



Work Plan Agreement 9/11/13

Between

The Iowa Department of Natural Resources and the Environmental Protection Agency Region 7

On January 6, 2014, DNR conducted the following training:

Course Name: Federal & State Rules and Enforcement Procedures

Contact/Instructor: Ed Tormey

Course Description: Participants will explore the Federal and State code & laws, court decisions, and enforcement processes and calculations.

Course Hours: 6 hours

Attendees: Required – All Field Office Inspectors and Supervisors
Optional – Non-Field Office Staff including but not limited to AFO Permit Writers, Communications Staff, Legal Advisory, and other Iowa DNR interested employees.

This training satisfies a portion of Objective 4, item C.2 due within 270 days of execution of the Work Plan. This training also satisfies Objective 6, item 3 due within 120 days of execution of the Work Plan. The training agenda is attached. A copy of the training power point and attendance sheets are available upon request.

Objective 4: Compliance Evaluation and Inspections

C. Resources and Training

2. The training curriculum will be completed by all existing AFO/CAFO inspectors and their supervisors within 270 days of execution of this Work Plan.

Objective 6: To implement enforcement program that ensures penalties are sought in accordance with DNR's EMS and creates a stronger deterrent to noncompliance.

2. DNR agrees to complete any required staff training on its revised EMS and penalty calculations within 120 days of execution of this Work Plan.

Respectfully submitted to Region 7 on January 7, 2014.

A handwritten signature in blue ink that reads "William A. Ehm".

William A. Ehm, Division Administrator
Iowa Department of Natural Resources
Environmental Services Division

AFO Inspector Training Agenda

Legal Services Component

- Brief history of livestock regulation in Iowa (Randy)
- Clean Water Act (CWA) Basics (Ed)
 - What is the CWA?
 - Definitions from CWA.
 - Water of the United States
 - Pollutant
 - Point Source; CAFOs expressly included
 - CAFO not defined
- Brief history of EPA livestock regulation (Randy)
- 2003 Final CAFO Regulations-Duty to apply (Ed)
- 2005 Second Circuit Court Decision on CAFOs (Ed)
 - Waterkeeper Alliance et al. vs EPA
 - must be actual discharge
- 2008 Final CAFO Regulations-Propose to discharge; optional “no discharge certification” (Ed)
 - National Pork Producers Council vs. EPA Court Case-
 - again, must be actual discharge
 - most of 2008 regulations unaffected
- 2012 Final CAFO Rule to Remove 5th Circuit Court’s Vacated Elements (Ed)
- NPDES Permit Writers’ Manual for CAFOs (Randy)
- Code of Iowa
 - How established (Ed)
 - How it governs us and IAC (Ed)
 - Overview of 459, 459A and 459B (Randy)
 - Review of 445B.186 (Randy)
- Iowa Administrative Code
 - Chapter 65 – Animal Feeding Operations (Randy)
 - Definitions
 - Animal Feeding Operation Vs. Medium CAFO vs. Large CAFO
 - Separation Distances for Land Application
 - Common ownership/management
 - Manure Management Plans, Nutrient Management Plans
 - Separation Distances for Siting AFOs
 - Construction Design Statements
 - Construction Permit Process
 - Manure Applicator Certification
 - Chapter 61 – Water Quality Standards (Jon)
 - General Water Quality Criteria

- Numeric Water Quality Criteria
- Chapter 100 – Dead Animal Disposal (Jon)
 - Definitions
 - General Conditions for Solid Waste Disposal
- Chapter 105 – Composting Facilities (Jon)
 - Definitions
 - Specific requirement for composting of dead farm animals
- Enforcement (Kelli)
 - Review of the EMS
 - Roles in Enforcement
 - Enforcement Process
 - Enforcement Priorities
 - Chapter 17A – Compliance/Enforcement Options
 - Informal Meetings
 - Letters of Inquiry
 - Letters of Noncompliance
 - Notice of Violation Letters
 - Referral Process
 - Referral Document
 - Enforcement Options
 - Administrative Order
 - Administrative Consent Order
 - Attorney General Referral
 - Penalty Calculation
 - Economic Benefit
 - Gravity
 - Culpability
 - Other Factors
 - Initial Penalty Recommendation
 - Determination of Penalty Amount in Initial Offer
 - Settlement Memos