

Agenda

Environmental Protection Commission

Tuesday, October 15, 2024

Teleconference: 631-618-4607 PIN: 484 733 354#

Video Conference: <https://meet.google.com/rzo-uidn-tvg>

6200 Park Ave, Des Moines, IA 50321

Walnut Woods Conference Room

Tuesday, October 15, 2024

10:00 AM – EPC Business Meeting

If you are unable to attend the business meeting, comments may be submitted for public record to Alicia Plathe at Alicia.Plathe@dnr.iowa.gov or 6200 Park Ave, Des Moines IA 50321 up to 24 hours prior to the business meeting.

1	Approval of Agenda	
2	Approval of the Minutes	
3	Monthly Reports	Ed Tormey (Information)
4	Director's Remarks	Kayla Lyon (Information)
5	Contract with AECOM Technical Services, Inc.-Secretary of Interior Certified Architectural Historian Services	Jerah Sheets (Decision)
6	Contract with Edge Consulting Engineers, Inc.-Secretary of Interior Certified Archaeology Services	Jerah Sheets (Decision)
7	Environmental Management System (EMS) Program Fiscal Year 2024 Annual Report	Laurie Rasmus (Information)
8	Contract Amendment with Gresham Smith-EMS Program Professional Services	Laurie Rasmus (Decision)
9	Contract Amendment with enfoTech & Consulting, Inc.-System Maintenance and Support for Iowa EASY Air	Wendy Walker (Decision)
10	Contract with Linn County-Ambient Air Monitoring	Wendy Walker (Decision)
11	Contract with Polk County-Ambient Air Monitoring	Wendy Walker (Decision)
12	2025 EPC Meeting Recommendations	Ed Tormey (Decision)
13	Referral to the Attorney General-Montipark L.L.C. and William Shadbolt	Bradley Adams (Decision)
14	General Discussion	
15	Upcoming Meetings	
	<ul style="list-style-type: none">• Tuesday, November 19, Des Moines• Tuesday, December 17, Des Moines	

For details on the EPC meeting schedule, visit <http://www.iowadnr.gov/About-DNR/Boards-Commissions>

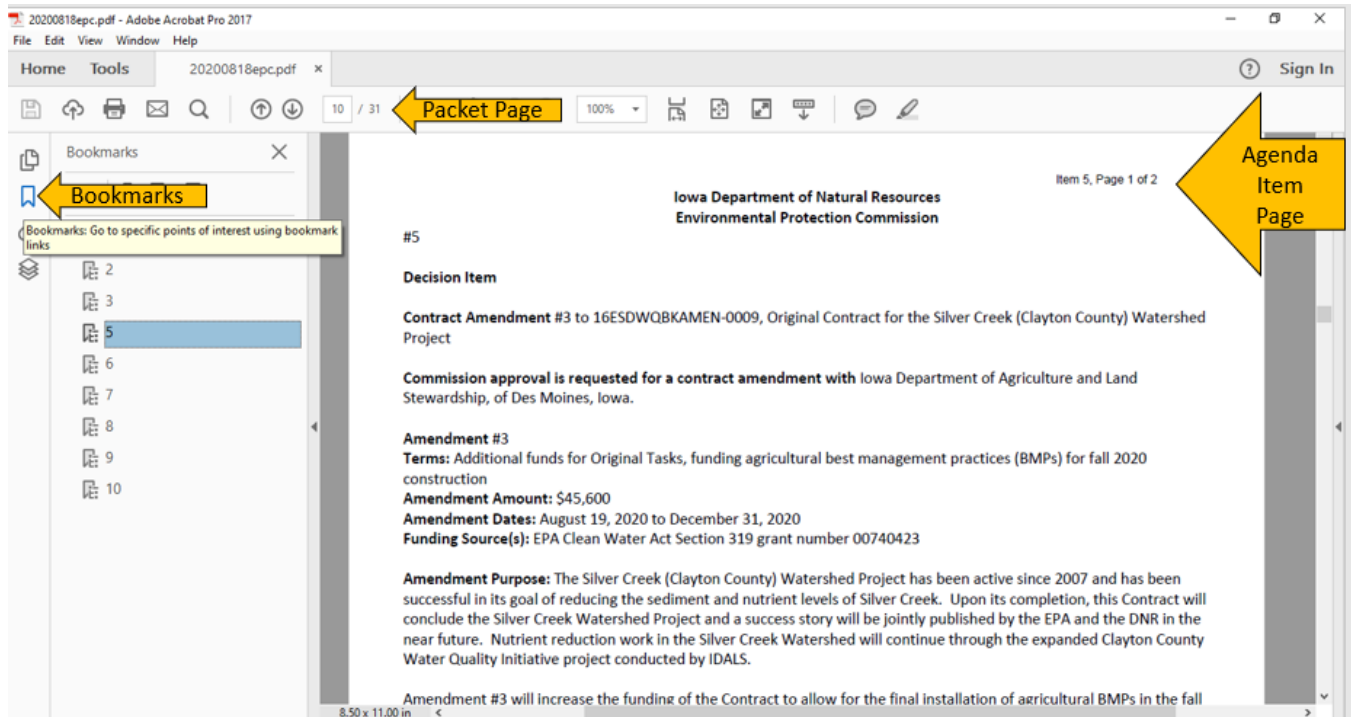
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¹Comments during the public participation period regarding proposed rules or notices of intended action are not included in the official comments for that rule package unless they are submitted as required in the Notice of Intended Action.

Any person with special requirements such as those related to mobility or hearing impairments who wishes to participate in the public meeting should promptly contact the DNR or ADA Coordinator at 515-725-8200, Relay Iowa TTY Service 800-735-7942, or Webmaster@dnr.iowa.gov to advise of specific needs.

Utilize bookmarks to transition between agenda items or progress forwards and backwards in the packet page by page with the Packet Page number on the agenda.

The upper right-hand corner will indicate the Agenda Item Number and the page of the agenda item.



**MINUTES OF THE
ENVIRONMENTAL PROTECTION COMMISSION
MEETING**

September 17, 2024

**Video Teleconference
and
6200 Park Ave.**

Approved by the Commission **TBD**

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Meeting Minutes

CALL TO ORDER

The meeting of the Environmental Protection Commission (Commission or EPC) was called to order by Chairperson Mark Stutsman at 10:00 am on September 17, 2024 via video/teleconference attendees.

COMMISSIONERS PRESENT

- Patricia Foley
- Rebecca Dostal
- Roger Zylstra
- Lisa Gochenour
- Kyle Tobiason
- Jim Christensen
- Mark Stutsman
- Amy Echard
- Harold Hommes

COMMISSIONERS ABSENT

- Lisa Gochenour

APPROVAL OF AGENDA

Motion was made by Rebecca Dostal to approve the item as presented. Seconded by Roger Zylstra.

The Chairperson asked for the Commissioners to approve the agenda by saying aye. There were no nay votes.

APPROVED AS PRESENTED

APPROVAL OF MINUTES

Motion was made by Patricia Foley to approve the item as presented. Seconded by Jim Christensen.

The Chairperson asked for the Commissioners to approve the Minutes of the August 20, 2024 meeting by saying aye. There were no nay votes.

APPROVED AS PRESENTED

MONTHLY REPORTS

- Division Administrator Ed Tormey introduced General Counsel Tamara McIntosh to provide an update on the 2024 EO10 Rules of the Commission. General Counsel McIntosh announced that all regulatory analyses have been published on the Department website, which include the new proposed set of rules and a cost analysis for each chapter. She also highlighted that the Department is actively taking public comment through a formal engagement process through the end of September. General Counsel McIntosh mentioned that she expects the Notices of Intended Action to be presented at the Commission meeting in November. General Counsel McIntosh finalized her update with an outlook for EO10 in calendar year 2025.

INFORMATION

DIRECTOR'S REMARKS

- Director Lyon started her remarks by providing a wrap up of the 2024 Iowa State Fair, highlighting the success of the water quality focused updates to the courtyard. Director Lyon noted the record attendance at the State Fair and mentioned that the Department estimates that at least 10% of all fairgoers visited the DNR building.

- Director Lyon provided updates on the flood recovery throughout the state. She reported that the majority of Iowa’s drinking water and wastewater facilities affected in the flood are back to full operations. Director Lyon noted the Department’s focus on surveying the Iowa Great Lakes’ shoreline affected by flooding.

FY 2026 BUDGET REQUEST

Jennifer Nelson presented the FY 2026 budget request for the Department. Mrs. Nelson responded to questions related to inflation and managing a status quo budget and next steps in the budget process.

Public Comments – None

Written Comments – None

INFORMATION

ENVIRONMENTAL PROTECTION COMMISSION BIENNIAL REPORT

Amy Echard presented the Environmental Protection Commission Biennial Report for Commission approval. Commissioners thanked Amy Echard and Patricia Foley for their hard work developing the report.

Public Comments – None

Written Comments – None

Motion was made by Harold Hommes to approve the item as presented. Seconded by Rebecca Dostal.

Amy Echard-aye, Roger Zylstra-aye, Harold Hommes-aye, Lisa Gochenour-absent, Rebecca Dostal-aye, Kyle Tobiason-aye, Patricia Foley-aye, Mark Stutsman-aye. Motion passes.

APPROVED AS PRESENTED

CONTRACT WITH THE IOWA DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP (IDALS) (BIG HOLLOW LAKE PROJECT)

Miranda Haes requested Commission approval for a contract with IDALS to assist the water quality goals of the Big Hollow Lake Project. Ms. Haes answered questions regarding landowner investment requirements and the types of eligible practices available for funding. Ms. Haes also discussed factors that affect the number of years a project is funded. She also discussed measures and data used to show progress in funded projects.

Public Comments – None

Written Comments – None

Motion was made by Amy Echard to approve the item as presented. Seconded by Patricia Foley.

Amy Echard-aye, Roger Zylstra-aye, Harold Hommes-aye, Lisa Gochenour-absent, Rebecca Dostal-aye, Kyle Tobiason-aye, Patricia Foley-aye, Mark Stutsman-aye. Motion passes.

APPROVED AS PRESENTED

CONTRACT WITH THE IOWA DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP (IDALS) (YELLOW RIVER HEADWATERS WATER QUALITY PROJECT)

Miranda Haes requested Commission approval for a contract with IDALS to assist the water quality goals of the Yellow River Headwaters Water Quality Project. Sophia Cambell, project coordinator, joined Ms. Haes to respond to questions on future opportunity with agriculture facility improvements within the Yellow River Headwaters watershed.

Public Comments – None

Written Comments – None

Motion was made by Rebecca Dostal to approve the item as presented. Seconded by Patricia Foley.

Amy Echard-aye, Roger Zylstra-aye, Harold Hommes-aye, Lisa Gochenour-absent, Rebecca Dostal-aye, Kyle Tobiason-aye, Patricia Foley-aye, Mark Stutsman-aye. Motion passes.

APPROVED AS PRESENTED

CONTRACT WITH THE IOWA DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP (IDALS) (PROTECT DRY RUN CREEK WATERSHED IMPROVEMENT PROJECT)

Miranda Haes requested Commission approval for a contract with IDALS to assist the water quality goals of the Protect Dry Run Creek Watershed Improvement Project. Josh Balk, DNR watershed coordinator, discussed how projects are determined to be continued or completed, which include factors such as landowner interest and the status of water quality goals in the watershed. For the Protect Dry Run Creek Watershed Improvement Project, the goal is to get the water body delisted prior to finalizing the project. Commissioners also discussed how watershed projects are chosen for 319 funding.

Public Comments – None

Written Comments – None

*Motion was made by Jim Christensen to approve the item as presented. Seconded by Patricia Foley.
Amy Echard-aye, Roger Zylstra-aye, Harold Hommes-aye, Lisa Gochenour-absent, Rebecca Dostal-aye, Kyle Tobiason-aye, Patricia Foley-aye, Mark Stutsman-aye. Motion passes.*

APPROVED AS PRESENTED

SUBRECIPIENT AGREEMENT WITH IOWA STATE UNIVERSITY (ISU), CONSERVATION LEARNING GROUP (CLG)-SOCIAL SCIENTIFIC RESEARCH PROGRAM

Steve Konrady requested Commission approval for a subrecipient agreement with ISU CLG for a project with the social scientific research program to gauge interest in monarch and migratory pollinator species conservation.

Public Comments – None

Written Comments – None

*Motion was made by Patricia Foley to approve the item as presented. Seconded by Roger Zylstra.
Amy Echard-aye, Roger Zylstra-aye, Harold Hommes-aye, Lisa Gochenour-absent, Rebecca Dostal-aye, Kyle Tobiason-aye, Patricia Foley-aye, Mark Stutsman-aye. Motion passes.*

APPROVED AS PRESENTED

CONTRACT WITH THE STATE HYGIENIC LABORATORY (SHL) AT THE UNIVERSITY OF IOWA-DRINKING WATER ANALYSIS FOR PFAS REGULATION

Kathy Lee requested Commission approval for a contract with SHL at the University of Iowa for drinking water testing for PFAS at small water supplies. These water supplies can volunteer to do this sampling and the Department will pick up the expenses. This testing is an important step in the period prior to the state adopting the new PFAS MCLs. Ms. Lee notified Commissioners what would happen if there is a PFAS detect through the testing process and options for remediation if a detect is found.

Public Comments – None

Written Comments – None

*Motion was made by Harold Hommes to approve the item as presented. Seconded by Amy Echard.
Amy Echard-aye, Roger Zylstra-aye, Harold Hommes-aye, Lisa Gochenour-absent, Rebecca Dostal-aye, Kyle Tobiason-aye, Patricia Foley-aye, Mark Stutsman-aye. Motion passes.*

APPROVED AS PRESENTED

CLEAN WATER (CWSRF) AND DRINKING WATER STATE REVOLVING LOAN (DWSRF) FUND-FY 2025 INTENDED USE PLANS SECOND QUARTER IUP UPDATE

Theresa Enright requested Commission approval for the intended use plans second quarter IUP update for FY 2025 CWSRF and DWSRF. Ms. Enright answered questions regarding the origin of funding and how funding fits in the

Department budget. Ms. Enright also explained how SRF funding may be an avenue for funding for PFAS remediation projects in the future.

Public Comments – None

Written Comments – None

Motion was made by Roger Zylstra to approve the item as presented. Seconded by Rebecca Dostal.

Amy Echard-aye, Roger Zylstra-aye, Harold Hommes-aye, Lisa Gochenour-absent, Rebecca Dostal-aye, Kyle Tobiason-aye, Patricia Foley-aye, Mark Stutsman-aye. Motion passes.

APPROVED AS PRESENTED

CONTRACT WITH UNITED STATES GEOLOGICAL SURVEY (USGS)-CENTRAL MIDWEST WATER SCIENCE CENTER-COLLECTION OF REAL-TIME SURFACE WATER FLOW AND WATER QUALITY CONCENTRATIONS

Dan Kendall requested Commission approval for a contract with USGS Central Midwest Water Science Center for the collection of real-time surface water flow and water quality concentrations.

Public Comments – None

Written Comments – None

Motion was made by Kyle Tobiason to approve the item as presented. Seconded by Rebecca Dostal.

Amy Echard-aye, Roger Zylstra-aye, Harold Hommes-aye, Lisa Gochenour-absent, Rebecca Dostal-aye, Kyle Tobiason-aye, Patricia Foley-aye, Mark Stutsman-absent. Motion passes.

APPROVED AS PRESENTED

GENERAL DISCUSSION

Roger Zylstra made a motion to go into closed session pursuant Iowa Code section 21.5(1)(c) to discuss strategies with counsel regarding matters that are presently in litigation or where litigation is imminent where its disclosure would be likely to prejudice or disadvantage the position of the government body in that litigation. The motion was seconded by Patricia Foley.

Amy Echard-aye, Roger Zylstra-aye, Harold Hommes-aye, Lisa Gochenour-absent, Rebecca Dostal-aye, Kyle Tobiason-aye, Patricia Foley-aye, Mark Stutsman-absent. Motion passes.

When Commissioners returned to open session, Commissioners discussed the time and location of the next two business meetings.

ADJOURN

Chairperson Mark Stutsman adjourned the Environmental Protection Commission meeting at 12:50 pm on September 17, 2024.

ADJOURNED

**Monthly Waiver Report
September 2024**

Item #	DNR Reviewer	Facility/City	Program	Subject	Decision	Date	Agency
1	Karen Kuhn	Feed Energy	Air Quality Construction Permits	Waiver of Initial Stack Test Requirement.	Approved	9.4.24	24aqw159
2	Jaeyoung Park	City of Donahue	CP Wastewater	The City of Donahue is requesting variance from the Iowa Design Standard Chapter 13 - 13.4.3 (Pump Openings) for installing a submersible lift station with pump that do not have the capability to pass a 3-inch solid.	Approved	9.5.24	24cpw160
3	John Curtin	Grain Processing Corporation	Air Quality Construction Permits	Waiver of Initial Stack Test Requirement for equipment used to packaging maltrin.	Approved	9.5.24	24aqw161
4	Susan Johnson	Des Moines County Sanitary Landfill	Solid Waste	A waiver to the pretreatment requirements for petroleum contaminated soil (PCS) outlined in IAC567-109.11(2)d-i. The waiver, if granted, will allow PCS to be incorporated into the landfill active area.	Approved	9.10.24	24sdw162
5	Jasmine Bootman	City of Pella Wastewater Treatment Plant	Air Quality Construction Permits	Waiver of Initial Stack Test Requirement.	Approved	9.11.24	24aqw163
6	jin Zulic	IPL - Ottumwa Generating Station	Air Quality Construction Permits	Waiver of Initial Stack Test Requirement.	Approved	9.11.24	24aqw164
7	Jessica Ragsdale, Erik Day, Kelli Book	Paul Stempfle	AFO	Well separation distance to a confinement and open lots is not met. Topography is such that any nutrients move SE of the well.	Approved	9.11.24	24cpw165
8	Mark Fields	Valero Renewables - Hartley	Air Quality Construction Permits	Lower the CO2 scrubber chemical additive and water rates during start up and shutdown of the plant below permit allowed.	Approved	9.10.24	24aqw166
9	Nate Tatar	Iowa Steel Fabricators, LLC	Air Quality Construction Permits	Waiver of Initial Stack Test Requirement.	Approved	9.17.24	24aqw167
10	John Curtin	Viserion Grain, LLC	Air Quality Construction Permits	Waiver of Initial Stack Test Requirement.	Approved	9.16.24	24aqw168
11	Karen Kuhn	Bertch Cabinet LLC - Jesup	Air Quality Construction Permits	Waiver of Initial Stack Test Requirement.	Approved	9.18.24	24aqw169
12	Jasmine Bootman	Knife River Midwest, LLC - PP-29-000	Air Quality Construction Permits	Waiver of Initial Stack Test Requirement.	Approved	9.18.24	24aqw170
13	Michael Hermsen	Hearth & Home Technologies, LLC	Air Quality Construction Permits	Waiver of Initial Stack Test Requirement.	Approved	9.18.24	24aqw171
14	Keith Wilken	Richard Carroll Certification Number 1562	Underground Storage Tank Section	Per 567 IAC Chapter 134.11(3), an UST Compliance Inspector is required to conduct at least 12 compliance inspections to renew their certification. Richard Carroll has not met this requirement and is requesting a waiver.	Denied	9.24.24	24utw172
15	Fields, Book, Garza and Manz	Weehler Farms (Dick's Place)	Animal Feeding Operation	Open feedlot barn is approximately 50 feet from a shallow livestock well. Owner requested variance from the 200' minimum distance.	Denied	9.24.24	24cpw173
16	Susan Johnson	Waste Commission of Scott County	Land Quality Bureau	Chapter 109.10(2)a prohibits the landfilling of Class I or II Sewage sludge, and shall be land applied in accordance with 567—Chapter 67. The landfill wishes to be a backup for the wastewater plant on occasion.	Approved	9.24.24	24sdw174

**IOWA DEPARTMENT OF NATURAL RESOURCES
LEGAL SERVICES BUREAU**

DATE: October 2024
TO: Environmental Protection Commission
FROM: Tamara McIntosh
SUBJECT: Attorney General Referrals (July 2024 – Sept 2024)

Name, Location and Region Number	Program	Alleged Violation	DNR Action	Status	Date
City of Sioux City	Wastewater	Inadequate wastewater treatment	Referred to Attorney General	Referred Petition Filed Answer Filed by City Discovery Served Trial set for May 2023 continued; Trial set for April 23, 2024, continued Motion to Compel filed for discovery; resolved 12/14/23 Trial set for April 29, 2025	6/27/16 1/07/22 2/21/22 4/8/22 3/8/23 3/29/23 11/21/23 3/15/24
Global Fiberglass Solutions, LLC	Solid Waste	Illegal Stockpile	Referred to Attorney General	Referred Petition Filed	7/7/21 9/25/24
Apex Construction Group Cedar Rapids (1)	Air Quality	Asbestos	Referred to Attorney General	Referred Petition Filed Order scheduling trial for 7/8/24 Apex motion to add College Community School District, Shive-Hattery, Inc., and OPN, Inc. d/b/a OPN Architects as third-party defendants. Order granting motion to add third-party defendants. Apex motion to consolidate case EQCV102268 with case LACV101140. Order granting motion to consolidate and scheduling trial for both cases on 3/25/2025.	11/15/22 5/19/23 8/23/23 1/9/24 1/10/24 2/28/24 4/10/24
Chamness Technology, Inc. Eddyville (6)	Solid Waste	Failure to comply with AO and closure plan	Referred to Attorney General	Referred Petition filed Consent decree filed (\$100,000 civil penalty; composting facility closed)	4/18/23 6/19/24 6/27/24
Hanson & Sons Tire and Auto	Solid Waste	Tire Storage	Referred to Attorney General	Referred Petition filed Consent Decree filed (no penalty; ongoing corrective action)	4/18/23 4/26/24 4/26/24
Regancrest Holsteins Lansing (1)	CAFO	Manure Release	Referred to Attorney General	Referred Consent decree filed (\$25,0000).	10/17/23
Quad County Corn Processors Galva (3)	Air Quality	Construction Permits,	Referred to Attorney General	Referred	12/19/23

		Violation of AO, Excess Emissions			
D & D Dairy			Referred to Attorney General	Referred Agreed to Settlement Agreement	2/20/24 6/3/24
Amy Knapp d/b/a Knapp Mobile Home Park Dubuque (1)	Wastewater	Inadequate wastewater treatment	Referred to Attorney General	Referred	2/20/24
NEW Cooperative, Inc.	Wastewater	Illegal discharge	Referred to Attorney General	Referred	5/22/24

**IOWA DEPARTMENT OF NATURAL RESOURCES
LEGAL SERVICES BUREAU**

DATE: October 2024
TO: Environmental Protection Commission
FROM: Tamara McIntosh
SUBJECT: Contested Cases (July 2024 – Sept 2024)

Date Received	Name Of Case	Action Appealed	Program	Assigned Attorney	Status
6/10/13	Mike Jahnke	Dam Application	FP	Schoenebaum	<p>Hearing held 7/30/14. ALJ upheld the permit issued by the Department. Mr. Jahnke appealed but on 11/3/14 he asked that his appeal be put on hold until April 2015. For various reasons has asked that the appeal be postponed.</p> <p>Sept. 2017 – Mr. Jahnke called and asked that his appeal be put on hold until Spring 2018. September 2018 Mr. Jahnke called and asked that the matter be postponed to Spring '19.</p> <p>Jan. 2019 no changes, matter was postponed to Spring 2019.</p> <p>April 2019 – no change; matter postponed to Spring 2019.</p> <p>July 2019 – No changes.</p> <p>10/25/19 – Mr Jahnke has called many times to discuss his ongoing medical problems and his families' each time he asks for the matter not to be placed on the agenda and asks for a delay. He again asked for a delay until Spring.</p> <p>1/24/20 – Mr. Jahnke called again and explain ongoing medical problems and that he cannot be present for a winter meeting and asked that the matter continue to be delayed.</p> <p>5/25/20 to the 2/21/23 – no changes</p> <p>3/22.2023 – sent letter asking if he would like to withdraw his appeal or set it to go before the commission. A response was requested no later than April 12, 2023.</p> <p>April 2023 - Mr. Jahnke requested this not be set for argument before the EPC until October 2023 because of on-going health reasons.</p> <p>September 18, 2023, letter sent to Mr. Jahnke asking for a response NLT September 28, 2023 indicating if he</p>

					would like to move forward with appeal or withdraw the appeal. Mr. Jahnke called Ms. Schoenebaum on September 28, 2023, and asked not to place this on the agenda because of serious health issues. 6/21/24 – No change 9/30 - no change
11/9/17	IA Regional Utilities Association	Permit Issuance	WW	Schoenebaum (Poppelreiter)	10/25/18 –Negotiating before setting a hearing date. A final meeting with facility’s new director is expected before the end of 2018. 01/24/19 –Negotiating before setting a hearing date. Meeting with permittee 1/24/19. Permittee must discuss options with Board. Decision from Permittee on whether to withdraw appeal or move forward with hearing is expected in Spring 2019. April 2019 – Waiting on permittee to decide whether to set a hearing or withdraw appeal. 10/25/19 – Permittee and DNR still in negotiations re: engineering proposals at the facility. No change in the appeal status. 1/24/20 – Finalizing the report on the progress they have made and will meet with DNR’s Wastewater staff in February to discuss settlement options. 5/25/20 – No Changes 11/18/2020 - Ongoing negotiations with IRUA. No hearing set as yet. Looking into alternative solutions. 3/25/2021 - Continuing discussions with IRUA. Both parties are interested in non-litigation solutions. No hearing set. 5/27/21 to the present – No Changes
7/6/22	Supreme Beef, LLC	Permit issuance	Water use and allocation	Adams (Poppelreiter)	9/19/23 – Active litigation. 12/21/23 - Evidentiary hearing continued to February 1-2 to allow for ALJ to rule on DNR’s motion for summary judgment and appellants’ motion for summary judgment. 3/19/24 – Posthearing brief due April 5 th

					<p>6/20/24 – As of this date, all briefs are submitted and we are awaiting the ALJ’s ruling</p> <p>9-27-24 Opposing counsel has filed a motion seeking status conference regarding the length of time it’s taking for the Tribunal to issue its ruling.</p>
9/18/23	Osceola Rural Water Supply	Permit issuance	Water use and allocation	Adams (Poppelreiter)	<p>9/19/23 – Has not been transmitted to DIA. DNR and appellants are in negotiations.</p> <p>12/21/23 – No changes</p> <p>3/19/24 – Still negotiating terms, active communication between DNR and ORWS.</p> <p>4/4/24 – Osceola Rural Water accepts the conditions Chad Fields had proposed and the appeal was withdrawn.</p> <p>Appeal withdrawn and this matter is closed.</p>
2/29/24	Pickell, Reddish subdivisions no. 2, 3 & 4 (Appeal of City of Madrid Water Supply Construction Permit)	Permit Issuance	Water Supply Engineering – Construction Permits	Adams	<p>3/19/24 – Dispute mainly stems from whether city or subdivision is responsible for certain costs and upkeep. Parties in negotiation.</p> <p>6/11/24 - Status conference held; hearing date set for August 19. Still no petition filed, WSE staff and I are struggling to ascertain the basis of the appeal.</p> <p>9-27-24 Opposing party voluntarily dismissed their claim and this matter is closed.</p>
7/11/24	IN THE MATTER OF SUN MOTOR CO. UST REG.# 8608350, LUST# 9LTI86	Denial of UST Fund Innocent Landowner claim	UST Fund Board [Now housed under UST Program]	Adams	<p>9/27/24 – A hearing was held on this matter September 9th and we are awaiting the Tribunal’s ruling.</p>

**IOWA DEPARTMENT OF NATURAL RESOURCES
LEGAL SERVICES BUREAU**

DATE: October 2024
TO: Environmental Protection Commission
FROM: Tamara McIntosh
SUBJECT: Enforcement Report Update (June 2024 - September 2024)

The following new enforcement actions were taken during this reporting period:

Individual/Entity	Program	Alleged Violation	Type of Order/Action	Penalty Amount Due	Date
Tyson Means	AQ/SW	Asbestos, Open Burning, and Improper Solid Waste Disposal	Consent	\$10,000.00	6/19/24
Poet Biorefining - Shell Rock, LLC	AQ	Construction Permit	Consent	\$10,000.00	7/8/24
City of Audubon	WW	Prohibited Discharge and Permit	Consent	\$8,000.00	7/8/24
Darrel Schipansky	AQ/SW	Asbestos, Open Burning, and Improper Solid Waste Disposal	Consent	\$10,000.00	7/12/24
Shawn Gohlinghorst	AQ/SW	Asbestos, Open Burning, and Improper Solid Waste Disposal	Consent	\$10,000.00	7/12/24
Kraft Heinz Food Company	WW	Prohibited Discharge and Permit	Consent	\$8,000.00	7/12/24
City of Carter Lake	WW	Permit	Consent	\$8,000.00	7/12/24
Eichelberger Farms, Inc.	AFO	Manure Management Plan	Consent	\$3,000.00	7/17/24
PMI Porkin LLC	AFO	Payment Plan	Amendment	0	7/17/24
Raul Flores-Castillo and Virginia Flores	AFO	Amended Closure Date	Amendment	0	7/19/24
Joe Tomka	AFO	Manure Management Plan	Consent	\$2,000.00	7/26/24
Jeffrey Boyer	WW	Prohibited Discharge and Hazardous Conditions	Consent	\$8,000.00	8/5/24

Jake Bolhmann	AFO	Manure Management Plan	Consent	\$3,000.00	8/20/24
Climax Molybdenum Company	AQ	Construction Permit	Consent	\$10,000.00	8/23/24
Quality Truss & Design, LLC	AQ/SW	Open Burning and Improper Solid Waste Disposal	Consent	\$5,000.00	9/4/24
Kevin Flynn	AQ/SW	Penalty Adjustment	Amendment	\$4,500.00	9/10/24
Jon Loes	AFO	Manure Release	Consent	\$4,650.00	9/13/24
Grand Total				\$104,150.00	

**IOWA DEPARTMENT OF NATURAL RESOURCES
LEGAL SERVICES BUREAU**

DATE: October 2024
TO: Environmental Protection Commission
FROM: Tamara McIntosh
SUBJECT: Summary of Administrative Penalties (June 2024 - September 2024)

The following administrative penalties are being collected by DRF:

NAME	PROGRAM	AMOUNT (remaining)
Jon Knabel	AQ/SW	\$1,037.33
Randy Wise; Wise Construction	AQ/SW	\$2,081.32
Gary Eggers	SW/WW	\$10,000.00
Dennis R. Phillips; Marty's Convenience Mart	UT	\$9,954.53
Frank Robak	UT	\$10,000.00
Randy Cates	AQ/SW	\$10,000.00
Jeff Gray dba Grayz Metal Recycling	AQ/SW	\$918.53
Jayson Schlafke	AFO	\$3,000.00
Strickler Farms, LTD	AFO	\$2,592.78
Steve Seelye	AQ	750.00
Brandon Stewart	AQ/SW	\$2,100.00
North Iowa Custom Finishing	AFO	\$2,250.00
North Iowa Custom Finishing	AFO	\$4,100.00
Jason Larabee	AFO	\$7,500.00
Larrell DeJong	AFO	\$3,300.00
Larrell DeJong	AFO	\$10,000.00
Scott Ellsworth	AFO	\$5,000.00
Jacob Wagoner	AQ	\$4,000.00
James Ziebell	AQ	\$10,000.00
Chanchai Sooksawan	AQ	\$10,000.00
Kunkel Enterprises, LLC and Mike Kunkel	AQ	\$8,000.00
Newt's Café	WS	\$1,500.00
Blue Hyll Dairy LLC	AFO	\$6,500.00
Michael Matthews	AQ	\$4,630.00
Amritdeep Kaur - Pari	UT	\$7,000.00
Amritdeep Kaur - Cissy's	UT	\$7,000.00
Ronald, Dennis, and Nathan Stratton	FP	\$5,000.00
Wright Materials Company	AQ	\$2,500.00
Alexander Buck	AQ/SW	\$1,530.00
Nick and Ray Ohl	AQ/SW	\$3,000.00
Tyler Investment Co., Inc.	WW	\$10,000.00
Brookstone Specialty Services	WW	\$10,000.00
CJ Construction	WW	\$5,000.00
Total		\$180,244.49

The following administrative penalties are DUE:

NAME	PROGRAM	AMOUNT (remaining)
Recycling Services	WW/HC/SW	\$7,000.00
Lu-Jen Farms	AFO	\$5,000.00

Robert Bryant	AFO	\$2,000.00
Jaymaharaj, L.L.C. and Monaj Desai	HC	\$7,000.00
Northern Filter Media	AQ	\$10,000.00
Nolan Junker	AFO	\$3,000.00
Chad Roche	SW	\$10,000.00
Mammoet USA North Inc.	WW	\$3,000.00
Dennis L. Reich	AQ	\$3,100.00
Brian Young	AQ	\$7,000.00
Randy Less	FP	\$2,500.00
Mississippi Valley Meat, Inc.	AFO	\$3,000.00
PMI Porkin LLC	AFO	\$3,000.00
Nolan Junker	AFO	\$7,000.00
Doug Riesberg	AFO	\$6,000.00
Ames Business Group	AQ	\$2,000.00
Ames Business Group/Wesley Ames	SW	\$10,000.00
William Shadbolt/Montipark LLC	WS	\$10,000.00
Peeters Development Company Inc.	WS	\$5,000.00
Bradley Smith	AFO	\$9,000.00
Waspy's Truck Wash, LLC	WW	\$8,000.00
City of Audubon	WW	\$8,000.00
Total		\$130,600.00

The following administrative penalties have been COLLECTED:

NAME	PROGRAM	AMOUNT (Collected)
Chamness Technology, Inc. (Attorney General)	SW	\$20,000.00
Corson Excavating, LLC	WW	\$1,500.00
Fprge, Inc.	WW	\$8,000.00
Sunnybrook LE LLC (Revenue)	WW	\$5,386.42
The Boyd Group	WW	\$1,500 (administrative) \$282.22 (restitution)
Rolling Knolls, Inc.	WS	\$7,375.00
Mt. Joy Mobile Home Park	WW	\$5,000.00
Bar K Cattle, LLC	AFO	\$5,000.00
Tyson Means	AQ/SW	\$1,250.00
Shawn Gohlinghorst	AQ/SW	\$1,250.00
Darrell Schipansky	AQ/SW	\$1,250.00
Justin Pollard (Attorney General)	SW	\$1,100.00
Darryl Banowetz (Attorney General)	AFO	\$2,500.00
Kraft Heinz Food	WW	\$8,000.00
Daniel Troyer (Revenue)	AQ/SW	\$663.48
Joe Tomka	AFO	\$2,000.00
Tim Dolan Development Co.	WW	\$1,375.00
James Whistler	AQ/SW	\$100.00
Jacob Bohlmann	AFO	\$3,000.00
City of Carter Lake	WW	\$8,000.00
City of Rolfe	AQ	\$7,000.00
Kenton Davis	SW	\$1,000.00
Thomas Gronbach (Attorney General)	AQ/SW	\$1,600.00
Darryl Humpal	AFO	\$1,000.00
Twin Lakes Environmental Services	AFO	\$3,000.00

Poet Biorefining	AQ	\$10,000.00
Jon Loes	AFO	\$4,650.00
Jeffrey Boyer	WW	\$8,000.00
Larrel DeJong (Revenue)	AFO	\$700.00
Presley Bland (Revenue)	AW	\$2,355.90
Total		\$123,555.80 Administrative \$282.22 Restitution

Iowa Department of Natural Resources
Environmental Protection Commission

#5

Decision Item

Commission approval is requested for a contract with **AECOM Technical Services, Inc.** of Portland, Oregon to perform Secretary of Interior (SOI) certified architectural historian services.

Contract Terms:

Amount: Not to exceed \$600,000

Dates: November 1, 2024 to October 30, 2027

DNR shall have the option to extend this Contract for up to six years from the beginning date of the original contract by executing a signed amendment prior to the expiration of this Contract.

Funding Source(s): State Revolving Fund (SRF) - Clean Water and Drinking Water Programs

Statutory Authority: Funds are administered by DNR under statutory authority granted by Iowa Code section 455A.4(6).

Contract Purpose: The DNR provides environmental and cultural review services for public water supplies and wastewater treatment works that finance projects through the SRF programs. As part of these obligations, DNR must, at times, conduct investigations into the historical and archeological resources that may be impacted by the project's construction and development activities.

In this Contract, the DNR has selected **AECOM Technical Services, Inc.** to provide architectural historian services to ensure compliance with Section 106 of the National Historic Preservation Act (NHPA) and Code of Iowa for SRF projects across Iowa. The services requested allows the DNR to comply with the State Historic Preservation Office (SHPO)/DNR Programmatic Agreement (PA) boundaries and authority to implement the Section 106 process for both SRF funding from the Clean Water Act and the Safe Drinking Water Act.

The PA excludes certain activities from a full SHPO review in the Section 106 process when projects have limited potential of negatively impacting historic properties. These exclusions are categorized as Tier 1 that can be reviewed by DNR environmental review staff or Tier 2 that are more complicated and will need an SOI certified archaeologist and/or architecture historian. This Contract obtains the services of a SOI certified architectural historian for Tier 2 work.

This is a three-year, on-call Contract for providing architectural historian services for one or more of the following services in connection with Clean Water Act and Safe Drinking Water Act projects in order to comply with Section 106 of NHPA and Code of Iowa:

- provide consultation to DNR staff for project scope development;
- provide quality assurance to findings report submitted to the DNR;
- provide consultation for the development of minimization, mitigation, and avoidance plans with DNR staff and project coordinators; and
- provide guidance and direction, as requested, related to the Tier 1 authority of the SHPO/DNR PA for architectural historian review by DNR staff.

Selection Process Summary:

A formal, competitive Request for Proposals (RFP) process was conducted following the state processes, procedures, and policies to acquire professional services. In March 2024 the first RFP was posted for 30 days requiring the company to be from or have offices in Iowa to be eligible to apply. The first RFP received zero archaeology and zero architectural history proposals. In June 2024 the second RFP was posted for six weeks which allowed companies from across America to be eligible to submit proposals. There were three architectural history proposals submitted. A review committee consisting of the DNR Procurement Officer, DNR Contract Manager, SRF Environmental Review Lead, and a SHPO representative reviewed proposals and listened to presentations from each vendor. The review committee recommends the **AECOM Technical Services, Inc.** as the top selection.

Contract History:

The contracted services requested are the first for DNR.

Jerah Sheets, Supervisor, Water Quality Bureau
Environmental Services Division
October 15, 2024

5.1 Statement of Work. Contractor must perform the following Tasks, to be completed at the following regular intervals:

Deliverables	Interval and Turnaround
<p>Task 1: Provide consultation to DNR staff - Project Scope Development Description: The Contractor shall provide project scoping consultation to agency (DNR) staff to identify historic architecture investigation needs (i.e. desktop review, phase Ia study, phase I study, Area of Potential Effects (APE), phase II, etc.) for the purpose of meeting Section 106 compliance with Iowa SHPO and/or other state/federal agency or Tribal Nation. Architectural historian services are estimated to be 50-70 project scope consultations a year with an estimated 5% increase of requests each year.</p> <p>The scoping consultation may include but not limited to email correspondence, document editing, virtual or in-person discussions, etc. and shall be provided to the DNR in an agreed upon format.</p>	<p>This Task must be completed within 5 business days upon request.</p>
<p>Task 2: Provide consultation to DNR staff - Development of minimization, mitigation, and avoidance plans Description: The Contractor shall provide minimization, mitigation, and avoidance plan consultation to DNR to identify historic architecture project needs for the purpose of meeting Section 106 compliance with Iowa SHPO and/or other state/federal agency or Tribal Natation. Architectural historian services are estimated to be 20-40 minimization and mitigation consultations a year with an estimated 5% increase of requests each year.</p> <p>The minimization, mitigation, and avoidance plan consultation may include exploratory virtual discussions to gather information about the project and shall be provided to the DNR in an agreed upon format.</p>	<p>This Task must be completed within 7 business days upon requestor or another date agreed upon in writing.</p>
<p>Task 3: Provide review of contracted work products produced for historical architecture findings submitted to the DNR Description: The Contractor shall review contracted work products to ensure the work products are completed in accordance with Guidelines for Historical Architecture Investigations in Iowa, Environmental Protection Agency (EPA), Tribal Nations, and any other authority setting the standards/expectations of work product. Architectural historian services are estimated to be 20-40 findings reports a year with an estimated 5% increase of requests each year.</p> <p>The Contractor shall review historical architecture work products to ensure the work products meet the project investigation scope of work for the purpose of meeting Section 106 compliance with Iowa SHPO and/or other state/federal agency or Tribal Nation.</p> <p>The review of the work product may include exploratory virtual discussions to gather information about the project and shall be provided to the DNR in an agreed upon format.</p>	<p>This Task must be completed within 10 business days upon request or another date agreed upon in writing.</p>
<p>Task 4: Training and Guidance Description: The Contractor, in conjunction with industry standards and professionals, shall provide guidance and direction, as requested, related to the Tier 1 and 2 authority of the Programmatic Agreement (PA) for architectural historian review to DNR staff.</p>	<p>This Task must be completed within 7 business days upon request or another date agreed upon in writing.</p>
<p>Task 5: Reporting and Check In Description: The Contractor shall provide live status accessibility to project progress for historic architecture projects meeting the standards, respond to requests for status updates of projects, and provide invoices that reconcile with work activities.</p>	<p>This Task must be accessible by the DNR at all times, and responses must be provided within the timeline provided, or if no timeline is provided, responses must be provided within two business days, and invoicing completed monthly.</p>

7.1 Budget. Billable hours shall be reported for the actual time dedicated to services rendered and shall not exceed the maximum total hours allowable per Task per project assignment.

Task	Amount of compensation allotted to Task	Invoice Due No Later Than
Task 1: Provide consultation to DNR staff - Project Scope Development	Not to exceed \$ 118 per hour with a maximum of 3 total hours without prior approval per project assignment	Monthly for Tasks accomplished within the prior 30 day interval
Task 2: Provide consultation to DNR staff - Development of minimization, mitigation, and avoidance plans	Not to exceed \$ 118 per hour with a maximum of 6 total hours without prior approval per project assignment	Monthly for Tasks accomplished within the prior 30 day interval
Task 3: Provide review of contracted work products produced for historical architecture findings submitted to the DNR	Not to exceed \$ 130 per hour with a maximum of 8 total hours without prior approval per project assignment	Monthly for Tasks accomplished within the prior 30 day interval
Task 4: Training and Guidance	Not to exceed \$ 132 per hour and maximum hours agreed upon prior to each instance	Monthly for Tasks accomplished within the prior 30 day interval
Task 5: Reporting and Check In	Not to exceed \$ 107 per hour with a maximum of 3 total hours without prior approval	Monthly for Tasks accomplished within the prior 30 day interval
Total	Not to exceed \$600,000	

Iowa Department of Natural Resources
Environmental Protection Commission

6

Decision Item

Commission approval is requested for a contract with **Edge Consulting Engineers, Inc.**, of Prairie du Sac, Wisconsin to perform Secretary of Interior (SOI) certified archaeology services.

Contract Terms:

Amount: Not to exceed \$600,000

Dates: November 1, 2024 to October 30, 2027

DNR shall have the option to extend this Contract for up to six years from the beginning date of the original contract by executing a signed amendment prior to the expiration of this Contract.

Funding Source(s): State Revolving Fund (SRF) - Clean Water and Drinking Water Programs

Statutory Authority: Funds are administered by DNR under statutory authority granted by Iowa Code section 455A.4(6).

Contract Purpose: The DNR provides environmental and cultural review services for public water supplies and wastewater treatment works that finance projects through the SRF programs. As part of these obligations, DNR must, at times, conduct investigations into the historical and archeological resources that may be impacted by the project's construction and development activities.

In this Contract, the DNR has selected **Edge Consulting Engineers, Inc.** to provide archaeological services to ensure compliance with Section 106 of the National Historic Preservation Act (NHPA) and Code of Iowa for SRF projects across Iowa. The services requested allows the DNR to comply with the State Historic Preservation Office (SHPO)/DNR Programmatic Agreement (PA) boundaries and authority to implement the Section 106 process for both SRF funding from the Clean Water Act and the Safe Drinking Water Act.

The PA excludes certain activities from a full SHPO review in the Section 106 process when projects have limited potential of negatively impacting historic properties. These exclusions are categorized as Tier 1 that can be reviewed by DNR environmental review staff or Tier 2 that are more complicated and will need an SOI certified archaeologist and/or architecture historian. This Contract obtains the services of a SOI certified archaeologist for Tier 2 work.

This is a three-year, on-call Contract for providing archaeological services for one or more of the following services in connection with Clean Water Act and Safe Drinking Water Act projects in order to comply with Section 106 of NHPA and Code of Iowa:

- provide consultation to DNR staff for project scope development;
- provide quality assurance to findings report submitted to the DNR;
- provide consultation for the development of minimization, mitigation, and avoidance plans with DNR staff and project coordinators; and
- provide guidance and direction, as requested, related to the Tier 1 authority of the SHPO/DNR PA for archaeological review by DNR staff.

Selection Process Summary:

A formal, competitive Request for Proposals (RFP) process was conducted following the state processes, procedures, and policies to acquire professional services. In March 2024 the first RFP was posted for 30 days requiring the company to be from or have offices in Iowa to be eligible to apply. The first RFP received zero archaeology and zero architectural history proposals. In June 2024 the second RFP was posted for six weeks which allowed companies from across America to be eligible to submit proposals. There were four archaeology proposals submitted. A review committee consisting of the DNR Procurement Officer, DNR Contract Manager, SRF Environmental Review Lead, and a SHPO representative reviewed proposals and listened to presentations from each vendor. The review committee recommends the **Edge Consulting Engineers, Inc.** as the top selection.

Contract History:

The contracted services requested are the first for DNR.

Jerah Sheets, Supervisor, Water Quality Bureau
Environmental Services Division
October 15, 2024

5.1 Statement of Work. Contractor must perform the following Tasks, to be completed at the following regular intervals:

Deliverables	Interval and Turnaround
<p>Task 1: Provide consultation to DNR staff - Project Scope Development Description: The Contractor shall provide project scoping consultation to agency (DNR) staff to identify archaeological investigation needs (i.e. desktop review, phase Ia study, phase I study, Area of Potential Effects (APE), phase II, etc.) for the purpose of meeting Section 106 compliance with Iowa SHPO and/or other state/federal agency or Tribal Nation. Archaeology services are estimated to be 80-100 project scope consultations a year with about a 5% increase of requests each year.</p> <p>The scoping consultation may include but not limited to email correspondence, document editing, virtual or in-person discussions, etc. and shall be provided to the DNR in an agreed upon format.</p>	<p>This Task must be completed within 5 business days upon request or another date agreed to by the parties in writing.</p>
<p>Task 2: Provide consultation to DNR staff - Development of minimization, mitigation, and avoidance plans Description: The Contractor shall provide minimization, mitigation, and avoidance plan consultation to DNR to identify archaeological project needs for the purpose of meeting Section 106 compliance with Iowa SHPO and/or other state/federal agency or Tribal Natation. Archaeology services are estimated to be 30-50 minimization and mitigation consultations a year with about a 5% increase of requests each year.</p> <p>The minimization, mitigation, and avoidance plan consultation may include exploratory virtual discussions to gather information about the project and shall be provided to the DNR in an agreed upon format.</p>	<p>This Task must be completed within 7 business days upon request or another date agreed to by the parties in writing.</p>
<p>Task 3: Provide review of contracted work products produced for archaeological findings submitted to the DNR Description: The Contractor shall review contracted work products to ensure the work products are completed in accordance with Guidelines for Archaeological Investigations in Iowa, Environmental Protection Agency (EPA), Tribal Nations, and any other authority setting the standards/expectations of work product. Archaeology services are estimated to be 70-100 findings reports a year with about a 5% increase of requests each year.</p> <p>The Contractor shall review archaeological work products to ensure the work products meet the project investigation scope of work for the purpose of meeting Section 106 compliance with Iowa SHPO and/or other state/federal agency or Tribal Nation.</p> <p>The review of the work product may include exploratory virtual discussions to gather information about the project and shall be provided to the DNR in an agreed upon format.</p>	<p>This Task must be completed within 10 business days upon request or another date agreed to by the parties in writing.</p>
<p>Task 4: Training and Guidance Description: The Contractor, in conjunction with industry standards and professionals, shall provide guidance and direction, as requested, related to the Tier 1 and 2 authority of the Programmatic Agreement (PA) for archaeological review to DNR staff.</p>	<p>This Task must be completed within 7 business days upon request or another date agreed upon in writing.</p>
<p>Task 5: Reporting and Check In Description: The Contractor shall provide live status accessibility to project progress for archaeological projects meeting the standards, respond to requests for status updates of projects, and provide invoices that reconcile with work activities.</p>	<p>This Task must be accessible by the DNR at all times, and responses must be provided within the timeline provided, or if no timeline is provided, responses must be provided within two business days, and invoicing completed monthly.</p>

7.1 Budget. Billable hours shall be reported for the actual time dedicated to services rendered and shall not exceed the maximum total hours allowable per Task per project assignment.

Task	Amount of compensation allotted to Task	Invoice Due No Later Than
Task 1: Provide consultation to DNR staff - Project Scope Development	Not to exceed \$ 120 per hour with a maximum of 3 total hours without prior approval per project assignment	Monthly for Tasks accomplished within the prior 30 day interval
Task 2: Provide consultation to DNR staff - Development of minimization, mitigation, and avoidance plans	Not to exceed \$ 120 per hour with a maximum of 6 total hours without prior approval per project assignment	Monthly for Tasks accomplished within the prior 30 day interval
Task 3: Provide review of contracted work products produced for archaeological findings submitted to the DNR	Not to exceed \$ 120 per hour with a maximum of 8 total hours without prior approval per project assignment	Monthly for Tasks accomplished within the prior 30 day interval
Task 4: Training and Guidance	Not to exceed \$ 120 per hour and maximum hours agreed upon prior to each instance	Monthly for Tasks accomplished within the prior 30 day interval
Task 5: Reporting and Check In	Not to exceed \$ 120 per hour with a maximum of 3 total hours without prior approval	Monthly for Tasks accomplished within the prior 30 day interval
Total	Not to exceed \$600,000	

**Iowa Department of Natural Resources
Environmental Protection Commission**

ITEM

#7

INFORMATION

TOPIC

**Environmental Management System (EMS) Program
Fiscal Year 2024 Annual Report**

The DNR Environmental Management System (EMS) FY2024 Annual Report (Report) is being submitted per the requirement of Iowa Code Chapter 455J.7(4) which states, "The department shall prepare an annual report citing the results and costs of the program for submittal to the commission by January 1, 2018, and by January 1 each year thereafter."

The Report documents that DNR implemented the program and provided support and resources for its thirteen EMS-participating agencies. As part of the Report, DNR reviewed the individual annual reports submitted by each participant, describing their active pursuit for continuous improvement in the program's six environmental component areas.

October 15, 2024

Laurie Rasmus, Program Planner
Financial and Business Assistance, Land Quality Bureau
Environmental Services Division

ENVIRONMENTAL MANAGEMENT SYSTEM



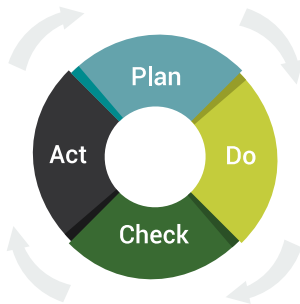
ANNUAL REPORT
FISCAL YEAR 2024

www.iowadnr.gov/swems

The Solid Waste Environmental Management System (EMS) program is a continuous improvement program, measuring environmental performance in six program components. Participating solid waste agencies implement a management system throughout their operations and organizations, following a framework of 10 elements.

The EMS program, an approach that rewards environmental stewardship efforts beyond waste reduction, is an alternative to Solid Waste Comprehensive Planning. Thirteen solid waste agencies, serving more than half of Iowa’s population, voluntarily participate by pursuing local environmental goals.

FOLLOWING A CYCLE OF CONTINUOUS IMPROVEMENT



ACTIVELY PURSUING 6 PROGRAM COMPONENTS



IMPLEMENTING A FRAMEWORK OF 10 ELEMENTS



DNR PROGRAM SUPPORT

DNR supports program participants with grant opportunities for measurable, environmental improvement projects in program component areas. In FY2024, DNR awarded \$339,638 in grant funds for twelve projects with a total cost of \$1,233,016. DNR also offered four in-person networking/training events, including a fall conference with an emphasis in organics management, a summer workshop that focused on grant opportunities, an essentials training for core team members, and an internal auditor training. EMS program costs are sourced from the landfill alternatives account of the groundwater protection fund.

FY2024 EMS PROGRAM COSTS	
Third-party external auditing	\$37,500
Technical assistance and participant training/support	\$30,775
Grant awards	\$339,638
TOTAL	\$407,914

ENVIRONMENTAL MANAGEMENT SYSTEM (EMS) PROGRAM PARTICIPANTS

CRLCSWA

Cedar Rapids Linn County Solid Waste Agency

DMASWA

Dubuque Metropolitan Area Solid Waste Agency

GRRWA

Great River Regional Waste Authority

HCLC

Harrison County Landfill Commission

ICLF

Iowa City Landfill and Recycling Center

LNI

Landfill of North Iowa

MCSWMC

Mahaska County Solid Waste Management Commission

MWA

Metro Waste Authority

MCSWMA

Muscatine County Solid Waste Management Agency

SCISWA

South Central Iowa Solid Waste Agency

SWMCMC

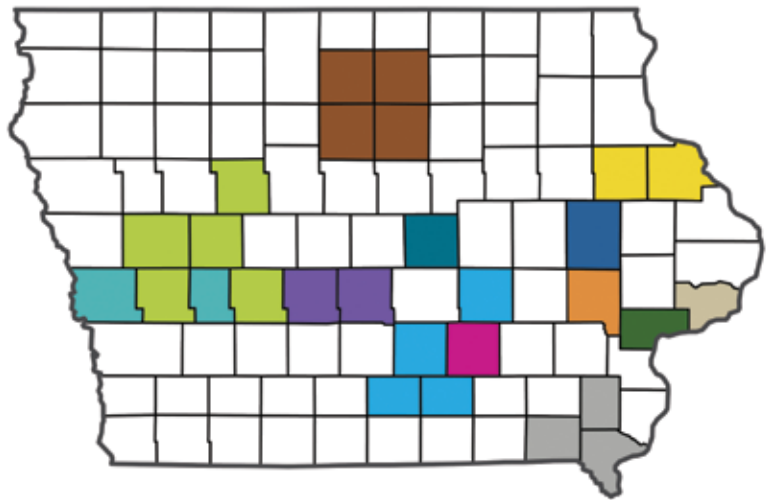
Solid Waste Management Commission of Marshall County

WCISWMA

West Central Iowa Solid Waste Management Association

WCSC

Waste Commission of Scott County



PARTICIPANT ACHIEVEMENTS

At a local level, participants work to achieve quantifiable objectives and targets, resulting in environmental improvements within their service areas. DNR provides grant opportunities for up to 75% of project costs to assist participants in reaching their environmental goals. Highlighted below are grant projects that were completed during FY2024.

CEDAR RAPIDS LINN COUNTY SOLID WASTE AGENCY—Cardboard Diversion

Working to increase cardboard recycling and improve operational efficiencies, CRLCSWA installed a new baler at its Resource Recovery Building. To promote its free drop-off program and reduce contamination from polystyrene and plastic wrappings, CRLCSWA ran several ad campaigns, including catchy radio ads that rebranded old corrugated cardboard (OCC) to O-C-C for Only Clean Cardboard. Compared to base year data, the project increased cardboard by 9.4% to 498 tons—equivalent to 1.5 million 18x13x5 shipping boxesⁱ. EMS grant funds of \$56,136 were used for this \$76,058 project.



Baling cardboard at CRLCSWA.



Glass collection container in Dubuque County.

DUBUQUE METROPOLITAN AREA SOLID WASTE AGENCY—Increase Glass Recycling

To better serve residents in smaller communities and rural areas, DMASWA expanded its glass recycling collection program beyond the City of Dubuque, doubling the number of drop-off sites. New roll-off collection containers—signed with informational graphics, fitted with opening sizes to prevent contamination and equipped with remote monitoring capabilities—were placed in three Dubuque County communities. With a concerted educational effort to promote glass recycling, including local press releases and a targeted social media campaign, DMASWA increased yearly glass collection by 38.49%, successfully aligning the project to serve the 40% of the county population outside of the City of Dubuque. Overall at the six drop-off sites, 143 tons of glass – equivalent to 394,680 glass beverage bottlesⁱⁱ—were collected and recycled. DNR granted \$23,485 for this \$34,253 project.

GREAT RIVER REGIONAL WASTE AUTHORITY—All Sites Solar

Using a phased approach, GRRWA installed a rooftop solar energy system at its transfer station in Keokuk and three additional systems at its Fort Madison landfill facility, including a dual axis array at the administration building and rooftop installations on the recycling center and shop building. Once all systems were on-line, overall electricity usage from the grid was reduced by 37% as compared to a base year, resulting in a \$7,648 savings. The avoidance of 64,179 kWh is equivalent to the emissions of 6.4 gasoline-powered carsⁱⁱⁱ—reducing CO₂ emissions by 45 metric tons. Based on a 30-year lifecycle for the solar energy systems, DNR’s investment of \$50,000 in grant funding for this \$184,759 project is \$37 per metric ton of CO₂, well below the federal Energy Earthshots Initiative to reduce the cost of CO₂ removal to less than \$100 per ton by 2032^{iv}.



Roof-top solar array on the transfer station in Keokuk.



LNI’s distribution of trees for planting.

LANDFILL OF NORTH IOWA—Trees for Tomorrow

In response to significant tree damage after being hit by a derecho and a tornado, LNI partnered with local residents—planting 150 native trees throughout the impacted communities. To boost transplanting success, LNI provided a watering bucket, compost and mulch along with a planting guide for each containerized tree that was distributed for planting. Based on a 90% survival rate, these trees are projected to sequester 907,668 pounds of CO₂ over the next 50 years^v—equivalent to powering 200 homes and valued at \$21,110^{vi}, nearly a four-fold increase of DNR’s \$5,435 financial assistance for this \$9,047 project.

MAHASKA COUNTY SOLID WASTE MANAGEMENT COMMISSION—Recycling Drop-off

MCSWMC improved its newly established recycling drop-off site at its landfill facility by adding two roll-off containers for collecting recyclables, covering the area with carports, and constructing a concrete bunker. MCSWMC successfully increased awareness of its program with an educational campaign, including local radio advertising, social media posts and on-site signage. In the first year after implementing the project, MCSWMC collected 57 tons of cardboard, mixed paper, and containers made of plastic, glass and metal—more than doubling its collections from the previous year. The estimated revenue generated throughout the entire process of recycling these materials is \$10,112^{vii}, matching DNR’s investment of \$36,038 for this \$48,051 project in 3.6 years.



Construction of concrete bunker for glass storage at MCSWMC.



METRO WASTE AUTHORITY—Hydrant and Automatic Sprinkler for Metro Compost Center

To optimize moisture levels in organic materials, MWA installed a new waterline, hydrant and auto sprinkler at its compost site—accelerating material decomposition rates that increased its facility’s annual processing capacity of locally-sourced yard waste to 37,677 tons. As a result, MWA’s overall product sales for closed-loop recycled products increased by 26% to 26,411 cubic yards. Additionally, because of the added-in moisture, MWA’s Grow Gold compost product was elevated to an industry-standard preferred category—giving residents and area businesses a high-quality, beneficial yard and garden product to enhance local soils for improved plant health. DNR grant funds contributed \$8,560 for this \$13,728 project.

Automatic sprinkling system at MWA’s compost facility.

SOLID WASTE MANAGEMENT COMMISSION OF MARSHALL COUNTY—Solar Panels

SWMCMC installed a solar energy system, comprised of three solar arrays at the Marshall County Landfill with arrays at the scale house/office, the warehouse and the leachate lift station. In the first year after the solar energy system was installed, with two of the arrays operational all twelve months and the third array coming on-line for the last six months, the facility’s overall electric usage from the grid decreased by 50% to 20,675 kWh – the energy equivalent of burning 8 tons of coal^{viii}. To encourage renewable energy in the planning area, MCSWMC hosted an open house showcasing the new system. Grant funds covered \$24,999 of this \$74,655 project.



Solar array for the scale house/office at SWMCMC.



WASTE COMMISSION OF SCOTT COUNTY—Electric Fork Truck Usage

Switching from propane-powered to an electric-powered fork truck, WCSC drastically reduced greenhouse gas emissions generated from moving the 1,200 tons of electronic devices processed for reuse or recycling in its Electronic Recycling Center. Taking into account that electricity to charge the fork truck’s battery was primarily derived from wind energy, emissions were cut by 96% from a baseline of 10.49 pounds of CO₂ per ton recycled to 0.45 pounds for an annual reduction of 5.5 metric tons of CO₂ – equivalent to 125 propane forklift cylinders or driving a gasoline-powered car for 14,067 miles^{ix}. DNR grant funding covered \$24,999 of the \$42,699 cost for the electric-powered fork truck that has a projected 10-year service life.

Electric-powered fork truck at WCSC.

WEST CENTRAL IOWA SOLID WASTE MANAGEMENT ASSOCIATION—Plastic Baler

Expanding an existing recycling sort operation at its Recycling Center, WCISWMA added a fifth baler and conveyor to begin recovering #5 polypropylene plastic packaging, such as yogurt, margarine and shampoo containers. WCISWMA coordinated a public awareness campaign that included local newspaper and radio advertising, creating digital media posts and distributing informational cards—prompting residents to include polypropylene containers in both curbside and drop-off recycling programs. In the first full year of this landfill diversion program, WCISWMA baled thirteen tons of polypropylene—equivalent to nearly 500,000 pint-sized deli containers^x— for recycling into new products such as cups, textiles, carpet, auto parts, furniture and rope. In less than five years, the market value of the recovered polypropylene is expected to exceed DNR’s investment of \$24,999 in grant funds for this \$52,562 project^{xi}.



WCISWMA's addition of a baler for #5 plastic.

ⁱBased on an empty 18x13x5 shipping box pulled out of household recycling that weighed 10.4 ounces.

ⁱⁱCRI report created for Iowa DNR “2022 Recovery Rate Report” Table 2 shows 1.38 glass bottles per pound.

ⁱⁱⁱEPA’s GHG Equivalencies Calculator.

^{iv}<https://www.energy.gov/energy-earthshots-initiative>

^vBased on LNI final report for the grant project that referenced results from the iTree calculator.

^{vi}Same as entry above.

^{vii}Based on calculation from data in the 2024 Iowa Recycling Facility Study.

^{viii}EPA’s GHG Equivalencies Calculator.

^{ix}EPA’s GHG Equivalencies Calculator.

^xBased on an empty 16-ounce #5 container for fresh salsa pulled out of household recycling that weighed 0.85 ounces.

^{xi}Based on market value of \$341/ton from Table 24 in the 2022 Iowa Landfill Material Analysis and projecting modest increases in recovered tons with stable values.



Iowa Department of Natural Resources
Environmental Protection Commission

Item #8

Decision Item

Contract 21ESDLQBLRASM-0001 Amendment #3 to the original contract with Gresham Smith

Commission approval is requested for a Contract Amendment with Gresham Smith, Columbus, OH.

Amendment #3 to the original contract Terms:

Amendment Amount: \$77,216.00

Amendment Dates: January 1, 2025 to December 31, 2025

Funding Source: G550 (solid waste account of the Groundwater Protection Fund)

Statutory Authority: Iowa Code Chapter 455J

Amendment Purpose: The purpose of the Contract Amendment is to extend the present contract for professional services to the Environmental Management System (EMS) program and program participants. With the expertise of contracted consultants, DNR developed the program in FY2009. Due to the technical nature of the program system, expertise from consultants with professional experience in EMS is still required. This Contract Amendment will ensure that both the DNR and its EMS participants will continue to receive informed, proven advice, training and consultation.

Original Contract Purpose: Iowa Code Chapter 455J establishes criteria for solid waste planning/service areas to be designated as EMS program participants. Participants require assistance to effectively adopt and implement the program, benefitting the State of Iowa. The original contract secured technical and supportive services to the DNR and its EMS program participants. Gresham Smith has supported DNR's continuous improvement of the EMS program by providing informed, researched advice and assisting with the planning, development and coordination of participant training. In addition, Gresham Smith has provided technical assistance to new, existing and potentially future participants during focused trainings and individual consultations.

Original Selection Process Summary:

A formal, competitive bid process was initiated by posting a Notice on the TSB website and issuing a Request for Proposals. Two proposals were received and evaluated by a committee of five DNR staff members, which resulted in the recommendation of Gresham Smith. The following table summarizes the two proposals that were received.

Name	Location	Average Score	Rank	Bid Amount
Gresham Smith	Columbus, OH	172 of 200	1	\$128,660
Burns & McDonnell	Alpharetta, GA	121 of 200	2	\$205,957

Contract History:

The DNR has had continual contractual agreements with Gresham Smith since October 20, 2009. The current contract amendment with Gresham Smith will expire on December 31, 2024 and is summarized below.

Contract 21ESDLQBLRASM-0001, original:

Amount: \$128,600 for 24 months

Timeframe: January 1, 2021 to December 31, 2022

Extension Options: DNR shall have the option to extend this contract for up to six years from the beginning date of the original contract by executing a signed amendment prior to the expiration of this contract.

Contract 21ESDLQBLRASM-0001, Amendment 1:

Amount: \$70,720 for 12 months

Timeframe: January 1, 2023 to December 31, 2023

Contract 21ESDLQBLRASM-0001, Amendment 2:

Amount: \$71,790 for 12 months
Timeframe: January 1, 2024 to December 31, 2024

Task	Amount of compensation in Original Contract	Amount of compensation Amendment #1	Amount of compensation Amendment #2	Amount of compensation Amendment #3	Grand Total
Task 1: DNR Assistance and Participant Assistance	Not to exceed \$113,004.00	Not to exceed \$64,148.00	Not to exceed \$64,630.00	Not to exceed \$70,364.00	Not to exceed \$312,146.00
Task 2: Program Management	Not to exceed \$15,656.00	Not to exceed \$6,572.00	Not to exceed \$7,160.00	Not to exceed \$6,852.00	Not to exceed \$36,240.00
Total	Not to exceed \$128,660.00	Not to exceed \$70,720.00	Not to exceed \$71,790.00	Not to exceed \$77,216.00	Not to exceed \$348,386.00

Laurie Rasmus, Program Planner, Land Quality Bureau
 Environmental Services Division
 October 15, 2024

Attachment #1: Statement of Work for Contract 21ESDLQBRASM-0001 Amendment #3

Deliverable	Task Milestone Date	Amount of compensation allotted to Task	Invoice Due No Later Than
<p>Task 1. DNR and EMS Participant Assistance. Contractor will serve as an advisor for DNR and EMS Participants to provide the services summarized below.</p>	Ongoing throughout Contract Amendment	\$70,364	Contractor shall invoice DNR on a monthly basis.
<p>Task 1.1 Advice, Coordination and Planning. Assist DNR with program planning, coordination, and occasional advice. This task includes the following activities:</p> <ul style="list-style-type: none"> • Develop a calendar of activities to support the EMS Program and its participant agencies. • Develop the concepts and hosting preparations for EMS conferences, workshops and trainings, including identifying speakers and preparing agendas. Note: the material preparation and attendance for these events is covered under the event-specific subtasks. • Periodically provide DNR and EMS participants professional assistance, research and advice upon request. 			
<p>Original Sub-task 1.2 is revised as follows: Task 1.2 EMS Focused Training. Conduct training focused on one or more EMS topics. This task includes the following activities:</p> <ul style="list-style-type: none"> • Consult with DNR to determine areas of focus for trainings. • Develop training materials. • Conduct virtual trainings for up to two half days. 			
<p>Task 1.3 On-going EMS Participant Training. Conduct the following activities to support continual improvement for EMS participants as needed:</p> <ul style="list-style-type: none"> • Provide up to four web-hosted meetings for individual or groups of EMS agencies per year. • Review EMS implementation progress and provide guidance to participant agencies. 			
<p>Original Sub-task 1.4 is revised as follows: Task 1.4 EMS Annual Summer Workshop. Develop materials for and conduct a one-day, on-site EMS workshop during the summer of 2025.</p>			
<p>Original Sub-task 1.5 is revised as follows: Task 1.5 EMS Annual Fall Conference. Develop materials for and conduct a one-day, on-site EMS conference during October or November 2025.</p>			
<p>Original Sub-task 1.6 is revised as follows:</p>			

<p>Task 1.6 Materials to Benefit Participants and Program. Develop and revise promotional or guidance materials for the EMS program as needed.</p>			
<p>Original Sub-task 1.7 is revised as follows: Task 1.7 New Participant Training. Provide initial training and support for up to two Tier 1 EMS participant agencies as needed:</p> <ul style="list-style-type: none"> • Develop materials for and conduct an EMS kickoff meeting for each new participant. • Develop materials for and conduct up to four webinar trainings on initial EMS development for new participants. • Develop materials for and conduct up to two on-site trainings for each new participant. • Conduct up to five conference calls for each new participant to provide feedback and advice during the development of their plans and policies to implement the ten EMS Elements. 			
<p>Task 1.8 EMS Participant Recruitment Assistance. Support DNR in recruiting new EMS participant agencies as needed.</p>			
<p>Task 1.9 Additional Assistance. Provide additional assistance for EMS program participants as requested and agreed upon between Contractor and DNR. Potential assistance needs may include feedback and guidance on developing objectives/targets, determining steps for an action plan or revising a written policy.</p>			
<p>Original Task 1 Assumptions are revised as follows: Task 1 Assumptions.</p> <ul style="list-style-type: none"> • DNR may determine that some or all on-site events may instead be held virtually. A means for estimating the exclusion of travel costs and printing costs for virtual events is to be included. • Contractor will provide printing for on-site workshop and conference materials, assuming approximately 40 pages for each event for up to 50 attendees. • Contractor will provide printing for the on-site EMS Focused Training, assuming reprinting of the DNR EMS Audit Guide or similar (25 color copies) as well as handouts (30 pages, 8.5" x 11", for up to 30 attendees). • With the assumption that events are held on-site, Contractor will travel for kickoff meetings for new Tier 1 participants (1 trip), Summer Workshop (1 trip) and annual EMS Fall Conference (1 trip). Up to 			

<p>two Contractor staff will attend The EMS Fall Conference.</p> <ul style="list-style-type: none"> Up to two Tier 1 agencies may join the EMS program during the Contract period. 			
<p>Task 2. Program Management. Contractor will provide on-going EMS program management as summarized below.</p> <p>Task 2.1. Ongoing Project management, scheduling and documentation as required and including:</p> <ul style="list-style-type: none"> Managing project budget, scope and schedule. Providing monthly billing invoices. Providing a summary of costs broken down by tasks, subtasks and expenses. 	<p>Ongoing throughout Contract Amendment</p>	<p>\$6,852</p>	<p>Contractor shall invoice DNR on a monthly basis.</p>
<p>Total</p>		<p>\$77,216</p>	

Iowa Department of Natural Resources
Environmental Protection Commission

Item #9

Decision Item

Contract Amendment #9 with enfoTech & Consulting, Inc.

Commission approval is requested for a Contract Amendment with enfoTech & Consulting, Inc. (enfoTech), of North Brunswick, New Jersey, to provide system maintenance and support for the Iowa Environmental Application System (Iowa EASY Air).

Amendment #9 Terms:

Amendment Amount: \$120,000

Amendment Dates: November 1, 2024 to October 31, 2028

Funding Source(s): The source of funding for this Contract Amendment is the Air Contaminant Fund (Iowa Code 455B.133B), the Air Quality Fund (Iowa Code 455B.133C), and state and federal funds.

Amendment Purpose:

The purpose of the Contract Amendment is to extend the System Maintenance and Support Services performed by the Contractor until the end of the Contract period.

Contract Background:

The DNR contracted with enfoTech for \$727,988 in 2018 to create Iowa EASY Air. The system allows businesses to submit permit applications through an electronic application process that is less expensive and time consuming, and more accurate and user friendly than submitting paper applications. Funding was provided through a legislative appropriation from the Technology Reinvestment Fund (SF 2414, 87th Iowa General Assembly).

Iowa EASY Air allows DNR to spend less time verifying data and more time focusing on the technical aspects of the application: evaluating whether the proposed production and pollution control equipment will meet specific emissions limits required by law. The Contract has been amended previously to change deadlines in the Contract, enhance a submittal type, extend maintenance and support services, expand Title V application features, and add a new electronic payment system. Details are listed below in the Contract History.

Original Selection Process Summary:

The DNR met with stakeholders through focus groups to gather the users' needs, insight, and interest for a new electronic system. A Request for Proposals (RFP) process to solicit and receive bids from vendors was held in 2016. Five bids were received and evaluated during a competitive bidding and evaluation process. A Notice of Intent to Award was issued to enfoTech on February 6, 2017.

The original contract end date was October 31, 2024. On March 9, 2023, the Office of the Chief Information Officer (OCIO) granted a four-year waiver to extend the total duration of the enfoTech master contract to 10 years (October 31, 2028). As documented in the Contract History below, the 8th amendment formalized the four-year OCIO waiver to extend the Contract to October 31, 2028.

Contract History:

Amendment #1

Terms: No change in funding

Timeframe: June 1, 2019 to March 1, 2021

Purpose: The purpose of amendment #1 was to extend the timelines within the Contract.

Amendment #2**Terms:** Amount: \$13,200**Timeframe:** August 1, 2020 to October 30, 2020**Purpose:** The purpose of amendment #2 was to expand a submittal type to the Iowa EASY Air system features. The expansion was entitled "Construction Rescission Application".**Amendment #3****Terms:** Amount: \$117,150**Timeframe:** November 20, 2020 to October 31, 2024**Purpose:** The purpose of amendment #3 was to extend the System Maintenance and Support Services performed by the Contractor for four additional years.**Amendment #4****Terms:** Amount: \$12,355**Timeframe:** May 1, 2021 – October 31, 2024**Purpose:** The purpose of amendment #4 was to expand the Title V application features in the Iowa EASY Air system.**Amendment #5****Terms:** Amount: \$16,830**Timeframe:** October 1, 2021 – February 28, 2022**Purpose:** The purpose of amendment #5 was to replace the existing payment processing system with the new State of Iowa NIC payment processing system.**Amendment #6 Terms:****Terms:** Amount \$58,900**Dates:** February 15, 2022 to June 30, 2022**Purpose:** The purpose of amendment #6 was to provide critical enhancements including reminders and tool tips to prevent data loss and provide instructional information. Data on emissions and calculations would auto populate in forms and added functionality on dashboards.**Amendment #7****Terms:** No change in funding**Timeframe:** February 15, 2022 to September 30, 2022**Purpose:** The purpose of amendment #7 was to extend the timelines of amendment #6.**Amendment #8****Terms:** No change in funding**Timeframe:** April 15, 2023 to October 31, 2028**Purpose:** The purpose of amendment #8 was to extend the timelines of the Contract.

Deliverable	Task Milestone Date	Amount of compensation allotted to Task	Invoice Due No Later Than
Amendment Tasks 1a-d: Annual System Maintenance & Support Services Year 1 Description: Service shall include: Task 1a: Calls every two weeks Task 1b: Email and phone support Task 1c: Respond to PTWS service requests Task 1d: Fix Bugs	This Task shall be completed on an ongoing basis from November 1, 2024 – October 31, 2025.	Not to exceed \$10,000	February 28, 2025
		Not to exceed \$10,000	June 30, 2025
		Not to exceed \$10,000	October 31, 2025
Amendment Tasks 2a -d: Annual System Maintenance & Support Services Year 2	This Task shall be completed on an	Not to exceed \$10,000	February 28, 2026

Deliverable	Task Milestone Date	Amount of compensation allotted to Task	Invoice Due No Later Than
Description: Service shall include: Task 2a: Calls every two weeks Task 2b: Email and phone support Task 2c: Respond to PTWS service requests Task 2d: Fix Bugs	ongoing basis from November 1, 2025 – October 31, 2026.	Not to exceed \$10,000	June 30, 2026
		Not to exceed \$10,000	October 31, 2026
Amendment Tasks 3a -d: Annual System Maintenance & Support Services Year 3 Description: Service shall include: Task 3a: Calls every two weeks Task 3b: Email and phone support Task 3c: Respond to PTWS service requests Task 3d: Fix Bugs	This Task shall be completed on an ongoing basis from November 1, 2026 – October 31, 2027.	Not to exceed \$10,000	February 28, 2027
		Not to exceed \$10,000	June 30, 2027
		Not to exceed \$10,000	October 31, 2027
Amendment Tasks 4a -d: Annual System Maintenance & Support Services Year 4 Description: Service shall include: Task 4a: Calls every two weeks Task 4b: Email and phone support Task 4c: Respond to PTWS service requests Task 4d: Fix Bugs	This Task shall be completed on an ongoing basis from November 1, 2027 – October 31, 2028.	Not to exceed \$10,000	February 28, 2028
		Not to exceed \$10,000	June 30, 2028
		Not to exceed \$10,000	October 31, 2028

Wendy Walker
Environmental Specialist Senior
Air Quality Bureau - Environmental Services Division

October 15, 2024

Iowa Department of Natural Resources
Environmental Protection Commission

ITEM #10

DECISION

Contract with LINN COUNTY- Ambient Air Monitoring

Recommendation:

Commission approval is requested for a service Contract (subrecipient agreement) with the county government of Linn County, Cedar Rapids, Iowa.

Contract Terms:

Amount: Not to exceed \$561,620

Dates: October 15, 2024, to June 30, 2029

Funding Source(s): Federal Inflation Reduction Act (IRA); Sec. 60105(a) Clean Air Act: Sec. 103

Statutory Authority: Iowa Code 455B.134(11), 455B.144, and 455B.145

Contract Background:

Under Iowa Code 455B.134(11) local political subdivisions are able to address air quality issues in their jurisdictions. Linn County has a local air quality program that includes ambient air monitoring.

Contract Purpose:

The parties propose to enter into this Contract to establish and operate a new ambient air monitoring site in the Osborn Park / New Bohemia area in Cedar Rapids to monitor multiple air pollutants, upgrade monitoring equipment in the existing Linn County ambient air monitoring network, and upgrade the ambient air monitoring portion of the Linn County website.

Selection Process Summary: This Contract is authorized by 11 IAC section 118.4, which states that if another governmental entity has resources available to supply a service sought by a state agency, the state agency may enter into an intergovernmental agreement with the other governmental entity and is not required to use competitive selection. The Contract is also authorized by Iowa Code chapter 28E and Iowa Code sections 455B.144-145.

Contract History: N/A.

Wendy Walker, Environmental Specialist Senior, Air Quality Bureau
Environmental Services Division
October 15, 2024

Obligation	Task Milestone Date
<p>Task 1: Establish a new ambient air monitoring site Description: The Local Program shall establish a new, multipollutant ambient air monitoring site in Osborn Park / New Bohemia area in Cedar Rapids by September 30, 2025. The new monitoring site shall meet or exceed the minimum specification set indicated in Appendices D and E of 40 CFR 58. The new site shall tentatively include the following:</p> <ul style="list-style-type: none">• one set of custom stairs to access shelter roof• one Mini PC DR DAS brand datalogger• two ATEC Model 2200-2 Toxics Samplers• one Teledyne T640 for PM2.5• one Thermo 2025i FRM for PM2.5	<p>Monitor operational: September 30, 2025</p>

Obligation	Task Milestone Date
<ul style="list-style-type: none"> • Arrange for site preparation including concrete pad, electrical setup, and fencing around at the site. 	
<p>Task 2: Operate new ambient air monitoring site Description: The Local Program shall operate the new ambient air monitoring site near Osborn Park / New Bohemia area in Cedar Rapids. Sampling frequencies are listed in Table 1 below.</p> <p>The Local Program shall poll its continuous monitors each day and issue immediate reports to DNR. The Local Program shall designate an individual on its monitoring staff to be on call during off hours in order to respond to high level reports generated by Envirodata data loggers at its continuous monitoring sites. When these levels indicate a likely exceedance of ambient health thresholds, the staff member shall evaluate the validity of the data. If the data is determined to be suspect or invalid, the staff member shall suspend real time posting of the data. If the data is determined to be valid, then the staff member shall supply notifications of high concentrations as indicated in the Local Program Quality Assurance Project Plan (QAPP).</p>	<p>October 1, 2025 - June 30, 2029</p> <p>Quality Assurance: See Task 5.</p> <p>Data Management: See Task 6</p> <p>Reporting Requirements: See Section 6</p>
<p>Task 3: Upgrade monitoring equipment Description: The Local Program shall upgrade monitoring equipment at the Public Health, and Coggon monitoring sites by September 30, 2025. The monitoring equipment shall tentatively include the following:</p> <ul style="list-style-type: none"> • four Nafion Driers for Ozone (two for Public Health, and two for Coggon) • four O3 sample pumps (two for Public Health, and two for Coggon) • one 2200-2 ATEC toxics monitor (for Public Health) • one 2200-2 ATEC toxics monitor (for Public Health backup) • one N400 O3 monitor • one N701 H zero air generator for SO2 • one T100U SO2 monitor • one T700 Gas Dilution Calibrator (2 MFC) for SO2 • one T700 Gas Dilution Calibrator (3 MFC) for SO2 	<p>Equipment installed: September 30, 2025</p>
<p>Task 4: Quality Assurance Description: 1. Quality System. The Local Program shall develop and implement an EPA Quality System to assure the quality of its air monitoring activities that are conducted pursuant to this Agreement. The Quality System developed by the Local Program shall be completely autonomous from that of DNR. For autonomy, the Local Program has the responsibility for developing procedures and oversight sufficient to demonstrate that the environmental data generated meets the requirements of EPA and DNR. The Local Program Quality System shall include:</p> <ol style="list-style-type: none"> a. Development and implementation of a Quality Management Plan (QMP) according to EPA guidance document QA/R-2; b. Development and implementation of Quality Assurance Project Plans (QAPPs) consistent with EPA guidance document QA/R-5; and c. Development and implementation of Standard Operating Procedures (SOPs) for operation of air monitoring equipment, data handling, and other repetitive procedures. The QAPP/SOP shall be modified as necessary to remain current with EPA requirements outlined in 40 CFR Part 58, the current edition of EPA's Quality Assurance Handbook for Air Pollution Measurement Systems ("the Redbook"), and applicable EPA 	<p>Ongoing</p>

Obligation	Task Milestone Date
<p>guidance. The Local Program shall designate members of its Air Monitoring Staff as QAPP/SOP reviewers. As part of the annual network review, the final SOPs shall be approved by the designated Quality Assurance Manager (QAM) or Air Quality Manager (AQB/Air Quality Supervisor (AQS). A complete set of QMP/QAPPs/SOPs for all air monitoring activities shall be submitted to DNR and EPA by electronic media (e.g. PDF format) as a component of the annual review of air monitoring activities. In addition to the annual submittal of QMP and QAPP documents, the EPA Air Monitoring QAPP Review checklist and EPA QMP Review checklist shall be updated and included.</p> <p>2. Revision of Quality Assurance Documents. Substantive revisions of the Local Program’s QMP/QAPPs/SOPs require approval of DNR and EPA. Except as otherwise indicated in this Agreement, QAPP/SOP revisions shall be submitted to EPA/DNR within forty (40) working days following:</p> <ul style="list-style-type: none"> a. Promulgation of new monitoring rules or procedures by EPA; b. Written notification from DNR or EPA of a deficiency in procedures by EPA/DNR; or c. Receipt of new equipment for which no QAPP/SOP exists. <p>The Local Program shall not deploy monitoring equipment without an associated QAPP/SOP.</p> <p>3. External Audits. The Local Program shall participate in EPA’s National Performance Audit Program (NPAP), performance evaluation program (PEP) for PM_{2.5} monitoring, and EPA technical systems audits (TSA’s). In addition, the Local Program shall participate in quality assurance systems audits conducted by the State Hygienic Laboratory (SHL). The Local Program shall respond promptly to address deficiencies identified in these audits.</p> <p>4. Annual Network/Quality Assurance Review. After it begins operation, the Osborn Park / New Bohemia site shall be included in the Local Program’s Annual Network/Quality Assurance Review. By March 14 of each year the Local Program shall complete and submit to DNR an annual network/quality assurance review for the previous calendar year in order to demonstrate that its quality system is sufficiently developed, and its monitors are appropriately sited and adequate in number to meet EPA’s minimum requirements. In addition, the Local Program shall review its AQS and Precision and Accuracy data and site/monitor parameters in the AQS database for errors during the previous calendar year and generate graphical and statistical summaries of the data. The Local Program shall evaluate the data relative to EPA acceptance criteria for data completeness, precision and accuracy. On the basis of this review, the Local Program shall submit its annual SLAMs certification letter. The Annual Network/Quality Assurance review shall contain the following components and the review shall be submitted to DNR via electronic media, with any emails containing in the subject line a specific reference to the applicable obligation.</p> <ul style="list-style-type: none"> a. A complete, current set of Quality Assurance documentation (QMP/QAPPs/SOPs and QMP/QAPP checklists); b. AQS and Precision and Accuracy raw data listings generated from the AQS system [AQS QA Raw Assessment report (AMP 251), and AQS Raw Data Report (AMP 350)] for all monitors operated by the Local Program during the previous calendar year; c. Graphs of concentration vs. time (and concentration vs. wind direction where applicable) for all monitors operated by the Local Program during the previous calendar year; 	

Obligation	Task Milestone Date
<p>d. Complete, current network review checklists to document conformance with 40 CFR Part 58 Appendix E requirements. If new sites/monitors are proposed by the Local Program, the Local Program shall submit a rationale for each new site/monitor along with a siting checklist verifying conformance with 40 CFR Part 58 Appendix E. If sites/monitors are proposed for removal by the Local Program, the Local Program shall submit its rationale for removal. All network modifications requested by the Local Program must conform to 40 CFR Part 58 Appendix B;</p> <p>e. An annual quality assurance report following the example contained in Volume II, Appendix I, of EPA's Quality Assurance Handbook for Air Pollution Measurement Systems (rev January 2017);</p> <p>f. An annual State and Local Air Monitoring Stations (SLAMS) report consisting of an AMP 600 and 450NC along with a letter certifying the accuracy of the report based on a review of all materials contained in the annual review; and</p> <p>g. A report to DNR from the Local Program quality assurance manager indicating the results of an audit comparing the procedures actually used by the field staff to operate and maintain air monitoring equipment with the written standard operating procedures for the equipment. In the event that discrepancies exist between the actual and written procedures, the report shall detail these discrepancies, establish the validity of the data gathered with the undocumented procedures, and update standard operating procedures, where necessary, to reflect actual field practice.</p>	
<p>Task 5: Data Management</p> <p>1. Data Validation. Data obtained from ambient monitors shall be validated as specified in the approved QAPP and in this Statement of Work.</p> <p>2. Site Setup and Closure in AQS. The Local Program shall be responsible for opening and closing sites and monitors in the AQS database for its reporting organization, and for its monthly data uploads. The Local Program shall notify DNR when it closes sites or monitors in the AQS database.</p> <p>3. AQS/Precision, Bias, and Accuracy Data Submission. Validated monitoring data (AQS data) and precision and accuracy data (PARS data), for all monitors, shall be uploaded by the Local Program staff monthly. To expedite data generation by SHL, the Local Program shall provide validated sampler run data at the same time integrated samples are submitted to SHL for laboratory analysis. If PM_{2.5} data from the SHL laboratory has not been received before the scheduled monthly upload, it shall be entered at the next scheduled monthly upload. The Local Program shall inform DNR via e-mail after completing its monthly data upload. In the event that the monthly data upload is not complete, the Local Program shall indicate in the report the reason for the backlog and the anticipated date when the backlogged data will be uploaded.</p> <p>4. Data Screening. To prevent data coding errors, the Local Program shall lock data for upload only after the screening file passes all AQS system edit checks. The Local Program shall archive a copy of any data uploaded to AQS immediately before locking the data for upload.</p>	Ongoing

Obligation	Task Milestone Date
<p>5. Recordkeeping Requirements.</p> <p>a. Monthly AQS Recordkeeping Requirements. On a monthly basis, the Local Program shall run and review the AQS Raw Data Report (AMP 350) to determine the completeness and accuracy of the AQS and PARS data uploaded by the Local Program to the AQS system.</p> <p>b. Quarterly AQS Recordkeeping Requirements. On a quarterly basis, the Local Program shall run and review the:</p> <ol style="list-style-type: none"> 1) AQS QA Raw Assessment Report (AMP 251) and AQS QA Data Quality Indicator Report (AMP 256) to evaluate the Precision, Bias, and Accuracy of data uploaded by the Local Program in accordance with 40 CFR Part 58; 2) AQS Data Completeness Report (AMP 430) in order to evaluate the quarterly data completeness of the monitors operated by the Local Program; and 3) AQS Site Description Report (AMP 380) in order to evaluate the accuracy and completeness of the site setup parameters of the monitors operated by the Local Program. <p>6. Real-time Monitoring. The Local Program shall post all continuous ambient monitoring data (including collocated monitoring data) to EPA’s AIRNOW website. In addition, the Local Program shall post all continuous ambient data to the Local Program’s website, along with up to date Air Quality Index reports. The Local Program shall update its QAPP and SOPs to ensure that all real-time monitoring data is complete and accurate.</p> <p>7. Toxics Monitoring Activities. In accordance with approved grant workplan, the Local Program shall contract directly with Eastern Research Group (ERG’s) analytical laboratory to analyze toxic samples collected in canisters. ERG will process the samples using EPA method TO-15A (i.e. separation by gas chromatography, followed by further analysis with a mass spectrometer). The analytes targeted by this method are Volatile Organic Compounds (VOCs), and are listed on page 76 -77 of the NATTS Technical Assistance Document (TAD). The Local Program shall be responsible for setting up or shutting down toxics sites in AQS, and shall validate toxics data in cooperation with ERG. The Local Program shall upload the AQS strings provided by ERG into EPA’s AIRS database.</p>	
<p>Task 6: Upgrade the monitoring portion of the Linn County website</p> <p>Description: The Local Program shall hire a contractor to design and build a new monitoring portion of the Local Program’s air quality website with mobile & Application Programming Interface (API) capability.</p>	<p>June 30, 2025</p>

Iowa Department of Natural Resources
Environmental Protection Commission

ITEM #11

DECISION

Contract with POLK COUNTY - Ambient Air Monitoring

Recommendation:

Commission approval is requested for a service Contract (subrecipient agreement) with the county government of Polk County, Des Moines, Iowa.

Contract Terms:

Amount: Not to exceed \$390,523

Dates: October 15, 2024, to June 30, 2029

Funding Source(s): Federal Inflation Reduction Act (IRA); Sec. 60105(a) Clean Air Act: Sec. 103

Statutory Authority: Iowa Code 455B.134(11), 455B.144, and 455B.145

Contract Background:

Under Iowa Code 455B.134(11) local political subdivisions are able to address air quality issues in their jurisdictions. Polk County has a local air quality program that includes ambient air monitoring.

Contract Purpose:

The parties propose to enter into this Contract to establish and operate a new, multipollutant, ambient air monitoring site near East High School in Des Moines and upgrade ozone monitoring equipment at sites in Polk County.

Selection Process Summary:

This Contract is authorized by 11 IAC section 118.4, which states that if another governmental entity has resources available to supply a service sought by a state agency, the state agency may enter into an intergovernmental agreement with the other governmental entity and is not required to use competitive selection. The Contract is also authorized by Iowa Code chapter 28E and Iowa Code sections 455B.144-145.

Contract History: N/A

Wendy Walker, Environmental Specialist Senior, Air Quality Bureau
Environmental Services Division
October 15, 2024

Obligation	Task Milestone Date
<p>Task 1: Establish a new ambient air monitoring site Description: Establish a new monitoring site near East High School in census block 19153001700 as in Des Moines. The new monitoring site shall meet or exceed the minimum specification set indicated in Appendices D and E of 40 CFR 58. The new site shall tentatively include the following:</p> <ul style="list-style-type: none">• one Thermo 2025i sampler for discrete PM2.5 sampling• one ATEC 2200 Toxics Sampler (cartridge carbonyl collection only)• one Met One BAM model 1022 sampler for continuous PM2.5 sampling• one ESC 8864 data logger	<p>Monitor operational: September 30, 2025</p>

Obligation	Task Milestone Date
<ul style="list-style-type: none"> • Resultant met sensor(s) that measure both wind speed and direction • one shelter for housing monitoring equipment • Arrange for site preparation including concrete pad, electrical setup, and fencing around at the site 	
<p>Task 2: Operate new ambient air monitoring site Description: The Local Program shall operate the new ambient air monitoring site near East High School. Sampling frequencies are as indicated in Table 1 below.</p> <p>Local Program shall poll its continuous monitors each day and issue immediate reports to DNR. The Local Program shall post all continuous ambient monitoring data EPA’s AIRNOW website and the Local Program’s website. The Local Program shall update its real-time monitoring QAPP and SOPs to ensure that all real-time monitoring data is complete and accurate. The Local Program shall designate an individual on its staff to be on standby status with remote paging capability during off hours in order to respond to high level reports generated by ESC data loggers at its continuous monitoring sites. When these levels indicate a likely exceedance of ambient health thresholds, the staff member shall evaluate the validity of the data. If the data is determined to be suspect or invalid, the staff member shall suspend real time posting of the data. If the data is determined to be valid, then the staff member shall supply notifications of high concentrations as indicated in the Local Program QAPP.</p>	<p>October 1, 2025 -June 30, 2029</p> <p>Quality Assurance: See Task 4.</p> <p>Data Management: See Task 5</p> <p>Reporting Requirements: See Section 6</p>
<p>Task 3: Upgrade monitoring equipment Description: The Local Program shall upgrade ozone monitoring equipment at multiple sites in Polk County. The monitoring equipment shall include three Thermo 49iQ Ozone transfer standards without internal scrubbers.</p>	<p>Equipment purchased: September 30, 2025.</p> <p>Equipment installed March 1, 2026.</p>
<p>Task 4: Quality Assurance Description: 1. Quality System. The Local Program shall develop and implement an EPA Quality System to assure the quality of its air monitoring activities. The Quality System developed by the Local Program shall be completely autonomous from that of DNR. For autonomy, the Local Program has the responsibility for developing procedures and oversight sufficient to demonstrate that the environmental data generated meets the requirements of EPA and DNR. The Local Program Quality System shall include:</p> <ol style="list-style-type: none"> a. Development and implementation of a Quality Management Plan (QMP) according to EPA guidance document QA/R-2; b. Development and implementation of Quality Assurance Project Plans (QAPPs) consistent with EPA guidance document QA/R-5; and c. Development and implementation of Standard Operating Procedures (SOPs) for operation of air monitoring equipment, data handling, and other repetitive procedures consistent with QA/G-6. The QAPP/SOP shall be modified as indicated in the QMP/QAPPs to remain current with EPA requirements outlined in 40 CFR Part 58, the current edition of EPA’s Quality Assurance Handbook for Air Pollution Measurement Systems (“the Redbook”), and applicable EPA guidance. The Local Program shall designate members of its Air Monitoring Staff as QAPP/SOP reviewers. As part of the annual network review, the final SOPs shall be approved by th 	<p>Ongoing</p>

Obligation	Task Milestone Date
<p>designated Quality Assurance Manager (QAM) or Air Quality Manager (AQM). A complete set of QMP/QAPPs/SOPs for all air monitoring activities shall be submitted to DNR and EPA by electronic media (e.g. PDF format) as a component of the annual review of air monitoring activities. In addition to the annual submittal of QMP and QAPP documents, the EPA Air Monitoring QAPP Review checklist and EPA QMP Review checklist shall be updated and included.</p> <p>2. Revision of Quality Assurance Documents. Substantive revisions of the Local Program's QMP/QAPPs/SOPs require approval of DNR and EPA. Except as otherwise indicated within this Agreement, QAPP/SOP revisions shall be submitted to EPA/DNR within forty (40) working days following:</p> <ul style="list-style-type: none"> a. Promulgation of new monitoring rules or procedures by EPA; or b. Written notification of a deficiency in procedures by EPA/DNR. <p>The Local Program shall not initiate data collection without an associated QAPP/SOP.</p> <p>3. External Audits. The Local Program shall participate in EPA's National Performance Audit Program (NPAP), performance evaluation program (PEP) for PM_{2.5} monitoring, and EPA technical systems audits (TSA's). In addition, the Local Program shall participate in quality assurance systems audits conducted by the State Hygienic Laboratory (SHL). The Local Program shall respond promptly to address deficiencies identified in these audits.</p> <p>4. Annual Network/Quality Assurance Review. After it begins operation, the East High School site shall be included in the Local Program's Annual Network/Quality Assurance Review. By March of each year, the Local Program shall complete and submit to DNR an annual network/quality assurance review for the previous calendar year in order to demonstrate that its quality system is sufficiently developed, and its monitors are appropriately sited and adequate in number to meet EPA's minimum requirements. In addition, the Local Program shall review its AQS/PARS data and site/monitor parameters in the AQS database for errors during the previous calendar year and generate graphical and statistical summaries of the data. The Local Program shall evaluate the data relative to EPA acceptance criteria for data completeness, precision and accuracy. On the basis of this review, the Local Program shall submit its annual SLAMs certification letter. The Annual Network/Quality Assurance review shall contain the following components and the review shall be submitted to DNR by electronic media. Any emails shall contain in the subject line a specific reference to the applicable obligation.</p> <ul style="list-style-type: none"> a. A complete, current set of Quality assurance documentation (QMP/QAPPs/SOPs and QMP/QAPP checklists); b. AQS/PARS raw data listings generated from the AQS system [AQS QA Raw Assessment Report (AMP 251), AQS Raw Data (AMP 350)] for all monitors operated by the Local Program during the previous calendar year; c. Graphs of concentration vs. time (and concentration vs. wind direction where applicable) for all monitors operated by the Local Program during the previous calendar year; d. Complete, current network review checklists to document conformance with 40 CFR Part 58 Appendix E requirements. If new sites/monitors are proposed by the Local Program, the Local Program shall submit a rationale for each new site/monitor along with a siting checklist verifying 	

Obligation	Task Milestone Date
<p>conformance with 40 CFR Part 58 Appendix E. If sites/monitors are proposed for removal by the Local Program, the Local Program shall submit its rationale for removal. All network modifications requested by the Local Program must conform to 40 CFR Part 58 Appendix B;</p> <p>e. An annual quality assurance report following the example contained in Volume II, Appendix I, of EPA's Quality Assurance Handbook for Air Pollution Measurement Systems (rev January 2017);</p> <p>f. An annual State and Local Air Monitoring Stations (SLAMS) report consisting of an AMP 600 and 450NC along with a letter certifying the accuracy of the report based on a review of all materials contained in the annual review; and</p> <p>g. A report from the quality assurance manager indicating the results of an audit comparing the procedures actually used by the field staff to operate and maintain air monitoring equipment with the written standard operating procedures for the equipment. In the event that discrepancies exist between the actual and written procedures, the report shall detail these discrepancies, establish the validity of the data gathered with the undocumented procedures, and update standard operating procedures, where necessary, to reflect actual field practice.</p>	
<p>Task 5: Data Management</p> <p>1. Data Validation. Data obtained from ambient monitors shall be validated as specified in the approved QAPP and in this scope of work.</p> <p>2. Site Setup and Closure in AQS. The Local Program shall be responsible for opening and closing sites and monitors in the AQS database for its reporting organization, and for its monthly data uploads. The Local Program shall notify DNR when it closes sites or monitors in the AQS database.</p> <p>3. AQS/PARS Data Submission. Validated monitoring data (AQS data) and precision and accuracy data (PARS data), for all monitors, shall be uploaded by the Local Program staff monthly. To expedite data generation by SHL, the Local Program shall provide validated sampler run data at the same times integrated samples are submitted to SHL for laboratory analysis. If PM_{2.5} data from the SHL laboratory has not been received before the scheduled monthly upload, it shall be entered at the next scheduled monthly upload. The Local Program shall inform DNR via e-mail after completing its monthly data upload. In the event that the monthly data upload is not complete, the Local Program shall indicate by mail or e-mail the reason for the backlog and the anticipated date when the backlogged data will be uploaded.</p> <p>4. Data Screening. To prevent data coding errors, the Local Program shall lock data for upload only after the screening file passes all AQS system edits (Edit Error Details, Scan Report, and Stat Evaluation). The Local Program shall archive a copy of any data uploaded to AQS immediately before locking the data for upload.</p> <p>5. Recordkeeping Requirements.</p> <p>a. Monthly AQS Recordkeeping Requirements. On a monthly basis, the Local Program shall run and review the AQS QA Raw Assessment Report (AMP 251) and AQS Raw Data Report (AMP 350) to determine the completeness and accuracy of the AQS and PARS data uploaded by the Local Program to the AQS system.</p> <p>b. Quarterly AQS Recordkeeping Requirements. On a quarterly basis, the Local Program shall run and review the:</p>	Ongoing

Obligation	Task Milestone Date
<p>1) AQS QA Data Quality Indicator Report (AMP 256) to evaluate the PARS data uploaded by the Local Program;</p> <p>2) AQS Data Completeness Report (AMP 430) in order to evaluate the quarterly data completeness of the monitors operated by the Local Program; and</p> <p>3) AQS Site Description Report (AMP 380) in order to evaluate the accuracy and completeness of the site setup parameters of the monitors operated by the Local Program.</p> <p>6. Toxics Monitoring. The Local Program shall use SHL’s analytical laboratory for toxics sample analysis. The Local Program shall be responsible for setting up or shutting down toxics sites in AQS, and shall validate toxics data in cooperation with the SHL laboratory. The Local Program shall upload the AQS strings provided by SHL into EPA’s AQS database.</p>	

**Iowa Department of Natural Resources
Environmental Protection Commission**

Decision Item

12. 2025 EPC Meeting Recommendations

Month	Meeting Date / Day / Time			Meeting Location (County)
January	01/21/25	Tue	10:00am Business Meeting	Polk
February	02/19/25	Wed	7:30am- 9:30am DNR Legislative Meet/Greet 10:00am Business Meeting	Polk
March	03/18/25	Tue	10:00am Business Meeting	Polk
April	04/15/25	Tue	10:00am Business Meeting	Polk
May	05/20/25	Tue	12:00pm Field Tour	Winneshiek
	05/21/25	Wed	10:00am Business Meeting	Winneshiek
June	06/17/25	Tue	10:00am Business Meeting	Polk
July	07/15/25	Tue	10:00am Business Meeting	Polk
August	08/19/25	Tue	10:00am Business Meeting	Polk
September	09/16/25	Tue	10:00am Business Meeting	Polk
October	10/21/25	Tue	10:00am Business Meeting	Polk
November	11/18/25	Tue	10:00am Business Meeting	Polk
December	12/16/25	Tue	10:00am Business Meeting	Polk

Ed Tormey, Division Administrator
Environmental Services Division
EPC Meeting Date: 10/15/24

LITIGATION REPORT

Prepared by: Bradley Adams
Date: October 15, 2024

I. Summary

The Department of Natural Resources (DNR) seeks referral of Montipark L.L.C. (“Montipark”) and William Shadbolt to the Iowa Attorney General’s Office for violations of Iowa’s water supply regulations.

Montipark’s violations are numerous and long running. Montipark operates a public water supply that provides drinking water to 35 residents of a mobile home park (also named Montipark, hereinafter “the park”) in Monticello, Iowa. Since October of 2021, Montipark has rarely collected bacteria and nitrate samples to ensure the water’s safety, nor has it provided the required notices to park residents for its failure to collect samples.

Additionally, when bacteria samples have been collected at the water supply, they have revealed the presence of coliform and E. coli. Since March of 2022, this water supply has not been served by a certified operator, who are the professionals that ensure the proper functioning of water treatment systems. The neglect of this water system has led to a bottled water advisory for park residents, as potential nitrate contamination may make the water unsafe to boil.

In January of 2024, DNR issued Administrative Order No. 2024-WS-01 (“the order”) against Montipark and Mr. Shadbolt, Montipark’s owning member, requiring corrective action. Since that time, Montipark and Mr. Shadbolt have been either uncooperative or unresponsive, and have endangered the residents’ health by taking no corrective action. Therefore, the DNR is requesting that this matter be referred to the Attorney General’s office.

II. Alleged Violators

Montipark, L.L.C. & William Shadbolt
1101 North Lake Way Suite no. 100
Seattle WA 98103

III. Description of Facility

The park’s address is 21664 Business Highway 151 , Monticello, IA 52310, located approximately one mile east of Monticello in Jones County. The park’s legal title holders are Kevin and Julie Miller. However, Montipark is the equitable title holder and is purchasing the property through a contractual agreement. This system has a total of 23 service connections that currently supplies water to 35 year-round residents. This water supply contains one distribution system. Water

for the distribution system serves all 23 connections and is derived from one shallow well (Well no. 1). Well no. 1 was constructed to a depth of 150 feet and is equipped with a pitless adaptor and submersible pump capable of providing water at a rate of 10 GPM. An 80-gallon pressure tank provides pressure and storage. The system is designed to treat the well water with sodium hypochlorite for disinfection, and anion exchange for nitrate removal.

IV. Alleged Violations

A. FACTS

Matters of Ownership and Operation

1. On or about January 3, 2020, the park was sold on contract from Julie Miller and Kevin Miller to Montipark, a limited liability company formed under the laws of Iowa.
2. Based on communications sent to the DNR, Montipark was initially owned and operated by William Shadbolt and Darren Hoy. On or about September 21, 2020, Mr. Hoy left the corporation.
3. Mr. Shadbolt resides in the State of Washington and is the only member of Montipark known to the DNR.
4. The park contains a public drinking water system (“the System”) under Public Water Supply Operation Permit No. 5300688 (“the Permit”). Montipark is the named permittee.
5. The System serves approximately 35 residents on a regular basis and approximately 23 service connections.
6. The Permit required Montipark to treat the well water with sodium hypochlorite for microbial disinfection, remove nitrates through anion exchange, and maintain a minimum free chlorine residual level of 0.3 mg/L.
7. Water is primarily provided to the System from a shallow well, Well no. 1, which is constructed to a depth of 150 feet.
8. Additionally, on or about September 13, 2022, the DNR determined that Montipark had been utilizing an emergency well, Well no. 2, and ceased using the park’s active well, Well no. 1. Well no. 2 is not plumbed to provide proper nitrate removal or chlorination.
9. Water from Well no. 2 can be provided to the System only on an emergency basis. The construction depth of this well is unknown. The Permit terms state that Montipark must notify the DNR before any planned use of Well no. 2

within 24 hours of any emergency use, or when the use of Well no. 2 exceeds 30 days per year.

Monitoring and Public Notice Violations

10. On October 21, 2021, the DNR issued a Notice of Violation (NOV) to Montipark for failure to produce and distribute the Consumer Confidence Report for 2020. No public notice was published or reported for this violation as required by law (see part IV-B(8-9) below).
11. On October 7, 2021, the State Hygienic Lab issued a notice to Montipark that there was an overdue balance of \$431.00 and that no more samples would be accepted until the balance was paid.
12. On May 19, 2022, the DNR issued a NOV to Montipark for the failure to collect the April 2022 nitrate and bacterial samples. No public notice was published or reported for this violation.
13. On June 16, 2022, the DNR issued a NOV to Montipark for failure to collect a May 2022 nitrate sample and a bacterial sample. No public notice was published or reported for this violation.
14. On July 21, 2022, the DNR issued a NOV to Montipark for failure to collect a June 2022 nitrate sample. No public notice was published or reported for this violation.
15. On August 18, 2022, the DNR issued a NOV to Montipark for failure to produce and distribute the Consumer Confidence Report for 2021. No public notice was published or reported for this violation.
16. On August 18, 2022, the DNR issued a NOV to Montipark for failure to collect a July 2022 nitrate sample and a bacterial sample. No public notice was published or reported for this violation.
17. On September 16, 2022, the DNR issued an NOV to Montipark for failure to collect an August 2022 bacterial sample. No public notice was published or reported for this violation.
18. On November 17, 2022, the DNR issued a NOV to Montipark for failure to collect an October 2022 nitrate sample at the source entry point (the source entry point is where raw water enters the System before treatment occurs). No public notice was published or reported for this violation.
19. On December 28, 2022, the DNR issued a NOV to Montipark for failure to collect a November 2022 nitrate sample at the source entry point, and for

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failure to provide the aforementioned public notices. No public notice was published or reported for the nitrate sample violation.

20. On January 20, 2023, the DNR issued a NOV to Montipark for failure to collect a December 2022 nitrate sample at the source entry point and for the failure to collect a bacteria sample. No public notice was published or reported for this violation.
21. On February 17, 2023, the DNR issued a NOV to Montipark for failure to collect a January 2023 nitrate sample at the source entry point and for the failure to collect a bacteria sample. No public notice was published or reported for this violation.
22. On March 16, 2023, the DNR issued a NOV to Montipark for failure to collect a February 2023 nitrate sample at the source entry point. No public notice was published or reported for this violation.
23. On April 20, 2023, the DNR issued a NOV to Montipark for the failure to collect a March 2023 nitrate sample at the source entry point and for the failure to collect a bacteria sample. No public notice was published or reported for this violation.
24. On May 18, 2023, the DNR issued a NOV to Montipark for failure to collect an April 2023 nitrate sample at the source entry point and for the failure to collect a bacteria sample. No public notice was published or reported for this violation.

Bacteria Issues

25. On July 7, 2021, the DNR issued a NOV to Montipark for failure to maintain the required minimum of 0.3 mg/L of free chlorine, resulting in the park's water not being adequately treated. There were 13 days during May 2021 when the minimum was not met, and an additional 13 days during June 2021 when the minimum was not met. No public notice was published or reported for this violation.
26. On September 7, 2022, Montipark collected two routine samples for total coliform and *E. coli*. Lab testing conducted on September 9, 2022, showed that both samples were positive for both total coliform and for *E. coli*.
27. On September 9, 2022, the DNR attempted to contact Mr. Shadbolt twice by calling the telephone number provided by Montipark. DNR staff left Mr. Shadbolt messages each time. No response was received by the DNR.
28. That same day, the DNR sent a notification letter to the email address provided by Montipark and Mr. Shadbolt. No response was received by the DNR.

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29. On September 12, 2022, the DNR again attempted to contact Mr. Shadbolt and the System's certified operator by phone and voicemail. The DNR received no response.
30. On September 13, 2022, Montipark collected three of the six required repeat samples and submitted them to the lab for testing.
31. On September 14, 2022, due to concern about the human health risk and lack of response from Montipark, the DNR Field Office staff visited the park, passed out the bottled water advisory to all residents, and took three special bacterial samples and a nitrate sample.
32. During this visit, DNR staff noted that Well no. 2 was operating and that Well no. 1 was not operating. DNR staff noted that the System was sending water through the nitrate removal system backwards relative to its design, and that it was unclear if the System was continuously disinfecting as intended.
33. On September 15, 2022, one of the three repeat samples collected was total coliform positive. Due to the elevated nitrate levels, a boil advisory was not considered safe as boiling the water can concentrate the nitrates within. Under these circumstances, the DNR issued a bottled water advisory.
34. On or about September 16, 2022, one of the special bacterial samples collected by the DNR came back positive for total coliform.
35. On or about September 20, 2022, the DNR completed a Level 2 assessment in response to the acute bacterial MCL.
36. On September 30, 2022, the DNR issued a NOV to Montipark. The NOV noted the System was operating contrary to its permit conditions.
37. On October 27, 2022, the DNR issued NOVs for the failure to collect three of the six assigned repeat bacterial samples, and for the failure to collect the triggered groundwater samples following the bacterial positive samples in September. No public notice was published or reported for these violations.

July 2023 Investigation

38. On June 20, 2023, DNR staff investigated the park. During this investigation, DNR staff noted the following:
 - a. Well no. 1 was not operating.
 - b. Well no. 2 was operating.
 - c. No Montipark representative notified the DNR that Well no. 2 was operating.

- d. One set of field and lab water samples were taken from Lot 25 at the park. The field sample showed 9 mg/L of nitrate; the lab nitrate sample was 7.7 mg/l. The field test kit showed 0.08 mg/L of free chlorine residual, and 0.011 mg/L of total chlorine residual.
 - e. A second set of field water samples was taken later from the same lot, Lot 25. These samples showed zero mg/L of free chlorine residual and zero mg/L of total chlorine residual. It is unclear as to why the previous samples contained the chlorine residuals, but subsequent samples did not, assuming that the system was turned on and operating throughout the DNR's site investigation.
39. On July 10, 2023, the DNR issued a NOV to Montipark for these violations. No public notice was published or reported for these violations.
40. As of the date of this litigation report, the DNR never received notice of Well no. 2's operation.

September 2023 Investigation

41. On September 25, 2023, DNR Field Office 1 (FO 1) staff investigated the System.
42. Staff were unable to reach Well no. 1 due to the unsanitary conditions surrounding that well.
43. Staff took water samples of untreated water from Well no. 1, which tested positive for both total coliform bacteria and for *E. coli*.
44. Staff took water samples from the source entry point, after treatment of the water. These samples tested positive for total coliform bacteria but negative for *E. coli*.
45. On September 29, 2023, DNR issued an NOV for Montipark's failure to submit the required Monthly Operation Report and Maximum Residual Disinfectant Level (MRDL). No public notice was published or reported for these violations.

Issuance of Administrative Order no. 2024-WS-01

46. On January 26, 2024, the DNR issued the order, requiring both Montipark and Mr. Shadbolt to: (1) promptly reply to all communications from any DNR employee related to the operation or management of the System; (2) operate the System in compliance with the Permit, including but not limited to any modification to the Permit; (3) retain a Grade A certified operator to manage the System; (4) immediately begin implementing a program to provide park residents with bottled water, and; (5) pay a \$10,000 administrative penalty.

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Neither Montipark nor Mr. Shadbolt appealed the Order. As of the filing of this report, none of these items have been resolved, nor has the penalty been paid.

47. On February 2, 2024, FO 1 conducted a site visit in response to a complaint from a park resident. FO 1 staff confirmed that the System was still deficient in accordance with the above stated facts, and that the park residents were not being provided bottled water per the order.
48. In the interim, between the issuance of the order and the filing of this Litigation Report, Montipark and Mr. Shadbolt have not collected water samples, provided public notice to park residents, submitted monthly operating reports, or hired a certified operator to oversee the proper functioning of the System.

B. APPLICABLE LAW

1. Iowa Code section 455B.172 makes the DNR the agency of the state to conduct the public water supply system program.
2. Iowa Code section 455B.171(26) defines a public water supply system as a system for the provision of piped water for human consumption, if the system has at least fifteen service connections or regularly serves at least twenty-five individuals. Additionally, a public water supply system includes relevant facilities under the control of the “operator of the system.” Iowa Code section 455B.171(26).
3. Iowa Code sections 455B.173(3), (5) and (6) authorize the Environmental Protection Commission (Commission) to promulgate rules relating to the operation of public water supply systems, to adopt drinking water standards to assure compliance with federal standards adopted pursuant to the federal Safe Drinking Water Act, and to adopt rules relating to monitoring, record keeping, and reporting requirements for any public water supply system. The Commission adopted such rules at 567 IAC chapters 40-43.
4. Iowa Code section 455B.175(1)(c) and Iowa Code section 455B.191(5) enable the DNR director to refer water supply matters to the Attorney General’s Office, upon approval of the Commission.
5. 567 IAC 41.3(1)(c)(5) requires routine monitoring for nitrate.
6. 567 IAC 41.2(1)(c) requires monthly monitoring for coliform bacteria in the distribution system.

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7. 567 IAC 42.4(3)(a)(1) requires that “[m]onthly records of operation shall be completed by all public water supplies, on forms provided by the department or on similar forms.”
8. 567 IAC 42.1 requires that “[e]ach owner or operator of a public water system must give notice for all violations of public drinking water rules.”
9. 567 IAC 42.4(1)(c) requires that a “public water supply system, within ten days of completion of each public notification required pursuant to 567—42.1(455B) for the initial public notice and any repeat notices, shall submit to the department a certification that it has fully complied with the public notification rules.”

The above stated facts demonstrate Montipark’s and Mr. Shadbolt’s noncompliance with both these provisions of law and the terms of Administrative Order no. 2024-WS-01.

V. Witnesses

Amber Sauser
Environmental Specialist Senior
DNR Field Office 1

Anne Lynam
Environmental Specialist Senior
DNR Water Supply Operations

CC: DNR Field Office 1, DNR Water Supply Operations