans from hazardous substances.

Need for Regulatory Action (Include if applicable how the action will reduce risk to public health, safety, or the environment)

By clarifying notification of hazardous conditions, the DNR will be able to better protect human health and the environment through established regulatory avenues (further investigation or remedial actions). Correction of erroneous information will reduce confusion and improve compliance.

Is this action a result of the five year regulatory review? Yes No

Other Affected/Interested Rule Making Authorities

EDA, Homeland Security and Emergency Management and DOT.

Potential Public Groups Impacted

Businesses, property owners, and environmental consultants.

Schedule: (Actions & month/year)

Submit to Governor's office for preclearance by December 2017

Notice of Intended Action to be filed by January 2018

Public hearings in February 2018

Final rule to Commission by April 2018

Staff Contact/Phone # Adam Broughton 515-725-0386

**DNR REGULATORY AGENDA FOR SFY 2018
FORM FOR REGULATOR ACTION DESCRIPTION**

Rule Making Authority Director
 Environmental Protection Commission (EPC)
 Natural Resource Commission (NRC)
 Energy & Geological Resource Division
 Technical Standards and Corrective Action Requirements for Owners and Operators
Title of Regulatory Action of Underground Storage Tanks
Rule Chapter(s) Involved 567 IAC Chapters 134, 135 and 136

Description of Contemplated Regulatory Action (Including, to the extent reasonable and practicable, alternatives to be considered and preliminary estimate of costs and benefits of the Action)
Incorporate changes in federal U.S. EPA underground storage tank (UST) regulations adopted in July 2015. Incorporate changes from a five year regulatory review removing or changing outdated rules, updating references, and adding clarifications. It will also make some changes to operator training; update analytical methods; and add current policy/guidance into rule.

Legal Basis (Include whether action is required by statute or court order)
Iowa Code section 455B.474

Need for Regulatory Action (Include if applicable how the action will reduce risk to public health, safety, or the environment)
New federal requirements need to be added to maintain state program approval. Changes are also needed to update procedures to industry standards and conform to fire code, add guidance procedures already in practice, remove sections no longer relevant and correct problems. The rule changes are intended improve release prevention measures and provide better oversight to reduce the risk of releases and protect public health, safety and the environment. These changes were identified through the five-year rule review process as per Iowa Code section 17A.7(2).

Is this action a result of the five year regulatory review? Yes No

Other Affected/Interested Rule Making Authorities
State Fire Marshall, DAS General Services Enterprise, DOT, EDA, Homeland Security & Emergency Management, Office of the Chief Information Officer, Iowa Comprehensive Petroleum Underground Storage Tank Fund Board, Board of Regents, and DPS.

Potential Public Groups Impacted
UST owners and operators; UST equipment installers, testers and inspectors; environmental groups; public interest groups; groundwater professionals; municipalities and counties.

Schedule: (Actions & month/year)
Submit to Governor’s office for preclearance by September 2017
Notice of Intended Action to be filed by December 2017
Public hearings in January 2018
Final rule to Commission by March 2018

Staff Contact/Phone # Paul Nelson 515-725-8324

**DNR REGULATORY AGENDA FOR SFY 2018
FORM FOR REGULATOR ACTION DESCRIPTION**

- Rule Making Authority** Director
 Environmental Protection Commission (EPC)
 Natural Resource Commission (NRC)
 Energy & Geological Resource Division

Title of Regulatory Action Operation of Natural Resource Commission

Rule Chapter(s) Involved 571 IAC Chapter 1

Description of Contemplated Regulatory Action (Including, to the extent reasonable and practicable, alternatives to be considered and preliminary estimate of costs and benefits of the Action)

Small rule changes in 571 IAC 1.3 and 571 IAC 1.4, will communicate improved services to the general public as reflected in improved processes and technology that have occurred over the years.

Legal Basis (Include whether action is required by statute or court order)

These rules are intended to implement Iowa Code sections 17A.3(1)"a," 68B.4 and 455A.5.

Need for Regulatory Action (Include if applicable how the action will reduce risk to public health, safety, or the environment)

Allows DNR to improve services to the general public as reflected in improved processes.

Is this action a result of the five year regulatory review? Yes No

Other Affected/Interested Rule Making Authorities

None

Potential Public Groups Impacted

General Public

Schedule: (Actions & month/year)

Submit to Governor's office for preclearance by December 2017

Notice of Intended Action to be filed by January 2018

Public hearings in February 2018

Final rule to Commission by April 2018

Staff Contact/Phone # Kim Rasler 515-725-8440

**DNR REGULATORY AGENDA FOR SFY 2018
FORM FOR REGULATOR ACTION DESCRIPTION**

- Rule Making Authority** Director
 Environmental Protection Commission (EPC)
 Natural Resource Commission (NRC)
 Energy & Geological Resource Division

Title of Regulatory Action Definitions of License and Suspension; Point Value of Turtles
Rule Chapter(s) Involved 571 IAC Chapter 15

Description of Contemplated Regulatory Action (Including, to the extent reasonable and practicable, alternatives to be considered and preliminary estimate of costs and benefits of the Action)
This action will amend the definitions of "License" and "Suspension". It will also correct the omission of turtles in 571 IAC 15.16(3) "Point values assessed to convictions".

Legal Basis (Include whether action is required by statute or court order)
Iowa Code §§ 481A.1, 481A.2, 481A.38, 481A.39, 481A.67, 481A.87, 481A.121, 481A.134

Need for Regulatory Action (Include if applicable how the action will reduce risk to public health, safety, or the environment)
The license definition will include hunters that are suspended, but trying to hunt on landowner exclusion. The suspension definition will prevent someone under suspension from buying a preference point. Adding turtles to 15.16(3) corrects several omissions.

Is this action a result of the five year regulatory review? Yes No

Other Affected/Interested Rule Making Authorities
None

Potential Public Groups Impacted
Hunters, fishers and trappers.

Schedule: (Actions & month/year)
Submit to Governor's office for preclearance by September 2017
Notice of Intended Action to be filed by November 2017
Public hearings in January 2018
Final rule to Commission by April 2018

Staff Contact/Phone # Jeff Swearngin 515-971-8136

**DNR REGULATORY AGENDA FOR SFY 2018
FORM FOR REGULATOR ACTION DESCRIPTION**

- Rule Making Authority** Director
 Environmental Protection Commission (EPC)
 Natural Resource Commission (NRC)
 Energy & Geological Resource Division

Title of Regulatory Action Fishing Tournaments (Bass and Catfish) and Paddlefish

Rule Chapter(s) Involved 571 IAC Chapters 44 and 81

Description of Contemplated Regulatory Action (Including, to the extent reasonable and practicable, alternatives to be considered and preliminary estimate of costs and benefits of the Action)

The proposed rule makes the following changes to Chapter 81; adds 39 days to the Missouri and Big Sioux Rivers paddlefish fishing season, allows the purchase of up to two Missouri and Big Sioux Rivers paddlefish fishing licenses instead of only one, authorizes the snagging of the fish species listed in subrule 571 IAC 81.2(11) in areas previously limited to snagging only paddlefish with a valid paddlefish fishing license and unfilled tag, and permits the culling of catfish at DNR-permitted “catch and release,” boat-based, catfish fishing tournaments. In a related amendment to Chapter 571 IAC 44, this proposed rule package establishes a daily catch limit of five catfish per tournament boat team at DNR-permitted “catch and release, boat-based,” catfish fishing tournaments. Additionally, Chapter 571 IAC 44 is amended to provide a list of required permit conditions for bass fishing tournaments, and definitions of “bass fishing tournament,” “catfish fishing tournament,” and “fishing tournament” are created or clarified.

Legal Basis (Include whether action is required by statute or court order)

Iowa Code §§ 481A.38, 481A.39, 481A.67, 481A.76, 483A.6A, 483A.39; Senate File 257 which was signed by Governor Branstad on April 12, 2017.

Need for Regulatory Action (Include if applicable how the action will reduce risk to public health, safety, or the environment)

Senate File 257 specifically instructs the NRC to adopt rules to govern bass fishing tournaments in Iowa.

Is this action a result of the five year regulatory review? Yes No

Other Affected/Interested Rule Making Authorities

None

Potential Public Groups Impacted

Bass and catfish tournament sponsors and paddlefish anglers on the Missouri and Big Sioux Rivers.

Schedule: (Actions & month/year)

Submit to Governor’s office for preclearance by June 2017

Notice of Intended Action to be filed by August 2017

Public hearings in September 2017

Final rule to Commission by October 2017

Staff Contact/Phone # Joe Larscheid, 515-201-3376

**DNR REGULATORY AGENDA FOR SFY 2018
FORM FOR REGULATOR ACTION DESCRIPTION**

- Rule Making Authority** Director
 Environmental Protection Commission (EPC)
 Natural Resource Commission (NRC)
 Energy & Geological Resource Division

Title of Regulatory Action Restrictions on Introduction and Removal of Plant Life
Rule Chapter(s) Involved 571 IAC Chapter 54

Description of Contemplated Regulatory Action (Including, to the extent reasonable and practicable, alternatives to be considered and preliminary estimate of costs and benefits of the Action)

This change would establish an exemption for cities and counties to apply chemicals on public waters as defined by rule 571 – 13.2 for the removal of plants for navigational purposes. An available alternative is for the DNR to apply chemicals under contract and agreement with the city or county for reimbursement of costs incurred by the DNR. The cost to the DNR to implement the proposed change is existing staff time to process permit applications.

Legal Basis (Include whether action is required by statute or court order)
Iowa Code sections 455A.5(6), 461A.41, and 462A.3.

Need for Regulatory Action (Include if applicable how the action will reduce risk to public health, safety, or the environment)
Currently only DNR staff can apply chemicals on public waters as defined by rule 571 – 13.2. Some cities and counties have management responsibilities on public waters and are concerned with aquatic vegetation growth that is prohibiting boating navigation. The proposed rule will allow cities and counties to apply chemicals, by permit, to control aquatic vegetation on selected areas where vegetation is inhibiting boating navigation.

Is this action a result of the five year regulatory review? Yes No

Other Affected/Interested Rule Making Authorities
None

Potential Public Groups Impacted
Iowa Off-highway Vehicle Association Cities and counties that manage public waters and or marina facilities on public waters as defined by rule 571 – 13.2.

Schedule: (Actions & month/year)
Submit to Governor’s office for preclearance by January 2018
Notice of Intended Action to be filed by March 2018
Public hearings in May 2018
Final rule to Commission by July 2018

Staff Contact/Phone # Joe Larscheid 515/725-8445

**DNR REGULATORY AGENDA FOR SFY 2018
FORM FOR REGULATOR ACTION DESCRIPTION**

- Rule Making Authority** Director
 Environmental Protection Commission (EPC)
 Natural Resource Commission (NRC)
 Energy & Geological Resource Division

Title of Regulatory Action Snowmobile Program
Rule Chapter(s) Involved 571 IAC Chapter 47, Division III

Description of Contemplated Regulatory Action (Including, to the extent reasonable and practicable, alternatives to be considered and preliminary estimate of costs and benefits of the Action)
This chapter addresses the registration, regulation, and use of snowmobiles in Iowa. Division III of this chapter contains the rules which govern the use of registration dollars for issuing grants, signing trails, maintaining the groomer fleet, and trail insurance. Under a cooperative agreement with the Iowa State Snowmobile Association (ISSA), these responsibilities will be assigned to the association. After execution of this agreement, the rules contained in Division III will no longer be needed nor applicable.

Legal Basis (Include whether action is required by statute or court order)
Iowa Code Section 321G.7 was amended by the 87th General Assembly (SF 472, signed by the Governor on April 12, 2017) to increase the portion of snowmobile registration funds to be used on grants, service contracts, cooperative agreements (grants with clubs), and equipment in support of Iowa’s snowmobile programs from 50% to 70%.

Need for Regulatory Action (Include if applicable how the action will reduce risk to public health, safety, or the environment)
The DNR and ISSA have mutually agreed to transfer the funds to ISSA so that it may distribute them via its own grant program and via service contracts and cooperative agreements, rather than the DNR continuing to do so. This benefits both parties by enabling the DNR to focus its limited resources on other administrative and enforcement matters, while empowering the ISSA to foster a more active snowmobile community within the State of Iowa.

Is this action a result of the five year regulatory review? Yes No

Other Affected/Interested Rule Making Authorities
None

Potential Public Groups Impacted
Iowa State Snowmobile Association

Schedule: (Actions & month/year)
Submit to Governor’s office for preclearance by July 2017
Notice of Intended Action to be filed by August 2017
Public hearings in September 2017
Final rule to Commission by October 2017

Staff Contact/Phone # Rhonda Fowler 515-725-8490
 Randy Schnoebelen 515-689-4953

**DNR REGULATORY AGENDA FOR SFY 2018
FORM FOR REGULATOR ACTION DESCRIPTION**

- Rule Making Authority** Director
 Environmental Protection Commission (EPC)
 Natural Resource Commission (NRC)
 Energy & Geological Resource Division

Title of Regulatory Action Snowmobile Program

Rule Chapter(s) Involved 571 IAC Chapter 47, Division III

Description of Contemplated Regulatory Action (Including, to the extent reasonable and practicable, alternatives to be considered and preliminary estimate of costs and benefits of the Action)

This chapter addresses the registration, regulation, and use of snowmobiles in Iowa. Division III of this chapter contains the rules which govern the use of registration dollars for issuing grants, signing trails, maintaining the groomer fleet, and trail insurance. Under a cooperative agreement with the Iowa State Snowmobile Association (ISSA), these responsibilities will be assigned to the association. After execution of this agreement, the rules contained in Division III will no longer be needed nor applicable.

Legal Basis (Include whether action is required by statute or court order)

Iowa Code Section 321G.7 was amended by the 87th General Assembly (SF 472, signed by the Governor on April 12, 2017) to increase the portion of snowmobile registration funds to be used on grants, service contracts, cooperative agreements (grants with clubs), and equipment in support of Iowa’s snowmobile programs from 50% to 70%.

Need for Regulatory Action (Include if applicable how the action will reduce risk to public health, safety, or the environment)

The DNR and ISSA have mutually agreed to transfer the funds to ISSA so that it may distribute them via its own grant program and via service contracts and cooperative agreements, rather than the DNR continuing to do so. This benefits both parties by enabling the DNR to focus its limited resources on other administrative and enforcement matters, while empowering the ISSA to foster a more active snowmobile community within the State of Iowa.

Is this action a result of the five year regulatory review? Yes No

Other Affected/Interested Rule Making Authorities

None

Potential Public Groups Impacted

Iowa State Snowmobile Association

Schedule: (Actions & month/year)

Submit to Governor’s office for preclearance by July 2017

Notice of Intended Action to be filed by August 2017

Public hearings in September 2017

Final rule to Commission by October 2017

Staff Contact/Phone # Rhonda Fowler 515-725-8490

**DNR REGULATORY AGENDA FOR SFY 2018
FORM FOR REGULATOR ACTION DESCRIPTION**

- Rule Making Authority** Director
 Environmental Protection Commission (EPC)
 Natural Resource Commission (NRC)
 Energy & Geological Resource Division

Title of Regulatory Action State Parks, Recreation Areas and State Forest Camping

Rule Chapter(s) Involved 571 IAC Chapter 61

Description of Contemplated Regulatory Action (Including, to the extent reasonable and practicable, alternatives to be considered and preliminary estimate of costs and benefits of the Action)

1. The DNR’s State Parks Bureau currently manages a number of small properties which are not designated as a state park or recreation area. These areas may range in size from 1-20 acres and have some form of recreational development such as a boat ramp and parking lot, swimming beach, or picnic area. To provide best management practices for the health, safety, and general welfare of the public and resource, the DNR would like to apply certain state park or recreation area regulations (example: park closing time). However, it is difficult to apply or enforce any park-related regulation without the properties identified as either being a state park or recreation area. The DNR will review the feasibility of designating these areas as an operational unit of an existing state park or recreation area that is close by which would allow the DNR to apply various state park or recreation area use rules. This would also eliminate the need to designate a small parcel of land as a new state park or recreation area in order to apply park rules. If this method is not feasible, the DNR will look at establishing these parcels as state park or recreation areas but only if there is no alternative.
2. Establish rental fee for a new large shelter at Lake Manawa State Park. All rental fees for shelters are established in administrative rule.
3. Change the 4th of July stay requirement for all camping reservations and for reservations for the multifamily cabin at Springbrook State Park. A three-night stay will be required only if the 4th of July is on a Monday which would require a Friday, Saturday and Sunday night mandatory stay. This is the same minimum stay requirement for Memorial Day and Labor Day holidays.
4. The DNR would like to establish a rule to allow the director the ability to establish camping requirements on a case-by-case basis for camping associated with a special event permit. Examples of special events that involve camping include RAGBRAI, Scout jamborees, and festival rendezvous that involve camping by participants. These events typically do not conform to the current camping rules for designated campgrounds. This rule would allow for a case-by-case review of the camping needs associated with the event permit and determination of specific stipulations to address the camping needs.

Legal Basis (Include whether action is required by statute or court order)
These rules implement Iowa Code Chapters 455A and 461A

Need for Regulatory Action (Include if applicable how the action will reduce risk to public health, safety, or the environment)
1. The State Parks Bureau is responsible for managing a number of small properties in the state which are not designated state parks or recreation areas but do provide some forms of recreation found in parks. Because

of the small size of the property development may be limited (example: water access with a boat ramp and parking area) and provide little or no natural resource value. In order to provide quality park management of the areas for the protection of the visiting public and protection of infrastructure and any natural resource, a park designation of some kind is necessary. Identifying these properties as an operational unit of an existing state park or recreation area close by will allow staff to apply appropriate park management policy and regulations. Using this approach will also eliminate designations of new state parks/recreation areas when the property is very small in size with limited forms of development or natural resources.

2. In order for the DNR to charge a rental fee for shelters, the fees must be established in administrative rule. If not, the shelters would have to be available free of charge for public use.
3. Currently the minimum stay rules for the 4th of July holiday is based on the day of the week the 4th of July lands. It is difficult to incorporate these rules into the reservation system and is confusing for the public to remember the reservation booking rule. By changing the minimum stay for the 4th of July holiday to reflect the same stay requirements for Memorial Day and Labor Day holidays, it will create consistency in how holiday stays are handled and easier for customers to understand.
4. The current camping rules address camping in designated campgrounds. Certain events in parks which require a special event permit include camping as part of the event (i.e.: RAGBRAI, Boy Scout Jamborees, buckskinner rendezvous, festivals). The camping associated with these approved events does not necessarily conform to the existing camping rules. By establishing a new rule, the director would have the ability to determine appropriate camping stipulations or restrictions on a case-by-case basis that will protect the resource while affording the opportunity for the event to take place.

Is this action a result of the five year regulatory review? Yes No

Other Affected/Interested Rule Making Authorities

EDA, Department of Commerce’s Alcoholic Beverages Division, and DOC.

Potential Public Groups Impacted

Park visitors, campers, and facility renters (cabins/lodges/shelters).

Schedule: (Actions & month/year)

Submit to Governor’s office for preclearance by November 2017

Notice of Intended Action to be filed by December 2017

Public hearings in January 2018

Final rule to Commission by February/March 2018

Staff Contact/Phone # Sherry Arntzen 515-725-8486

**DNR REGULATORY AGENDA FOR SFY 2018
FORM FOR REGULATOR ACTION DESCRIPTION**

- Rule Making Authority** Director
 Environmental Protection Commission (EPC)
 Natural Resource Commission (NRC)
 Energy & Geological Resource Division

Title of Regulatory Action Youth and Severely Disabled Hunting
Rule Chapter(s) Involved NEW CHAPTER 571 IAC Chapter 117. Removes language from Chapters 571 IAC 91 (waterfowl), 96 (pheasant), 98 (turkey) and 106 (deer)

Description of Contemplated Regulatory Action (Including, to the extent reasonable and practicable, alternatives to be considered and preliminary estimate of costs and benefits of the Action)

To provide more clarity and consistency in regulations by removing youth and severely disabled hunting season rules from various IAC chapters and placing them into a single chapter. Adjusting language in respective seasons to be more uniform between species is also an objective. This would allow for addressing youth and severely disabled hunting in one section of the IAC.

Legal Basis (Include whether action is required by statute or court order)

Iowa Code §§ 481A.1, 481A.2, 481A.38, 481A.39, 481A.48, 483A.24

Need for Regulatory Action (Include if applicable how the action will reduce risk to public health, safety, or the environment)

Simplifies the Iowa administrative code by placing all youth and severely disabled hunting regulations into one chapter instead of four and makes the language uniform between species.

Is this action a result of the five year regulatory review? Yes No

Other Affected/Interested Rule Making Authorities

None

Potential Public Groups Impacted

Youth hunters and their mentors.

Schedule: (Actions & month/year)

Submit to Governor’s office for preclearance by September 2017
Notice of Intended Action to be filed by November 2017
Public hearings in January 2018
Final rule to Commission by July 2018

Staff Contact/Phone # Jeff Swearngin 515-971-8136

**DNR REGULATORY AGENDA FOR SFY 2018
FORM FOR REGULATOR ACTION DESCRIPTION**

- Rule Making Authority** Director
 Environmental Protection Commission (EPC)
 Natural Resource Commission (NRC)
 Energy & Geological Resource Division

Title of Regulatory Action Waterfowl and Coot Hunting Seasons
Rule Chapter(s) Involved 571 IAC Chapter 91

Description of Contemplated Regulatory Action (Including, to the extent reasonable and practicable, alternatives to be considered and preliminary estimate of costs and benefits of the Action)
Amends areas closed to Canada goose hunting, alters the September teal season structure, and updates the annual bag limit for ducks and geese to comply with federal regulations.

Legal Basis (Include whether action is required by statute or court order)
Iowa Code sections 481A.2, 481A.5, 481A.6, 481A.38, 481A.39, and 481A.48

Need for Regulatory Action (Include if applicable how the action will reduce risk to public health, safety, or the environment)
Action is proposed to comply with federal regulations and for the responsible management of Iowa's waterfowl populations.

Is this action a result of the five year regulatory review? Yes No

Other Affected/Interested Rule Making Authorities
None (except that migratory birds are subject to federal regulation via the Migratory Bird Treaty Act)

Potential Public Groups Impacted
Iowa hunters, agriculture and tourism groups.

Schedule: (Actions & month/year)
Submit to Governor's office for preclearance by December 2017
Notice of Intended Action to be filed by January 2018
Public hearings in February 2018
Final rule to Commission by April 2018

Staff Contact/Phone # Orrin Jones 641-357-3517

**DNR REGULATORY AGENDA FOR SFY 2018
FORM FOR REGULATOR ACTION DESCRIPTION**

- Rule Making Authority** Director
 Environmental Protection Commission (EPC)
 Natural Resource Commission (NRC)
 Energy & Geological Resource Division

Title of Regulatory Action Nonresident Deer Hunting
Rule Chapter(s) Involved 571 IAC Chapter 94

Description of Contemplated Regulatory Action (Including, to the extent reasonable and practicable, alternatives to be considered and preliminary estimate of costs and benefits of the Action)

- Update method of take to include straight wall cartridge rifles during some seasons
- Clarify non-hunting handgun use for hunters with a permit to carry
- Clarify definition of a legal handgun for use in hunting deer

Legal Basis (Include whether action is required by statute or court order)

Iowa Code sections 481A.2, 481A.38, 481A.39, and 481A.48. House File 475 directs the NRC to adopt administrative rules to implement the changes to the Iowa Code regarding hunting deer with straight wall cartridge rifles.

Need for Regulatory Action (Include if applicable how the action will reduce risk to public health, safety, or the environment)

These updates are needed to bring the nonresident deer hunting rules in line with HF475, signed into law by Governor Branstad on April 13, 2017, to allow the taking of deer with straight wall cartridge rifles.

Is this action a result of the five year regulatory review? Yes No

Other Affected/Interested Rule Making Authorities

None

Potential Public Groups Impacted

Gun dealers, Iowa hunters and tourism groups.

Schedule: (Actions & month/year)

- Submit to Governor's office for preclearance by August 2017
- Notice of Intended Action to be filed by September 2017
- Public hearings in October 2017
- Final rule to Commission by December 2017

Staff Contact/Phone # Chris Ensminger 515-725-8499

**DNR REGULATORY AGENDA FOR SFY 2018
FORM FOR REGULATOR ACTION DESCRIPTION**

- Rule Making Authority** Director
 Environmental Protection Commission (EPC)
 Natural Resource Commission (NRC)
 Energy & Geological Resource Division

Title of Regulatory Action Wild Turkey Spring Hunting
Rule Chapter(s) Involved 571 IAC Chapter 98

Description of Contemplated Regulatory Action (Including, to the extent reasonable and practicable, alternatives to be considered and preliminary estimate of costs and benefits of the Action)
Change the start date for the regular turkey season and move youth season to the Friday, Saturday, Sunday prior to first regular turkey season.

Legal Basis (Include whether action is required by statute or court order)
Iowa Code sections 481A.2, 481A.38, 481A.39, 481A.48, and 483A.7

Need for Regulatory Action (Include if applicable how the action will reduce risk to public health, safety, or the environment)
This rulemaking is needed to manage the state's wild turkey population while providing recreational opportunities for Iowa's sportsmen and women.

Is this action a result of the five year regulatory review? Yes No

Other Affected/Interested Rule Making Authorities
None

Potential Public Groups Impacted
National Wild Turkey Federation and turkey hunters.

Schedule: (Actions & month/year)
Submit to Governor's office for preclearance by December 2017
Notice of Intended Action to be filed by January 2018
Public hearings in February 2018
Final rule to Commission by April 2018

Staff Contact/Phone # Jim Coffey 641-774-2958

**DNR REGULATORY AGENDA FOR SFY 2018
FORM FOR REGULATOR ACTION DESCRIPTION**

- Rule Making Authority** Director
 Environmental Protection Commission (EPC)
 Natural Resource Commission (NRC)
 Energy & Geological Resource Division

Title of Regulatory Action Falconry Regulations _____
Rule Chapter(s) Involved 571 IAC Chapter 101 _____

Description of Contemplated Regulatory Action (Including, to the extent reasonable and practicable, alternatives to be considered and preliminary estimate of costs and benefits of the Action)

The proposed rulemaking will add passage Peregrine Falcon to the list of allowable species for which Iowa DNR will issue state falconer's permits. This permit shall only apply to the take of a passage Peregrine Falcon (i.e., not one born in Iowa).

Legal Basis (Include whether action is required by statute or court order)

Iowa Code section 481A.48(2) and Iowa Code Chapter 484A

Need for Regulatory Action (Include if applicable how the action will reduce risk to public health, safety, or the environment)

The DNR has been asked to add Peregrine Falcons to the list of allowable species in 571 IAC Chapter 101. The Mississippi Flyway Council has issued federal permits for this purpose. Iowa's permit quotas currently go to other states since the administrative rules have not yet been updated. This rule would allow Iowa's falconers to include Peregrine Falcons as one of their options.

Is this action a result of the five year regulatory review? Yes No

Other Affected/Interested Rule Making Authorities

None

Potential Public Groups Impacted

Iowa Falconers (currently 51 people have permits for various species included in 571 IAC 101), Iowa Audubon, Sierra Club and Iowa Ornithologists' Union.

Schedule: (Actions & month/year)

Submit to Governor's office for preclearance by August 2017
Notice of Intended Action to be filed by September 2017
Public hearings in October 2017
Final rule to Commission by December 2017

Staff Contact/Phone # Karen Kinkead 515-423-2823 ext 115

**DNR REGULATORY AGENDA FOR SFY 2018
FORM FOR REGULATOR ACTION DESCRIPTION**

- Rule Making Authority** Director
 Environmental Protection Commission (EPC)
 Natural Resource Commission (NRC)
 Energy & Geological Resource Division

Title of Regulatory Action Wildlife Importation, Transportation, and Disease Monitoring
Rule Chapter(s) Involved 571 IAC Chapter 104

Description of Contemplated Regulatory Action (Including, to the extent reasonable and practicable, alternatives to be considered and preliminary estimate of costs and benefits of the Action)
Prohibit the importation of any cervid carcass from a chronic wasting disease positive area into Iowa.
However, deboned meat, skull plates, capes, and antlers may be imported.

Legal Basis (Include whether action is required by statute or court order)
Iowa Code sections 456A.23, 481A.23, and 481A.47

Need for Regulatory Action (Include if applicable how the action will reduce risk to public health, safety, or the environment)
Action is proposed to ensure the responsible management of Iowa's wild white-tailed deer population to better prevent the importation of contagious and fatal diseases into Iowa.

Is this action a result of the five year regulatory review? Yes No

Other Affected/Interested Rule Making Authorities
None

Potential Public Groups Impacted
Iowa sportsmen and women.

Schedule: (Actions & month/year)
Submit to Governor's office for preclearance by December 2017
Notice of Intended Action to be filed by January 2018
Public hearings in February 2018
Final rule to Commission by April 2018

Staff Contact/Phone # Chris Ensminger 515-725-8499

**DNR REGULATORY AGENDA FOR SFY 2018
FORM FOR REGULATOR ACTION DESCRIPTION**

- Rule Making Authority** Director
 Environmental Protection Commission (EPC)
 Natural Resource Commission (NRC)
 Energy & Geological Resource Division

Title of Regulatory Action Deer Hunting by Residents

Rule Chapter(s) Involved 571 IAC Chapter 106

Description of Contemplated Regulatory Action (Including, to the extent reasonable and practicable, alternatives to be considered and preliminary estimate of costs and benefits of the Action)

Annual updates to deer hunting seasons, antlerless quotas, and method of take.

Legal Basis (Include whether action is required by statute or court order)

Iowa Code sections 481A.2, 481A.38, 481A.39, and 481A.48

Need for Regulatory Action (Include if applicable how the action will reduce risk to public health, safety, or the environment)

Annual action is required to manage Iowa's deer population at levels consistent with Deer Study Advisory Group recommendations.

Is this action a result of the five year regulatory review? Yes No

Other Affected/Interested Rule Making Authorities

None

Potential Public Groups Impacted

Hunters, agricultural, and tourism groups are all potentially impacted.

Schedule: (Actions & month/year)

Submit to Governor's office for preclearance by January 2018

Notice of Intended Action to be filed by February 2018

Public hearings in March 2018

Final rule to Commission by May 2018

Staff Contact/Phone # Chris Ensminger 515-725-8499

**DNR REGULATORY AGENDA FOR SFY 2018
FORM FOR REGULATOR ACTION DESCRIPTION**

Rule Making Authority Director
 Environmental Protection Commission (EPC)
 Natural Resource Commission (NRC)
 Energy & Geological Resource Division
 Mink, Muskrat, Raccoon, Badger, Opossum, Weasel, Striped Skunk, Fox, Beaver,
Title of Regulatory Action Coyote, River Otter, Bobcat, Gray Wolf, and Spotted Skunk Seasons
Rule Chapter(s) Involved 571 Iowa Administrative Code Chapter 108

Description of Contemplated Regulatory Action (Including, to the extent reasonable and practicable, alternatives to be considered and preliminary estimate of costs and benefits of the Action)
 Liberalize the current bobcat harvest season regulations by increasing the size of the bobcat harvest zone by adding ten counties, and possibly raising the bobcat possession limit of one bobcat per furharvester up to two bobcats per furharvester.

Legal Basis (Include whether action is required by statute or court order)
 Iowa Code sections 481A.6, 481A.38, 481A.39, 481A.87, and 481A.90.

Need for Regulatory Action (Include if applicable how the action will reduce risk to public health, safety, or the environment)
 Survey data, harvest rates and field reports indicate a trend of increasing bobcat population and range expansion in Iowa. It is our belief that providing furharvesters expanded harvest opportunities will not have a negative impact on Iowa’s bobcat population.

Is this action a result of the five year regulatory review? Yes No

Other Affected/Interested Rule Making Authorities
 None

Potential Public Groups Impacted
 Iowa Trappers Association and Iowa hunting and trapping groups.

Schedule: (Actions & month/year)
 Submit to Governor’s office for preclearance by December 2017
 Notice of Intended Action to be filed by January 2018
 Public hearings in February 2018
 Final rule to Commission by March 2018

Staff Contact/Phone # Vince Evelsizer, Iowa DNR Furbearer Biologist, 641-357-3517

**DNR REGULATORY AGENDA FOR SFY 2018
FORM FOR REGULATOR ACTION DESCRIPTION**

- Rule Making Authority** Director
 Environmental Protection Commission (EPC)
 Natural Resource Commission (NRC)
 Energy & Geological Resource Division

Title of Regulatory Action Reduce Caught Animals to Possession or Release

Rule Chapter(s) Involved 571 Chapter 110

Description of Contemplated Regulatory Action (Including, to the extent reasonable and practicable, alternatives to be considered and preliminary estimate of costs and benefits of the Action)

A requirement that caught animals will be either reduced to possession (killed) or released will be added to rule 571 IAC 110.5 - Removal of Animals from Traps and Snares.

Legal Basis (Include whether action is required by statute or court order)

Iowa Code §§ 481A.1, 481A.2, 481A.38, 481A.39, 481A.87, 483A.23

Need for Regulatory Action (Include if applicable how the action will reduce risk to public health, safety, or the environment)

Language requiring that animals caught in traps or snares be either reduced to possession (killed) or released is needed to prevent animals from being taken home alive. The legal requirements for both options will be clarified.

Is this action a result of the five year regulatory review? Yes No

Other Affected/Interested Rule Making Authorities

None

Potential Public Groups Impacted

Trappers

Schedule: (Actions & month/year)

Submit to Governor's office for preclearance by October 2017

Notice of Intended Action to be filed by December 2017

Public hearings in February 2018

Final rule to Commission by August 2018

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