

Agenda

Environmental Protection Commission

Wednesday, January 17, 2024

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

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

502 East 9th Street, Des Moines, Iowa 50319

DNR 2 North Conf Room

Wednesday, January 17, 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 502 East 9th St, Des Moines IA 50319 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 Iowa State University-Water Rocks! Water Quality Education and Outreach	Steve Konrady (Decision)
6	Contract with Water Professionals International-Operator Certification Program Exam Administration	Laurie Sharp (Decision)
7	Referral to Attorney General- Chad Roche	Bradley Adams (Decision)
8	General Discussion	
9	Upcoming Meetings	
	<ul style="list-style-type: none">• Wednesday, February 20, 2024, Wallace Building• Tuesday, March 19, 2024, Wallace Building	

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.

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Item 5, Page 1 of 2

Iowa Department of Natural Resources
Environmental Protection Commission

#5

Decision Item

Contract Amendment #3 to 16ESDWQBKAMEN-0009, Original Contract for the Silver Creek (Clayton County) Watershed Project

Commission approval is requested for a contract amendment with Iowa Department of Agriculture and Land Stewardship, of Des Moines, Iowa.

Amendment #3
Terms: Additional funds for Original Tasks, funding agricultural best management practices (BMPs) for fall 2020 construction
Amendment Amount: \$45,600
Amendment Dates: August 19, 2020 to December 31, 2020
Funding Source(s): EPA Clean Water Act Section 319 grant number 00740423

Amendment Purpose: The Silver Creek (Clayton County) Watershed Project has been active since 2007 and has been successful in its goal of reducing the sediment and nutrient levels of Silver Creek. Upon its completion, this Contract will conclude the Silver Creek Watershed Project and a success story will be jointly published by the EPA and the DNR in the near future. Nutrient reduction work in the Silver Creek Watershed will continue through the expanded Clayton County Water Quality Initiative project conducted by IDALS.

Amendment #3 will increase the funding of the Contract to allow for the final installation of agricultural BMPs in the fall

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Bookmarks

Agenda Item Page

**MINUTES OF THE
ENVIRONMENTAL PROTECTION COMMISSION
MEETING**

December 19, 2023

**Video Teleconference
and
Wallace State Office Building**

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 Harold Hommes at 10:00 am on December 19, 2023 via a combination of in-person and video/teleconference attendees.

COMMISSIONERS PRESENT

- Patricia Foley
- Harold Hommes
- Mark Stutsman
- Amy Echard
- Rebecca Dostal
- Kyle Tobiason
- Lisa Gochenour (virtual)
- Roger Zylstra

COMMISSIONERS ABSENT

APPROVAL OF AGENDA

General Counsel Tamara McIntosh requested to remove Item 12, Referral to the Attorney General-Chad Roche, from the December agenda.

Motion was made by Amy Echard to approve the item as amended. Seconded by Rebecca Dostal.

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

APPROVED AS AMENDED

APPROVAL OF MINUTES

Motion was made by Roger Zylstra to approve the item as presented. Seconded by Patricia Foley.

The Chairperson asked for the Commissioners to approve the Minutes of the November 21, 2023 meeting by saying aye. There were no nay votes.

APPROVED AS PRESENTED

MONTHLY REPORTS

- Division Administrator Ed Tormey introduced Tim Hall, Hydrology Resources Coordinator, who provided an update on the drought conditions in Iowa.

INFORMATION

DIRECTOR’S REMARKS

- Deputy Director Alex Moon notified Commissioners that the Department will not have any DNR sponsored legislation for the 2024 legislative session. He also provided an update on the ongoing preparation for the central office move to 6200 Park Ave., highlighting increased staff efforts to digitize documents.

CONTRACT WITH HDR ENGINEERING, INC.-FOOD WASTE PREVENTION AND MANAGEMENT PLAN

Laurie Rasmus requested Commission approval on a contract with HDR Engineering, Inc. to develop a Food Waste Prevention and Management Plan. Ms. Rasmus noted that food is the largest waste stream in Iowa as shown in recent

waste characterization study results. She also clarified that part of the management plan will include developing a baseline for food waste in Iowa and metrics for future food waste reduction goals.

Public Comments – None

Written Comments – None

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

APPROVED AS PRESENTED

CONTRACT WITH IOWA VALLEY RESOURCE CONSERVATION AND DEVELOPMENT AREA AND CONTRACT WITH CARING HANDS OUTREACH CENTER, INC.-IOWA UNDERSERVED FARMER AND FARM COMMUNITY SUBAWARD PROGRAM

Steve Konrady requested Commission approval on a contract with Iowa Valley Resource Conservation and Development Area and a contract with Caring Hands Outreach Center, Inc. for projects that align with the Iowa Underserved Farmer and Farmer Community Subaward program. Mr. Konrady responded to questions on the irrigation systems as well as the financial responsibility for ongoing maintenance of any infrastructure built with grant funds. Commissioners discussed the importance of partnerships on these projects. Ann Seda and Paul Miller from the Iowa Department of Agriculture and Land Stewardship responded to several questions regarding the Urban Conservation program.

Public Comments – None

Written Comments – None

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

APPROVED AS AMENDED

CONTRACT WITH STANTEC CONSULTING SERVICES INC.-FLOODPLAIN MANAGEMENT DESK REFERENCE UPDATE

Jonathon Garton requested Commission approval on a contract with Stantec Consulting Services Inc. to update the Iowa Floodplain Management Desk Reference materials.

Public Comments – None

Written Comments – None

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

APPROVED AS PRESENTED

CLEAN WATER AND DRINKING WATER STATE REVOLVING LOAN FUND (SRF)-FY 2024 INTENDED USE PLAN (IUP) THIRD QUARTER UPDATE

Theresa Enright requested Commission approval of the Clean Water and Drinking Water SRF FY 2024 IUP third quarter update. Miss Enright discussed the future of the SRF nonpoint source program, stating that the SRF program is looking at new ways to expand funding with less restrictions, hopefully reaching more borrowers that are seeking financial assistance for nonpoint source pollution reduction efforts.

Public Comments – None

Written Comments – None

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

APPROVED AS PRESENTED

CONTRACT WITH ENVIRONMENTAL SYSTEMS RESEARCH INSTITUTE, INC.

Kathryne Clark requested Commission approval of a contract with Environmental Systems Research Institute, Inc.

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, Patricia Foley-aye, Lisa Gochenour-aye, Rebecca Dostal-aye, Mark Stutsman-aye, Kyle Tobiason-aye, Harold Hommes-aye. Motion passes

APPROVED AS PRESENTED

REFERRAL TO ATTORNEY GENERAL-QUAD COUNTY CORN PROCESSORS COOPERATIVE

Anne Preziosi requested the Commission to refer Quad County Corn Processors Cooperative to the Attorney General. Attorneys Scott Halbur and Max Kelln presented on behalf of Quad County Corn Processors Cooperative. Commissioners discussed the information shared in each presentation.

Public Comments – None

Written Comments – None

Motion was made by Rebecca Dostal to refer Quad County Corn Processors Cooperative to the Attorney General. Seconded by Amy Echard.

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

APPROVED AS PRESENTED

GENERAL DISCUSSION

- Alicia Plathe briefly discussed the January 2024 Commission meeting date and Legislative meet and greet with DNR Leadership at the State Capitol.

ADJOURN

Chairperson Hommes adjourned the Environmental Protection Commission meeting at 12:28 pm on December 19, 2023.

ADJOURNED

**Monthly Waiver Report
December 2023**

Item #	DNR Reviewer	Facility/City	Program	Subject	Decision	Date	Agency
1	Julie Duke	Southwest Iowa Renewable Energy	AQ	Request to operate 2 temporary boilers in place of the permitted unit EU-S12A while repairs are made.	Approved	11.14.23	23aqw240
2	Brandon Polzin	Plastics Unlimited, Inc	Air Quality Construction	Waiver of Initial Stack Test Requirement.	Approved	12.1.23	23aqw241
3	Jasmine Bootman	Monarch Materials	Air Quality Construction	Waiver of Initial Stack Test Requirement.	Approved	12.5.23	23aqw242
4	John Curtin	Mahaska County Sanitary Landfill	Air Quality Construction	Waiver of Initial Stack Test Requirement for a municipal solid waste landfill, which is increasing its capacity.	Approved	12.5.23	23aqw243
5	Emmanuel Nathi	Northern Natural Gas - Ventura Station	CP (Wastewater)	NNG is proposing to install evaporative system within 400 feet of private wells to eliminate industrial wastewater discharge through outfall 001 and cannot meet the site separation distance for the private wells of 400 feet.	Approved	12.6.23	23cpw244
6	Jasmine Bootman	Russelloy Foundry, Inc	Air Quality Construction	Waiver of Initial Stack Test Requirement.	Approved	12.6.23	23aqw245
7	John Curtin	South Central Iowa Sanitary Landfill	Air Quality Construction	Waiver of Initial Stack Test Requirement for a municipal solid waste landfill, which is increasing its capacity.	Approved	12.8.23	23aqw246
8	Mark Fields	Zinpro Corporation	AQ	Request to operate Ring Dryer EP 13M above permitted capacity to prepare for a stack test at the higher capacity level.	Approved	11.20.23	23aqw247
9	Emy Wenxin Liu	City of Ames	CP Wastewater	Perry will improve its wastewater facility from a regular activated sludge plant to a biological nitrogen and phosphorus removal facility by addressing aging and deficient infrastructures and adding processes to remove total nitrogen and phosphorus.	Approved	12.4.23	23cpw248
10	Jasmine Bootman	Infastech Decorah Operations, LLC	Air Quality Construction	Waiver of Initial Stack Test Requirement.	Approved	12.12.23	23aqw249
11	Danjin Zulic	Ajinomoto - AHI	Air Quality Construction	Waiver of Initial Stack Test Requirement.	Approved	12.12.23	23aqw250
12	Nate Tatar	Industrial Laminates/Norplex, Inc	Air Quality Construction	Waiver of Initial Stack Test Requirement.	Approved	12.13.23	23aqw251
13	Melinda McCoy	Gelita USA, Inc.	NPDES	The facility requests a reduced monitoring frequency from 5x/week to 3x/week for BOD5 and TSS in the raw waste and 4x/week for BOD5, TSS, and ammonia nitrogen in the final effluent.	Denied	12.14.23	23cpw252
14	Nate Tatar	Roquette America, Inc.	Air Quality Construction	Waiver of Initial Stack Test Requirement.	Approved	12.15.23	23aqw253
15	Danjin Zulic	WDC Acquisition LLC	Air Quality Construction	Waiver of Initial Stack Test Requirement.	Approved	12.15.23	23aqw254
16	Lucas Tenborg	ADM Clinton - Corn Processing	AQ	A variance from the Condition 10(A)(2), General Requirements with Completing Construction within 36 Months of issuance of permit 21-A-007	Approved	12.18.23	23aqw255
17	Nate Tatar	PAWS Cremation	Air Quality Construction	Waiver of Initial Stack Test Requirement.	Approved	12.19.23	23aqw256
18	Brandon Polzin	International Ingredients Corporation	Air Quality Construction	Waiver of Initial Stack Test Requirement.	Approved	12.21.23	23aqw257
19	Thabit H. Hamoud	Bayer CropScience LP-Muscatine	CP (Wastewater)	Bayer CropScience-Muscatine is requesting a waiver for Well # 10B from the Iowa Wastewater Facilities Design Standards, Chapter 14 subrule 14.2.3(d) and the Iowa Administrative Rule 567-64.2(3)d which requires maintaining a site separation of 400'.	Approved	12.19.23	23cpw258

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

DATE: January 2024 (October 2023 – December 2023)

TO: Environmental Protection Commission

FROM: Tamara McIntosh

SUBJECT: Rulemaking Status Report

Rule Proposal	Notice to EPC	Notice Published	ARRC #	ARRC Mtg	Hearing(s)	Comment Period ends	Final to EPC	Rules Published	ARRC #	ARRC Mtg	Rules Effective
1	11/14/23	12/27/23			1/17/24 and 1/24/24	1/26/24					
3, 10, 12, 17	11/14/23	12/27/23			1/16/24 and 1/25/24	1/26/24					
9	10/17/23	12/27/23			1/18/24	1/18/24					
11	11/14/23	12/27/23			1/16/24 and 1/17/24	1/17/24					
14	10/17/23	12/27/23			01/17/24	01/17/24					
15	11/14/23	12/27/23			1/29/24 and 1/30/24	1/30/24					
16	10/17/23	12/27/23			01/16/24	01/16/24					
20	10/17/23	12/27/23			01/29/24	01/29/24					
21	11/14/23	12/27/23			1/29/24 and 1/30/24	1/30/24					
22	11/14/23	12/27/23			1/29/24 and 1/30/24	1/30/24					
23	11/14/23	12/27/23			1/29/24 and 1/30/24	1/30/24					

24	11/14/23	12/27/23			1/29/24 and 1/30/24	1/30/24					
25	10/17/23	12/27/23			01/29/24	01/29/24					
26	10/17/23	12/27/23			01/29/24	01/29/24					
27	11/14/23	12/27/23			1/29/24 and 1/30/24	1/30/24					
28	10/17/23	12/27/23			01/29/24	01/29/24					
29	10/17/23	12/27/23			01/29/24	01/29/24					
30	11/14/23	12/27/23			1/29/24 and 1/30/24	1/30/24					
31	11/14/23	12/27/23			1/29/24 and 1/30/24	1/30/24					
32	10/17/23	12/27/23			01/29/24	01/29/24					
33	11/14/23	12/27/23			1/29/24 and 1/30/24	1/30/24					
34	10/17/23	12/27/23			01/29/24	01/29/24					
35	10/17/23	12/27/23			01/29/24	01/29/24					
65	11/14/23	12/27/23			2/14/24 and 2/19/24	2/23/24					

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

DATE: January 2024
TO: Environmental Protection Commission
FROM: Tamara McIntosh
SUBJECT: Attorney General Referrals (October 2023 – December 2023)

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 Motion to Compel filed for discovery; resolved 12/14/23	6/27/16 1/07/22 2/21/22 4/8/22 3/8/23 3/29/23 11/21/23
Global Fiberglass Solutions, LLC	Solid Waste	Illegal Stockpile	Referred to Attorney General	Referred	7/7/21
Peters, Mercado, and TNT Disposal LLC	Solid Waste	Open Dumping	Referred to Attorney General	Petition filed in Scott County Motion for Default Entry Entry of Default Application for Order to Show Cause Show Cause Hearing continued to July 12, 2023 Show Cause Hearing-Finding of Contempt – suspended 10-day jail sentence pending clean up 10-day jail sentence enforced	6/15/22 8/18/22 8/22/22 11/21/22 3/6/23 9/12/23 12/20/23
Apex Construction Group Cedar Rapids (1)	Air Quality	Asbestos	Referred to Attorney General	Referred Petition Filed Order scheduling trial for 7/8/24	11/15/22 5/19/23 8/23/23
Chamness Technology, Inc. Eddyville (6)	Solid Waste	Failure to comply with AO and closure plan	Referred to Attorney General	Referred	4/18/23
Hanson & Sons Tire and Auto	Solid Waste	Tire Storage	Referred to Attorney General	Referred	4/18/23
Regancrest Holsteins Lansing (1)	CAFO	Manure Release	Referred to Attorney General	Referred	10/17/23
Quad County Corn Processors Galva (3)	Air Quality	Construction Permits, Violation of AO, Excess Emissions	Referred to Attorney General	Referred	12/19/23

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

DATE: January 2024
TO: Environmental Protection Commission
FROM: Tamara McIntosh
SUBJECT: Contested Cases (October 2023 – December 2023)

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 place this on the agenda because of serious health issues.
11/9/17	IA Regional Utilities Association	Permit Issuance	WW	Schoenebaum (Poppelreiter)	<p>10/25/18 –Negotiating before setting a hearing date. A final meeting with facility’s new director is expected before the end of 2018.</p> <p>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.</p> <p>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.</p> <p>5/25/20 – No Changes</p> <p>11/18/2020 - Ongoing negotiations with IRUA. No hearing set as yet. Looking into alternative solutions.</p> <p>3/25/2021 - Continuing discussions with IRUA. Both parties are interested in non-litigation solutions. No hearing set.</p> <p>5/27/21 to the present – No Changes</p>
7/6/22	Supreme Beef, LLC	Permit issuance	Water use and allocation	Adams (Poppelreiter)	<p>9/19/23 – Active litigation.</p> <p>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.</p>

9/18/23	Osceola Rural Water Supply	Permit issuance	Water use and allocation	Adams (Poppelreiter)	9/19/23 – Has not been transmitted to DIA. DNR and appellants are in negotiations. 12/21/23 – No changes
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**IOWA DEPARTMENT OF NATURAL RESOURCES
LEGAL SERVICES BUREAU**

DATE: January 2024
TO: Environmental Protection Commission
FROM: Tamara McIntosh
SUBJECT: Enforcement Report Update (October 2023 - December 2023)

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

Individual/Entity	Program	Alleged Violation	Type of Order/Action	Penalty Amount Due	Date
Patrick and Tracy Hammes, LLC	WW	Amendment	Amendment	\$7,000.00	9/20/23
City of Varina	WW	Prohibited discharge	Consent	\$500.00	9/22/23
FG80 Holdings, LLC	WW	Stormwater permit	Consent	\$6,000.00	9/22/23
Jason Wolfe	AFO	Manure management plan	Consent	\$2,500.00	9/29/23
Dennis L. Reich	AQ	Open burning	Unilateral	\$3,100.00	10/4/23
Brian Young	AQ	Open burning	Unilateral	\$10,000.00	10/4/23
Crimson Development, Inc.	WW	Prohibited discharge	Consent	\$7,000.00	10/16/23
Douds Stone, LLC	WW	Prohibited discharge	Consent	\$6,950.00	10/18/23
Missouri Valley Grain, Inc.	AQ	Construction permits and Excess emissions	Consent	\$5,500.00	10/20/23
Collin Kelting	AFO	Manure discharge	Consent	\$1,000.00	10/25/23
City of Mitchelville	WS/WW	Operator certification and Permit violation	Consent	\$0	10/25/23
Kennedy Drey	AFO	Manure applicator certification	Consent	\$2,000.00	11/2/23
Prairie Farms Dairy, Inc.	WW	Prohibited discharge	Consent	\$10,000.00	11/3/23
Elizabeth R. Mathes	SW	Open burning and Solid waste disposal	Unilateral	\$4,000.00	11/9/23
Feedlot Service Co. and Fred Roane	SW	Solid waste disposal	Consent	\$7,000.00	11/9/23
Kim Conover	AFO	Manure	Consent	\$2,000.00	11/9/23

		discharge			
Gabe Janes	AFO	Amendment	Amendment	\$750.00	11/13/23
Sunnybrook LE, LLC	WW	Permit limits	Consent	\$5,000.00	11/15/23
Century Heights Phase III, L.C.	WW	Permit limits	Consent	\$5,000.00	11/20/23
Elite Lodge of Ashworth LLC	AQ	Asbestos	Consent	\$5,000.00	11/29/23
AgriReNew	SW	Solid waste disposal	Consent	\$5,000.00	11/30/23
Randy and Kyle Grooters dba Rock River Feedyards, Inc.	AFO	Manure discharge	Consent	\$5,000.00	12/6/23
City of Ely	WW	Permit limits	Consent	\$4,000.00	12/6/23
Golden Hills Phase II, LLC	WW	Stormwater permit	Consent	\$4,500.00	12/8/23
Tricon Construction	AQ	Asbestos	Consent	\$3,000.00	12/8/23
Brice Aukes	AFO	Manure management plan	Consent	\$3,000.00	12/8/23
Multi-Rose Jerseys, Inc.	AFO	Manure discharge	Consent	\$500.00	12/12/23
Kevin Stocker	WS	Operator certification	Consent	\$0	12/12/23
Maassen Dairy, LLC	AFO	Construction permit	Consent	\$10,000.00	12/13/23
Ders Development, LLC dba Ders Group	WW	Stormwater permit	Consent	\$4,000.00	12/13/23
PJ Food Services	AQ	Minor source emissions inventory	Consent	\$2,500.00	12/14/23
Eric Armstrong and Hillary Parker	LE	Dock removal	Unilateral	\$0	12/14/23
Grand Total				\$131,800.00	

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

DATE: January 2024
TO: Environmental Protection Commission
FROM: Tamara McIntosh
SUBJECT: Summary of Administrative Penalties (October 2023 – December 2023)

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
Harold Chapman	WW	\$1,350.00
Jason Larabee	AFO	\$7,500.00
Larrell DeJong	AFO	\$4,000.00
Larrell DeJong	AFO	\$10,000.00
Scott Ellsworth	AFO	\$5,000.00
Jacob Wagoner	AQ	\$4,000.00
Total		\$90,634.49

The following administrative penalties are DUE:

NAME	PROGRAM	AMOUNT (remaining)
Sport Wade, Inc.	UT	\$10,000.00
Recycling Services	WW/HC/SW	\$7,000.00
Michael Pearson	WW	\$5,000.00
Lu-Jen Farms	AFO	\$5,000.00
Blue Hyll Dairy Farm, LLC	AFO	\$6,500.00
Michael Matthews	AQ	\$4,630.00
Bar K Cattle, LLC	AFO	\$5,000.00
Robert Bryant	AFO	\$2,000.00
Amritdeep Kaur – Pari, Inc.	UT	\$7,000.00
Amritdeep Kaur – Cissy's II	UT	\$8,890.00
Ronald Stratton	FP	\$5,000.00
Jaymaharaj, L.L.C. and Monaj Desai	HC	\$7,000.00
CJ's Construction, Inc.	WW	\$5,000.00
RAM Development	AQ	\$500.00
Tyler Investment Company, Inc.	WW	\$10,000.00
Wright Materials Company	AQ	\$2,500.00

Tim Peters and TNT Disposal	SW	\$10,000.00
David Omar Mercado	SW	\$10,000.00
Upcountry Fab LLC/Alexander Buck	AQ/SW	\$1,530.00
Nick and Ray Ohl	AQ	\$3,000.00
Brookstone Specialty Servicing, Inc.	WW	\$10,000.00
Daniel and Linda Troyer	AQ/WW	\$500.00
Northern Filter Media	AQ	\$10,000.00
Nolan Junker	AFO	\$3,000.00
Chad Roche	SW	\$10,000.00
James and Debbie Whistler	AQ/SW	\$5,000.00
Kunkel Enterprises, LLC and Mike Kunkel	AFO	\$8,000.00
Presley Bland	AQ	\$2,000.00
Mammoet USA North Inc.	WW	\$3,000.00
James Ziebell	AQ/SW	\$10,000.00
Chanchai Sooksawan	AQ/SW	\$10,000.00
Dennis L. Reich	AQ	\$3,100.00
Brian Young	AQ	\$7,000.00
Randy Less	FP	\$2,500.00
Total		\$199,650.00

The following administrative penalties have been COLLECTED:

NAME	PROGRAM	AMOUNT (Collected)
Kodiak PM Trust Account	AQ	\$8,400.00
City of Winfield	WW	\$4,500.00
Bradley Moeckly	AFO	\$1,000.00
Regancrest Holsteins, LLC	AFO	\$1,500.00
Jason Wolfe	AFO	\$2,500.00
Justin Pollard	Attorney General/SW	\$1,650.00
Soil Conditioning Solutions LLC	Restitution/AFO	\$2,290.00
Patrick and Tracy Hammes, LLC	WW	\$7,000.00
Patrick and Tracy Hammes, LLC	Restitution/WW	\$11,339.89
Chamness Technologies, Inc.	Attorney General/SW	\$30,000.00
Gabe Janes	AFO	\$750.00
Crimson Development, LLC	WW	\$7,000.00
FG80 Holdings, LLC	WW	\$6,000.00
Missouri Valley Grain, Inc.	AQ	\$5,500.00
Collin Kelting	AFO	\$1,000.00
Douds Stone	WW	\$6,950.00
Kennedy Drey	AFO	\$2,000.00
City of Varina	WW	\$500.00
Thomas Stevenson	AQ/SW	\$1,000.00
Hawkeye Paving Corp.	WW	\$5,000.00
Rock River Feedyards, Inc.	AFO	\$5,000.00
Golden Hills Phase II, LLC	WW	\$4,500.00
Prairie Farms	WW	\$10,000.00
Thomas Gronbach	Attorney General/AQ/SW	\$600.00
Total		\$125,979.89

Iowa Department of Natural Resources
Environmental Protection Commission

ITEM #5

DECISION

Contract with IOWA STATE UNIVERSITY**Recommendation:**

Commission approval is requested for a service contract with Iowa State University, Extension and Outreach and the Conservation Learning Group.

Contract Terms:

Amount: Not to exceed \$300,000

Dates: February 1, 2024 to December 31, 2025

Funding Source(s): EPA Section 319 Grants to Iowa - 50% FY2022 Grant, 50% FY2023 Grant
(Grant Numbers: 00740429 and 00740430)

Statutory Authority: Funds are administered by DNR under statutory authority granted by Iowa Code 455B.103 and an EPA approved work plan.

Contract Background: Water Rocks! is an award-winning Iowa State University Extension and Outreach (ISUEO) youth water education program that strives to raise the environmental literacy of our youth before they are in a position to make decisions. Through an integration of STEM (science, technology, engineering and mathematics) and the arts, Water Rocks! challenges and inspires young people to think, learn and create during interactive discussions of water quality and how to improve it. The more young people understand the relationship between agricultural practices, rural/urban land management choices and the health of our natural resources, especially soil and water, the more likely they will be receptive to making decisions to protect these resources in the future.

Contract Purpose: The DNR intends to utilize the deliverables in this contract to fulfill parts of several portions of Iowa's Nonpoint Source Management Plan (NPSMP) goals and action steps related to water quality education and outreach. The Water Rocks! program rebounded with strong numbers after the COVID pandemic lull, reaching over 13,000 students during the 2022-2023 school year and visiting nearly 170 schools. With standard annual operating budgets, the program is capable of completing this outreach at the cost of approximately \$6 per student per year, when totaling DNR costs and state and local match – a tremendously efficient education and outreach program. The program typically sets goals of 150-180 school visits per year and routinely surpasses that figure, demonstrating a persistent demand for their work across the state and a popularity of the program with schools and teachers. Water Rocks! continually evaluates their program and modifies strategies each year to best serve the diversity of school districts around the state, and in 2022-23 they looked to continue strong multimedia and virtual programming developed during the pandemic, including winter-month virtual offerings, while also getting back to impactful in-person sessions in earnest. The goals for the 2023-24 school year and beyond is to continue increasing school visits back to pre-pandemic norms and reaching more teachers through the very popular teacher summits that the team has developed.

In addition to the NPSMP, Iowa's Nutrient Reduction Strategy (NRS) also incorporates much of the success of Water Rocks! into the NRS logic model's "Human" component. In the 2018 NRS report, Water Rocks! accounted for 78% of the individual contacts reported in NRS outreach events: reaching 36,101 of a total 45,800 individual attendees across 192 events of the NRS's total 511 events. These results clearly demonstrate the program's ability to achieve large portions of Iowa's NPSMP and Iowa's NRS education and outreach components simultaneously, reaching an important portion of Iowa's population (youth) that is underserved by other conservation outreach initiatives like field days.

Contractor Selection Process: Intergovernmental contracting is authorized by 11 IAC 118.4, statutory authority granted by Iowa Code 455B.103, and an EPA approved work plan. Iowa State University was chosen for this project because they serve as the host university for the Water Rocks! and overall ISUEO programs.

Contract History: The DNR has entered into contracts with Iowa State University for Water Rocks! over the course of 5 different previous Section 319 grants. Portions of the 2009, 2011, 2013, 2014, and 2019 grants were used for this program previously.

Contract #1: Timeframe: 2/1/2012 to 11/15/2013; Amount \$160,815; Amendment: Amended for additional \$20,000 to allow for enhancements to one of the online tools developed by the program for teachers/classes.

Contract #2: Timeframe: 1/1/2014 to 5/15/2015; Amount \$133,981; Amendment: None

Contract #3: Timeframe: 1/1/2015 to 6/15/2019; Amount \$607,883; Amendment: Amended for additional time at no additional cost (original end date 3/31/2018); also expanded scope of work to allow for additional school year of assemblies and programming.

Contract #4: Timeframe: 11/19/2019 to 3/31/2024; Amount \$275,000; Amendment: Amended for additional time at no additional cost (original end date 12/31/2022); No modifications to scope outside of activities over additional time.

Note: Overlap of currently proposed contract timeline will allow for uninterrupted services during the end of the 2023-2024 school year in Iowa.

Statement of Work and Budget:

- Tasks 1: **Content production** – Contractor will develop content for the Water Rocks! website including music videos, newsletters, blogs, stories, etc. **Timeframe** – Throughout timeframe of contract with weekly updates to the website.
- Tasks 2-5: **Outreach events** – Contractor will conduct outreach events such as school learning experiences and assemblies, community outreach events, teacher training workshops, and musical performances. **Timeframe** – Throughout life of contract, milestone dates: 50% Dec 31, 2024; 100% Dec 31, 2025
- Tasks 6-8: **Reporting** – Contractor will provide DNR with periodic reports on quarterly, fiscal-annual, and a final report. **Timeframe** – Quarterly Reports: Apr 15, July 15, Oct 15, Jan 15 of each year; Annual Reports: Oct 15 of each year (also replaces the Quarterly Report for this period); Final report: 45 days prior to the end of the contract term.

Budget Item	Amount of 319 Funds
Tasks 1:	\$25,000
Tasks 2-5:	\$235,000
Tasks 6-8:	\$40,000
TOTAL:	\$300,000

Steve Konrady, Western Iowa Basin Coordinator, Water Quality Bureau
Environmental Services Division
Jan 17, 2024

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

Decision Item

Item #6

Commission approval is requested for a contract with WPI-Water Professionals International, formerly known as Association of Boards of Certification (ABC).

Contract Terms:

Amount: Not to exceed \$341,000.00

Dates: January 17, 2024 to February 26, 2027.

Funding Source(s): The source of funding for this Contract is through dedicated funds collected through Operator Certification fees.

Contract Purpose: DNR seeks to retain WPI to perform the following tasks for up to 1,900 examinees a year:

- provide dynamic, secure, **web-based** and **remote access** to current WPI-Association of Boards of Certification Standardized Exams for
 - Drinking Water Treatment Operator Certification, Grades 1 through 4;
 - Drinking Water Distribution Operator Certification, Grades 1 through 4; and
 - Wastewater Treatment Operator Certification, Grades 1 through 4;
- ensure the security and reliability of the exams, using password-protection, proctor training and other measures as necessary;
- maintain sufficient item statistics to provide each individual examinee and Iowa staff, immediate, upon completion of exam, web-based access to an individual's score and exam diagnostic information; and
- maintain sufficient item statistics to provide DNR staff cumulative performance data report for each individual test series and a yearly customized text report which includes Iowa requested score data.

Selection Process Summary: A Sole Source Justification Form was filed on November 3, 2023 with the Department of Administrative Services (DAS) and DNR received DAS approval on November 17, 2023. WPI, previously known as ABC, has ownership of the intellectual property rights of the only Standardized Exams available that align with Iowa's Drinking Water and Wastewater Classification System. Disengagement from their standardized exams would result in the loss of control of Iowa's Drinking Water Program to the Federal EPA and the millions of dollars of Federal State Revolving Fund monies that accompany that program. No other standardized exams exist that meet the exam validation criteria required by the 1996 Amendments to the Safe Drinking Water Act that calls for psychometrically sound procedures for job analysis; item development and validation; exam form development; statistical analysis and program evaluation. This validation process, required every three to five years, is costly and time consuming; If Iowa wanted to create their own twelve (12) exams we would need, at a minimum, a couple full time staff just to facilitate this dynamic, ongoing process. The DNR, increasing our yearly expense considerably, would also have to provide IT support such as secure servers and remote proctoring infrastructure. We are fortunate that this international association's headquarters and staff are housed right here in Urbandale, Iowa.

Contract History:

- Timeframe: August 21, 2018 to November 30, 2023
- August 21, 2018 to July 30, 2020; \$149,000.00. No amendments.
- August 01, 2020 to July 30, 2023; \$345,400.00. An Amendment (Amendment #1) to continue web-based exam administration and to set up and provide exam delivery per remote proctoring.
- August 1, 2023 to November 30, 2023: A second Amendment to extend the time of performance previously allowed without additional funding for the Tasks stated in Amendment #1. Money allotted by the original contract and Amendment #1 remained available.

Laurie Sharp, Operator Certification and Capacity Development Coordinator
Environmental Services Division
January 17, 2024

LITIGATION REPORT

Prepared by: Bradley Adams

Date: 01/17/2024

I. Summary

The Department of Natural Resources (DNR) seeks referral of Chad Roche to the Iowa Attorney General's Office for violations of Iowa's solid waste regulations.

Mr. Roche has stockpiled an estimated 95,000 tires on his property in Northwood, Iowa. DNR was made aware of the stockpile in March of 2022. Despite numerous attempts to coach Mr. Roche into compliance without enforcement, and despite DNR's issuance of an Administrative Order (Order) in January 2023 directing Mr. Roche to properly dispose of the tires and to cease the unlawful hauling of waste tires, Mr. Roche remains in violation of Iowa law and rules regarding solid waste and proper tire disposal.

Therefore, the DNR is requesting that this matter be referred to Attorney General's office.

II. Alleged Violators

Chad Roche
4828 Finch Ave.
Northwood, Iowa 50459.

III. Description of Facility

Mr. Roche recently purchased an acreage located at 4828 Finch Ave, Northwood, IA, 50459, which is a residential class property in Worth County. Mr. Roche previously rented this property and has hauled and accumulated an estimated 95,000 passenger tire equivalents (PTEs) on this property.

IV. Alleged Violations

A. FACTS

Mr. Roche has stockpiled an estimated 95,000 passenger tire equivalents on his property at 4828 Finch Ave., Northwood Iowa. During a meeting with DNR Field Office 2 (FO2) in April 2022, Mr. Roche stated it was his intent to repurpose the used tires, that he obtained a tire shredder in the spring of 2021 but had not used it, and that he was unaware of state laws and regulations regarding the proper disposal of used tires. Staff informed Mr. Roche that he was in violation of 567

LITIGATION REPORT for CHAD ROCHE January 2024 EPC MEETING

Iowa Administrative Code Chapters 116 and 117. After a discussion on how to get into compliance, Mr. Roche verbally agreed to properly dispose of 500 tires a month until he was complying with storage limits. It was also agreed that Mr. Roche's first receipt would be due to FO2 by June 1, 2022.

On April 15, 2022, a Notice of Violation (NOV) was issued to Mr. Roche for illegal waste tire storage and hauling. The NOV stated that failure to remove and properly dispose of the tires would result in an enforcement referral to DNR's Legal Services Bureau with a recommendation for a financial penalty.

On June 7, 2022, Mr. Roche indicated that he had been taking cars to the shredder and would throw five tires in with those cars, and thought maybe 200 tires had been removed so far. No receipt for tire disposal was received after this conversation.

On July 14, 2022, FO2 staff reached out to Mr. Roche asking if they could meet with him at the property and check out progress. Mr. Roche indicated his grandmother had COVID and he had been exposed and asked for a later follow up. On July 25, 2022, staff again reached out to Mr. Roche to meet at the property for follow-up. He indicated he was sick and would let FO 2 know when he would be able to meet. On August 11, 2022, the parties agreed to a meeting date of Wednesday, August 17, 2022, to review compliance status. Subsequently, Mr. Roche stated he would be unable to participate on the 17th.

On August 17, 2022, FO2 staff traveled to rural Worth County and viewed the property via the bean field next to the property. Staff determined that no progress had been made. On August 22, 2022, FO2 staff met with Mr. Roche at the property. Mr. Roche had notes on how many tires he had removed from the property. There was a dump-trailer in the driveway intended for scrap metal that he indicated he could throw 10 tires into before the scrap yard would reject his load. Mr. Roche also had a trailer loaded up with tires on it that he indicated he would be taking to Liberty Tire Recycling in Shakopee, Minnesota on August 24, 2022. As of August 29, 2022, staff had not received any receipts from Mr. Roche.

On September 15, 2022, DNR received a receipt for tire disposal from Liberty Tire Recycling showing the removal of approximately 5 tons of tires. In October, 2022, the DNR offered a settlement agreement to Mr. Roche. Despite initial communication between DNR and Mr. Roche, Mr. Roche failed to respond to the settlement request or to comply with Iowa law. In January of 2023, DNR issued the Order to Mr. Roche requiring him to remove and properly dispose of waste tires, cease the transportation of waste tires without a permit, and to pay an administrative penalty of \$10,000. Mr. Roche has not made any payments towards this penalty to date.

LITIGATION REPORT for CHAD ROCHE
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On April 12, 2023, DNR received information from a business in Lake Mills, IA that Mr. Roche had offered to take their tires for \$4/tire and when the business refused, he tried to bargain down to \$3/tire. On May 11, 2023, DNR contacted Mr. Roche and he indicated he would be talking to lawyers, not the field office staff. On May 19, 2023, DNR staff drove around the site to verify that Mr. Roche had not made progress on tire removal.

B. APPLICABLE LAW

1. Iowa Code section 455B.307 prohibits a private entity from engaging in or allowing the disposal of solid waste at any place other than a DNR approved sanitary disposal site, unless the entity has been granted a solid waste disposal permit by the DNR.
2. Iowa Code Chapter 455D regulates recycling of materials that would otherwise be solid waste. Iowa Code section 455D.4A addresses the requirements a facility must meet to establish that the facility is legitimately recycling material.
3. Iowa Code section 455D.4A(3) authorizes the DNR to determine that materials which are not legitimately recycled be categorized as solid waste.
4. Iowa Code section 455D.23 authorizes the DNR to require material that is not legitimately recycled to be properly disposed of.
5. Iowa Code section 455B.304 provides that the Environmental Protection Commission (Commission) shall establish rules governing the handling and disposal of solid waste. The Commission has adopted such rules at 567 Iowa Administrative Code (IAC) chapters 100-123.
6. The Commission has adopted 567 IAC 100.4 for the regulation of open dumping in Iowa. The provision prohibits a private entity from engaging in or allowing the disposal of solid waste at any place other than a DNR approved sanitary disposal site, unless the entity has been granted a solid waste disposal permit by the DNR.
7. The Commission has adopted 567 IAC 116.3, which requires a waste tire hauler to register annually in accordance with the provisions of 567 IAC Chapter 116.
8. The Commission has adopted 567 IAC 117.4(1) to prevent accumulation of waste tires on a property. The provision states that no business or individual shall

LITIGATION REPORT for CHAD ROCHE
January 2024 EPC MEETING

store more than 500 passenger tire equivalents without obtaining a waste tire stockpile permit pursuant to subrule 117.4(2).

The above stated facts establish multiple violations of these statutory and regulatory provisions.

V. Witnesses

Madelynn Austin, DNR Environmental Specialist
Jeremy Klatt, DNR Environmental Specialist Senior