

IOWA DEPARTMENT OF NATURAL RESOURCES

LEADING IOWANS IN CARING FOR OUR NATURAL RESOURCES

Waste Roundtable Mike Sullivan Iowa Department of Natural Resources 2024 Environmental Technical Conference – Midwest A&WMA Lenexa, KS May 7, 2024

DNR Update

- Staffing Updates
- DNR New Office Location
- Executive Order 10
 - Introduction
 - Goals and Objectives
 - Schedules
 - Workgroups
 - Individual Chapters/Divisions
- Other Items

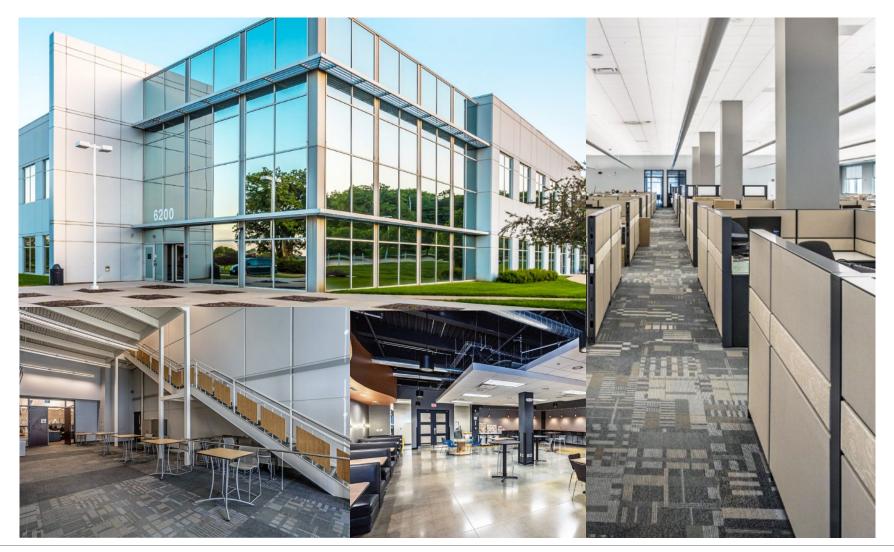


Staffing Updates

- Bill Blum Retirement (February 29, 2024)
 - Financial Assurance → Solid Waste Vacancy (Temporarily Send to Mike Sullivan and Becky Jolly)
 - − Bottle Bill \rightarrow Solid Waste Vacancy
 - − Iowa Waste Exchange \rightarrow Reid Bermel (FABA)
 - Tax Certification of Pollution Control or Recycling Property → Laurie Rasmus (FABA)
- Matt Graesch Promotion (July 21, 2023)
 - Petroleum Contaminated Soil (Landfarming) \rightarrow Brad Davison
 - Closed Landfill Sites \rightarrow Brad Davison, Mike Smith, and Brian Rath
- Brad Davison (October 2, 2023)
 - 0.5 FTE for Solid Waste
 - 0.5 FTE for Contaminated Sites



DNR New Office Location





DNR New Office Location

- Wallace State Office Building (502 E 9th St, Des Moines, IA 50319) → 6200 Park Ave, Des Moines, IA 50321
- Department of Inspections, Appeals, and Licensing (DIAL) is Has Moved to 6200 Park Ave
- DNR Staff started moving April 1, 2024. Most staff have moved by May 1, 2024.
- All DNR Staff (Environmental Services, Conservation and Recreation, and Director's Office) will be on 2nd Floor of Building
- DNR will Continue to Have Access to Wallace Building for 30+ Days After Move
- USPS Mail will Transition to 6200 Park Ave Notification will Occur to Stakeholders when Change in Postal Address should Occur
- Solid Waste Staff Phone Numbers All Cell Phones (No Changes)



Executive Order 10: Introduction

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- All Chapters will Either be Rescinded or Rescinded and Replaced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



EXECUTIVE ORDER NUMBER TEN

- WHEREAS, over several decades the proliferation of administrative rules and regulations at all levels of government has imposed high costs on employers, inhibited job growth, impeded private sector investment, and increased the complexity and expense of economic life;
- WHEREAS, reducing this regulatory burden on lowans will promote citizens' freedom to engage in individual, family, and business pursuits;
- WHEREAS, the Iowa Administrative Code contains over 20,000 pages and 190,000 restrictive terms;
- WHEREAS, a comprehensive evaluation of existing administrative rules is essential to determine the necessity and effectiveness of those rules in light of national economic headwinds facing lowars;
- WHEREAS, obsolete, ineffective, excessively burdensome, or redundant administrative rules and regulations should be repealed;
- WHEREAS, rulemaking authority is derived from and limited by the authority delegated to executive agencies by the general assembly;
- WHEREAS, an administrative rulemaking moratorium will permit the Administrative Rules Coordinator and executive agencies to devote resources to a comprehensive evaluation and rigorous coch-benefit analysis of existing administrative rules; and
- WHEREAS, wherever possible, and without compromising the health and safety of lowans, this review should result in the elimination or simplification of unnecessary or unduly burdensome rules and regulations.
- NOW, THEREFORE, I, Kim Reynolds, Governor of the State of Iowa, by virtue of the authority vested in me by the Constitution and laws of this state, do hereby order the following:

PROCESS FOR REVIEW OF EXISTING RULES

- Each rule chapter of the Iowa Administrative Code effective on January 1, 2023 shall be reviewed by the agency, board, or commission that promulgated the rule according to a schedule established by the Administrative Rules Coordinator (ARC) as follows:
 - A. All rule chapters shall be reviewed and, if applicable, be promulgated as specified in this Executive Order no later than December 31, 2026;
 - 3. The agency review schedule shall be staggered across agencies. The ARC shall ensure the volume of rules that are reviewed by the agencies in any given year is such that the public can engage and provide meaningful input in any individual rulemaking; and
 - C. The agency review schedule shall be posted on the Governor's website as well as the agency's website no later than March 1, 2023.

After issuing the rule report under Part III of this Executive Order, each agency must publish a notice of intended action in accordance with the provisions of the Iowa Administrative Procedure Act to repeal the existing rule chapter by the agency review date

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II.



Executive Order 10: Goals and Objectives

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

I. An agency wishing to renew a rule chapter beyond the agency review date must promulgate a new rulemaking in accordance with the following requirements in addition to the provisions of the lowa Administrative Procedure Act:

- A. The agency, board, or commission must perform a retrospective analysis that includes a comprehensive evaluation and rigorous cost-benefit analysis of cash existing administrative rule to determine whether the benefits is the rule is intended to achieve are being realized, whether those benefits justify the costs of the rule, and whether threar eless restrictive alternatives to accomplish those benefits. This analysis should be guided by the statutory language giving the agency, board, or commission the authority to promulgate the rule.
- The ARC, with the assistance of the Department of Management (DOM), shall develop a standardized process for the required retrospective analysis. Any such forms shall be posted on the website of DOM no later than March 1, 2023.
- ii. Agencies, boards, and commissions should start the new rulemaking from a zero-base and not seek to reauthorize an existing rule chapter without a critical and comprehensive review. Agencies, boards, and commissions must use the retrospective analysis to guide which regulations, if any, should be re-promulgated in order to carry out the statutory language giving the agency, board, or commission the authority to promulgate the rulemaking. The agency, board, or commission atla l remove obsolete, outdated, insonesstent, incompatible, redundant, or unnecessary language, including instances where rule language is duplicative of statutory language.
- iii. The agency, board, or commission shall submit a rule report to the ARC by September 1 of the year of the agency review date. The rule report shall contain the retrospective analysis of the rule chapter, a list of rules the agency, board, or commission proposes to repeal and not re-promulgate. and a list of rules the agency, board, or commission proposes to re-promulgate.
- B. The agency, board, or commission must publish a notice of intended action and hold at least two public hearings designed to maximize public participation in the rulemaking process. A copy of the retrospective analysis must be published on the agency's website prior to the public hearings.
- C. Each new rule chapter finalized by the agency must reduce the overall regulatory burden, or remain neutral, as compared to the previous rule chapter.
- D. All proposed amendments to an existing chapter must be contained within a single rulemaking.

PROCESS FOR NEW AND AMENDED RULES

To create a more stable regulatory environment and provide businesses with certainty, there is a moratorium on rulemaking. State agencies shall not initiate, by filing a notice of intended action or an adopted and filed emergency, any new rulemaking from February 1, 2023 through the agency review date established by the ARC, unless the agency is directed by the ARC to take a rulemaking action or all of the following conditions apply and the rulemaking is precleared by the ARC:

- A. The rulemaking is narrowly-tailored to achieve one or more of the following objectives:
 - i. To reduce or remove a regulatory burden, including reducing restrictive terms;
 - ii. To remove obsolete, outdated, inconsistent, incompatible, redundant, or unnecessary regulations, including instances where rule language is duplicative of statutory language;
 - iii. To comply with a new statutory requirement, court order, or federal mandate where no waiver is permitted;
 - iv. To prevent a substantiated and well-documented threat to public health, peace, or safety;

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IV.



Executive Order 10: DNR Schedule

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

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

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

• 2024 (Water Quality)

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

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

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

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

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

v. To reduce state spending

- vi. To repeal a rule chapter as specified in Part II of this Executive Order; or
- vii. To re-promulgate a rule chapter as specified in Part III of this Executive Order.
- B. The agency completes a regulatory analysis of the new or amended rulemaking containing the items listed in section 17A.4A(2) of the Iowa Code and complies with the following:
 - At least one public hearing is conducted on the regulatory analysis prior to final publication on the agency's website.
 - A copy of the final regulatory analysis must be published on the agency's website prior to submission of the rulemaking to the ARC for preclearance.
- Emergency rules shall be limited to those that are intended to avoid an immediate danger or are required to meet a specific deadline specified in statute, a court order, or by this Executive Order or the ARC.

IMPLEMENTATION AND INTERPRETATION

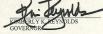
- VI. This Executive Order applies to all departments, agencies, boards, or commissions that have promulgated rules contained within the Iowa Administrative Code but does not apply to statewide constitutional officers or rules promulgated under the authority of those officers.
- VII. This Executive Order shall be interpreted in accordance with all applicable laws and regulations and shall not supersed any laws or regulators in place as of its effective date. If any provision of this Executive Order is found to be invalid, unenforceable, or otherwise contrary to applicable law, then the remaining provisions of this Executive Order, as applied to any person or circumstance, shall continue in full force and effect and shall not be affected by such finding or invalidity or unenforceability.
- VIII. This Executive Order does not create any right or benefit, substantive or procedural, enforceable at law or in equity, by any party against the State of Iowa, its departments, agencies, or political subdivisions, or its officers, employees, agents, or any other persons.

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IX. This Executive Order shall apply prospectively only as of its effective date.



IN TESTIMONY WHEREOF, I HAVE HEREUNTO SUBSCRIBED MY NAME AND CAUSED THE GREAT SEAL OF THE STATE OF IOWA TO BE AFFIXED AT DES MOINES, JOWA THIS TENTH DAY OF JANUARY IN THE YEAR OF OUR LORD TWO THOUSAND_TWENTY-THREE.



ATTEST:

SECRETARY OF STATE



Executive Order 10: Air Quality Bureau Schedule

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



Executive Order 10: Water Quality Bureau Schedule

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



Executive Order 10: Solid Waste and FABA Schedule

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



Executive Order 10: Chapter Structure and Key Changes

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

Proposed Chapter Structure

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



Executive Order 10: Landfill Workgroup

- Consolidation of CCR (Chapter 103), MSWLF (Chapter 113), C&D (Chapter 114), and Industrial Monofills (Chapter 115) in Divisions I, II, II, and IV of (New) Chapter 101 – Sanitary Disposal Projects
- Status: Workgroup formed. Initial Meeting Planned for April 30 2024. Tentatively Planning to Meet ~Every 6 Weeks

Landfill - Chapters 103, 113, 114 & 115

Lead: Brian Rath, DNR 515-537-

4051 Brian.Rath@dnr.iowa.gov

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



Executive Order 10: Comprehensive Planning Workgroup

- Consolidation of Comprehensive Planning – Chapter 101 and EMS – Chapter 111 in (New) Chapter 104 – Comprehensive Planning/Waste Flow/EMS Reporting
- Status: Workgroup formed. Initial meeting held April 15, 2024.

Comprehensive Planning - Chapters 101 & 111

Lead: Laurie Rasmus, 515-474-4921

Laurie.Rasmus@dnr.iowa.gov

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



Executive Order 10: Beneficial Use Workgroup

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

Beneficial Use - Chapter 108

Lead: Chad Stobbe, DNR 515-201-8272 Chad.Stobbe@dnr.iowa.gov

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



Executive Order 10: Compost Workgroup

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

Composting - Chapter 105

Lead: Theresa Stiner, DNR 515-721-7979 Theresa.Stiner@dnr.iowa.gov

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



Other Items

- PFAS SDWA Final MCL
 - PFOA and PFOS, 4.0 ppt
 - PFNA, PFHxS, and HFPO-DA (GenX Chemicals), 10 ppt
 - Mixture of two or more, PFNA, PFHxS, HFPO-DA, and PFBS, Hazard Index of 1.
- PFAS CERCLA Hazardous Substance
 - PFOA and PFOS Designation as Hazardous Substances
- PFAS Draft Rulemaking RCRA Hazardous Constituents
 - Perfluorooctanoic acid, Perfluorooctanesulfonic acid, Perfluorobutanesulfonic acid, Hexafluoropropylene oxide-dimer acid, Perfluorononanoic acid, Perfluorohexanesulfonic acid, Perfluorodecanoic acid, Perfluorohexanoic acid, and Perfluorobutanoic acid.
- Solid Waste Newsletter





IOWA DEPARTMENT OF NATURAL RESOURCES

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https://www.iowadnr.gov/Environmental-Protection/Land-Quality/Solid-Waste

EO10 Questions <u>eo10_solidwaste@dnr.iowa.gov</u>

