ARC 0529C

ENVIRONMENTAL PROTECTION COMMISSION[567]

Adopted and Filed

Pursuant to the authority of Iowa Code section 455B.173, the Environmental Protection Commission hereby amends Chapter 64, "Wastewater Construction and Operation Permits," Iowa Administrative Code.

Notice of Intended Action was published in the Iowa Administrative Bulletin on August 8, 2012, as **ARC 0270C**. Five public hearings were held throughout the state with notice of the hearings sent to various individuals, organizations, and associations, and to statewide news network organizations. During the public comment period, comments were received from four persons and organizations. A responsiveness summary addressing the comments can be obtained from the Department of Natural Resources.

Three modifications were made to the Noticed amendments as follows:

- Added statements that analyses may be submitted for consideration of a disadvantaged community loan interest rate under the Clean Water State Revolving Fund.
- Specified that communities and entities are only required to submit analyses if they wish to be considered for disadvantaged status.
- Inserted "unsewered" in appropriate places in new subrule 64.7(6), disadvantaged unsewered communities.

These changes were made due to recent changes in the Clean Water State Revolving Fund (CWSRF) loan interest rates and for clarification purposes. The Commission approved updates to the CWSRF Intended Use Plans in September of 2012, and this approval included an update to the loan interest rates for communities that qualify as disadvantaged in accordance with the adopted amendments. As the CWSRF program will use the criteria in the adopted amendments to determine disadvantaged status for loan interest rates, these amendments have been changed to allow communities to submit a disadvantaged community analysis for the purposes of a CWSRF loan.

The amendments proposed in the Notice implied that all communities and entities needed to submit a disadvantaged community analysis, and the adopted amendments were changed to clarify that only communities and entities that wish to qualify as disadvantaged need to submit an analysis. These amendments were also changed to clarify that new subrule 64.7(6) applies only to unsewered communities by inserting the word "unsewered" in several places in the subrule.

The primary purpose of these amendments is to implement the provisions of Iowa Code section 455B.199B, which provides economically disadvantaged communities with relief from costs related to compliance with state and federal water pollution control laws. Pursuant to Iowa Code section 455B.173(3), the Commission is required to establish, modify, or repeal rules relating to disposal systems and specifying the conditions under which the Department shall issue, revoke, suspend, modify, or deny permits for discharges of any pollutant. The adopted amendments fulfill the Commission's and the Department's requirements pursuant to Iowa Code section 455B.173(3).

Iowa Code section 455B.199B establishes the following basic principles:

1. A community cannot be required to install a wastewater treatment system if the installation causes substantial and widespread economic and social impact (i.e., the system is unaffordable).
2. Such a community must continue to make reasonable progress toward compliance.
3. The alternative pursued must comply with state and federal law. There is no waiver of other legal requirements or prohibitions.

Iowa Code section 455B.186 prohibits the discharge of a pollutant except as authorized by a permit from the Department. Section 301 of the Clean Water Act contains a similar prohibition. These amendments are intended to implement 2011 Iowa Code section 455B.199B and to maintain compliance with Iowa Code section 455B.186. To ensure that no community is required to install a wastewater treatment system that causes substantial and widespread economic and social impact, and to ensure that pollutants are not discharged except as authorized by a permit, the final amendments allow a

community or entity that qualifies as disadvantaged more time to consider other treatment options and to seek funding. This additional time allowance, as included in a compliance schedule or agreement, ensures that the community or entity will be able to explore affordable treatment options.

After analysis and review of this rule making, no fiscal impact on the State of Iowa has been found. The rule making will have a positive fiscal impact on communities and regulated entities that qualify as disadvantaged, as the additional time allotted by disadvantaged status will translate into cost savings. As intended by the statutes, disadvantaged communities will delay expenditures on goods and services provided by private engineering firms, construction companies, and wastewater treatment plant operators.

After analysis and review of this rule making, a positive impact on jobs and the economy in both rural and urban communities exists. The provisions in this rule making allow disadvantaged communities more time and more financial options in regards to water or wastewater treatment. Qualified communities and entities will experience a positive fiscal impact that will allow for a cost savings to local residents and businesses in the form of lower utilities costs and other forms of expenses. This will help support local job growth and economic development.

Summary

The adopted amendments correct three cross references to ensure that new subrules 64.7(5) and 64.7(6) for disadvantaged communities and the existing subrules that are being renumbered are referenced properly. The time frame for interim compliance schedule dates in subrule 64.7(4) is changed from nine months to one year, in accordance with 40 CFR 122.47. Paragraph "b" of renumbered subrule 64.7(8) regarding plans of action for permitted facilities is changed to allow for the submittal of a disadvantaged community analysis as part of a plan of action.

Two new subrules are adopted: 64.7(5) for schedules of compliance in NPDES permits for disadvantaged communities and 64.7(6) for disadvantaged unsewered communities. The criteria for the evaluation of disadvantaged community status from Iowa Code section 455B.199B are included in both new subrules. Both new subrules require communities or entities that wish to be considered disadvantaged to submit an analysis to the Department. The information in the analyses will be used by the Department to determine disadvantaged status. A community or entity that qualifies as disadvantaged will receive either a compliance schedule in an NPDES permit or a schedule in an administrative order. The disadvantaged community schedule requires the exploration of alternative treatment methods and funding options and either the implementation of an alternative or the submittal of a future compliance plan.

These amendments are intended to implement Iowa Code sections 455B.173, 455B.174, 455B.175, 455B.199A and 455B.199B.

These amendments will become effective January 16, 2013.

The following amendments are adopted.

ITEM 1. Amend subrule 64.3(9) as follows:

64.3(9) When necessary to comply with present standards which must be met at a future date, an operation permit shall include a schedule for the alteration of the permitted facility to meet said standards in accordance with 64.7(4) and 64.7(5). Such schedules shall not relieve the permittee of the duty to obtain a construction permit pursuant to 567—64.2(455B). When necessary to comply with a pretreatment standard or requirement which must be met at a future date, a significant industrial user will be given a compliance schedule for meeting those requirements.

ITEM 2. Amend subparagraph **64.3(11)"b"(5)** as follows:

(5) Failure or refusal of an NPDES permittee to carry out the requirements of ~~64.7(5)*"c."*~~ 64.7(7)*"c."*

ITEM 3. Amend subparagraph **64.5(1)"a"(2)** as follows:

(2) If necessary, a proposed schedule of compliance, including interim dates and requirements, identified pursuant to 64.7(4) and 64.7(5), for meeting the effluent limitations and other permit requirements.

ITEM 4. Amend paragraph **64.7(4)"b"** as follows:

b. In any case where the period of time for compliance specified in paragraph 64.7(4)*"a"* ~~of this subrule~~ exceeds ~~nine months~~ one year, a schedule of compliance shall be specified in the permit which ~~will~~ shall set forth interim requirements and the dates for their achievement; in no event shall more than ~~nine months~~ one year elapse between interim dates. If the time necessary for completion of the interim requirements (such as the construction of a treatment facility) is more than ~~nine months~~ one year and is not readily divided into stages for completion, interim dates shall be specified for the submission of reports of progress toward completion of the interim requirement.

[COMMENT. Certain interim requirements such as the submission of preliminary or final plans often require less than ~~nine months~~ one year, and thus a shorter interval should be specified. Other requirements such as the construction of treatment facilities may require several years for completion and may not readily subdivide into ~~nine-month~~ one-year intervals. Long-term interim requirements should nonetheless be subdivided into intervals not longer than ~~nine months~~ one year at which the permittee is required to report progress to the director pursuant to 64.7(4)*"c."*]

ITEM 5. Renumber subrules **64.7(5)** and **64.7(6)** as **64.7(7)** and **64.7(8)**.

ITEM 6. Adopt the following **new** subrules 64.7(5) and 64.7(6):

64.7(5) *Schedules of compliance in issued NPDES permits for disadvantaged communities.* If compliance with federal regulations, applicable requirements in 567—Chapters 60, 61, 62, 63, and 64, or an order of the department will result in substantial and widespread economic and social impact (SWESI) to the ratepayers and the affected community, the director may establish in an NPDES permit a schedule of compliance that will result in an improvement of water quality and reasonable progress toward complying with the applicable requirements but does not result in SWESI. Schedules of compliance established under this subrule are intended to result in compliance with the applicable federal and state regulations and requirements by the regulated entity and the affected community.

a. Disadvantaged community status. The director shall find that a regulated entity and the affected community are a disadvantaged community by evaluating all of the following:

(1) The ability of the regulated entity and the affected community to pay for a project based on the ratio of the total annual project costs per household to median household income (MHI),

(2) MHI in the community and the unemployment rate of the county in which the community is located, and

(3) The outstanding debt of the system and the bond rating of the community.

b. Disadvantaged community analysis (DCA). A regulated entity or affected community must submit a disadvantaged community analysis (DCA) to the director to be considered for disadvantaged status. A DCA may only be submitted when new requirements in a proposed or reissued NPDES permit may result in SWESI.

(1) A DCA may be submitted by any of the following:

1. A wastewater disposal system owned by a municipal corporation or other public body created by or under Iowa law and having jurisdiction over disposal of sewage, industrial wastes or other wastes, or a designated and approved management agency under Section 208 of the Act (a POTW);

2. A wastewater disposal system for the treatment or disposal of domestic sewage which is not a private sewage disposal system and which is not owned by a city, a sanitary sewer district, or a designated and approved management agency under Section 208 of the Act (33 U.S.C. 1288) (a semipublic system); or

3. Any other owner of a wastewater disposal system that is not a private sewage disposal system and does not discharge industrial wastes. "Private sewage disposal system" and "industrial waste" are defined in rule 567—60.2(455B).

(2) A DCA may be submitted prior to the issuance of an initial NPDES permit if the facility does not discharge industrial wastes and is not a new source or new discharger. "New source" is defined in rule 567—60.2(455B). "New discharger" means any building, structure, facility, or installation from which there is or may be a discharge of pollutants; that did not commence the discharge of pollutants at

a particular site prior to August 13, 1979; that is not a new source; and that has never received a finally effective NDPES permit for discharges at that site.

(3) A DCA may be submitted by the entities noted in subparagraph 64.7(5)*"b"*(1) above for consideration of a disadvantaged community loan interest rate under the clean water state revolving fund.

c. Contents of a DCA.

(1) A DCA must contain all of the following:

1. Proposed total annual project costs as defined in paragraph 64.7(5)*"d"*;

2. The number of households in the affected community or, if the entity is not serving households, the number of ratepayers;

3. A description of the bond rating of the affected community over the last year, if available;

4. The user rates, as follows:

- If the DCA is submitted by or for a municipality or other community, the current sewer rate ordinances, including the sewer rates of any industrial users;
- If the DCA is submitted by or for a water treatment facility, the water rate schedules or tables; or
- If the DCA is submitted by or for an entity other than a municipality, community, or water treatment facility, the monthly ratepayer charge for wastewater treatment;

5. An explanation of why the regulated entity or affected community believes that compliance with the proposed requirements will result in SWESI.

(2) If the DCA is submitted by or for an entity other than a municipality, community, or water treatment facility, the DCA must also contain either:

1. For entities with more than ten households or ratepayers, the median household or ratepayer income, as determined by an income survey conducted by the regulated entity based on the Iowa community development block grant income survey guidelines (the survey must be included in the DCA); or

2. For entities with ten or fewer households or ratepayers, an estimate of median household or ratepayer income.

d. Definition of total annual project costs. "Total annual project costs" means the current costs of wastewater treatment in the community (if any) plus the future costs of proposed wastewater system improvements that will meet or exceed all applicable federal regulations, requirements in 567—Chapters 60, 61, 62, 63, and 64, or requirements of an order of the department. Total annual project costs shall include any current and proposed facility operation and maintenance costs and any existing (outstanding) and proposed system debt, as expressed in current and proposed sewer rates. The costs of the proposed wastewater treatment shall assume a 30-year loan period at an interest rate equal to the current state revolving fund interest rate. Awarded grant funding must be subtracted from the total annual project costs.

The formula for the calculation of total annual project costs for a regulated entity and affected community is: total annual project costs = [(Estimated costs to design and build proposed project - Awarded grant funding) amortized over 30 years] + Current annual system budget (if any), including operation and maintenance (O&M) and existing debt service + Future annual O&M costs.

e. Disadvantaged community matrix (DCM). The department hereby incorporates by reference "Disadvantaged Community Matrix," DNR Form 542-1246, effective January 16, 2013. This document may be obtained on the department's NPDES Web site.

Upon receipt of a complete DCA, the director shall use the disadvantaged community matrix (DCM) to evaluate the disadvantaged status of the community. Compliance with the applicable federal regulations, requirements in 567—Chapters 60, 61, 62, 63, and 64, or an order of the department shall be considered to result in SWESI, and the regulated entity and affected community shall be considered a disadvantaged community, if the point total derived from the DCM is equal to or greater than 12. The following data sources shall be used to derive the point total in the DCM:

(1) The total annual project costs as stated in the DCA;

(2) The number of households or ratepayers in a community as stated in the DCA;

(3) The bond rating of the community, if available, as stated in the DCA;

(4) The MHI of either:

1. The community, as found in the most recent American Community Survey or United States Census or as stated in an income survey that is conducted by the regulated entity or community and is based on the Iowa community development block grant income survey guidelines; or

2. The ratepayer group, as stated in an income survey that is conducted by the regulated entity and is based on the Iowa community development block grant income survey guidelines; and

(5) The unemployment rate of the county where the community is located and of the state as found in the most recent Iowa Workforce Information Network unemployment data.

The ratio of the total annual project costs per household or per ratepayer to MHI shall be calculated in the DCM as follows: The total annual project costs shall be divided by the number of households or ratepayers to obtain the costs per household or per ratepayer, and the costs per household or per ratepayer shall be divided by the MHI to obtain the ratio.

f. Ratio. The director shall not consider a regulated entity or affected community a disadvantaged community if the ratio of compliance costs to MHI is less than 1 percent. The director shall consider a regulated entity or affected community a disadvantaged community if the ratio of compliance costs to MHI is greater than or equal to 2 percent. If the ratio of compliance costs to MHI is greater than or equal to 1 percent and less than 2 percent, the director shall use the DCM to determine if the community is disadvantaged. The ratio of compliance costs to MHI shall be the ratio of the total annual project costs per household to MHI as calculated in the DCM.

g. Compliance schedule for a disadvantaged community. A schedule of compliance established in an NPDES permit for a disadvantaged community as a result of SWESI may contain one or two parts as necessary to comply with the applicable federal regulations and requirements in 567—Chapters 60, 61, 62, 63, and 64.

(1) The first part of a schedule of compliance for a disadvantaged community shall encompass one five-year NPDES permit cycle and shall require the permit holder to submit an alternatives report, an alternatives implementation compliance plan (AICP), and annual reports of progress that contain brief updates regarding the completion of the alternatives report and the AICP.

1. Alternatives report. The alternatives report must detail the alternative pollution control measures that will be investigated and contain an examination of all other appropriate measures that may achieve compliance with applicable federal regulations, requirements in 567—Chapters 60, 61, 62, 63, and 64, or an order of the department without creating SWESI. The alternatives report must describe which measures will be evaluated for feasibility and affordability during the next portion of the compliance schedule. Alternative pollution control measures may include, but are not limited to, facility upgrades, construction of a new facility, relocation of the discharge point(s), regionalization, or outfall consolidation. Other appropriate measures may include, but are not limited to, mixing zone studies, consideration of seasonal limitations or site-specific data, alteration of current facility operations, intermittent discharges, source reduction, effluent recycling or reuse, or renegotiation of treatment agreements. The alternatives report must also include a plan for pursuing funding options, including grants and low-interest loans. The alternatives report shall be submitted no later than two years after permit issuance.

2. Alternatives implementation compliance plan (AICP). The AICP shall include the results of the investigation detailed in the alternatives report, a description of any feasible and affordable alternative(s) that will be implemented, a schedule of the time necessary to implement the alternative(s), and an updated DCA. The AICP shall be submitted no later than 4½ years after permit issuance.

(2) If the entity or community continues to qualify as disadvantaged according to the DCM evaluation based on the DCA submitted with the AICP, the entity or community may receive a second schedule of compliance as specified in this subrule. The second schedule of compliance for a disadvantaged community may contain either the implementation schedule from the AICP or a schedule for submittal of a future compliance plan (FCP).

1. AICP implementation schedule. If the AICP proposes a schedule for implementation of one or more feasible alternatives, the proposed schedule shall be included in the reissued NPDES permit for the disadvantaged community.

2. Future compliance plan (FCP). The submittal of an FCP will be necessary only if the AICP concludes that the disadvantaged community cannot feasibly implement any alternatives and if the community is still disadvantaged according to the updated information in the DCA submitted with the AICP. The FCP shall detail how the disadvantaged community will meet the applicable federal regulations, requirements in 567—Chapters 60, 61, 62, 63, and 64, or an order of the department and the period necessary to do so. An FCP shall review the types of technology capable of treating the pollutant of concern, as well as the costs of installing and operating each type of technology. All technically feasible alternatives shall be explored. The FCP shall be submitted no later than three years after permit issuance. A schedule of compliance requiring the submittal of an FCP shall also require the submittal of annual reports of progress that contain updated financial information, an updated DCA, and a brief update regarding the completion or implementation of the FCP. If the DCM evaluation determines that an entity or community is no longer disadvantaged based on the most recent DCA, the NPDES permit may be amended to change the schedule of compliance.

3. Schedule extension. The second part of a schedule of compliance for a disadvantaged community may be extended at the discretion of the director.

(3) Schedules of compliance issued in accordance with this subrule shall comply with paragraphs 64.7(4)"*b"* through *"e."*

64.7(6) *Disadvantaged unsewered communities.* If compliance with applicable federal regulations, requirements in 567—Chapters 60, 61, 62, 63, and 64, or an order of the department will result in substantial and widespread economic and social impact (SWESI) to the ratepayers of an unsewered community, the director may negotiate a compliance agreement that will result in an improvement of water quality and reasonable progress toward complying with the applicable requirements but does not result in SWESI.

a. Disadvantaged unsewered community status. The director shall find that an unsewered community is a disadvantaged unsewered community by evaluating all of the following:

(1) The ability of the unsewered community to pay for a project based on the ratio of the total annual project costs per household to MHI,

(2) The unemployment rate in the county where the unsewered community is located, and

(3) The MHI of the unsewered community.

b. Disadvantaged unsewered community analysis (DUCA). To be considered for disadvantaged unsewered community status, an unsewered community may submit a disadvantaged unsewered community analysis (DUCA) to the director prior to the issuance of or amendment to an administrative order with requirements that could result in SWESI and that are based on applicable federal regulations, requirements in 567—Chapters 60, 61, 62, 63, and 64, or an order of the department. Only unsewered communities may submit a DUCA under this subrule. For the purposes of this subrule, an unsewered community is defined as a grouping of ten or more residential houses with a density of one house or more per acre and with either no wastewater treatment or inadequate wastewater treatment. An entity defined in rule 567—60.2(455B) as a private sewage disposal system may not submit a DUCA or qualify for a disadvantaged unsewered community compliance agreement under paragraph 64.7(6)*"g."* A DUCA may also be submitted for consideration of a disadvantaged community loan interest rate under the clean water state revolving fund.

c. Contents of a DUCA. A DUCA must contain:

(1) Proposed total annual project costs as defined in paragraph 64.7(6)*"d"*;

(2) The number of households in the unsewered community and source of household information;

(3) Total amount of any awarded grant funding;

(4) An explanation of why the unsewered community believes that compliance with the proposed requirements will result in SWESI.

If no MHI information is available for the unsewered community, the community should conduct a rate survey to determine the MHI. The survey must be conducted in accordance with the Iowa community development block grant income survey guidelines. In addition, the survey must be attached to the DCA.

d. Definition of total annual project costs. "Total annual project costs" means the future costs of proposed wastewater system installation or improvements that will meet or exceed all applicable federal regulations, requirements in 567—Chapters 60, 61, 62, 63, and 64, or requirements of an order of the department. Total annual project costs shall include the proposed facility operation and maintenance (O&M) costs and the proposed debt of the system as expressed in the proposed sewer rates. The costs of the proposed wastewater treatment shall assume a 30-year loan period at an interest rate equal to the current state revolving fund interest rate. Awarded grant funding must be subtracted from the total annual project costs.

The formula for the calculation of total annual project costs for an unsewered community is: total annual project costs = [(Estimated costs to design and build proposed project - Awarded grant funding) amortized over 30 years] + Future annual O&M costs.

e. Disadvantaged unsewered community matrix (DUCM). The department hereby incorporates by reference "Disadvantaged Unsewered Community Matrix," DNR Form 542-1247, effective January 16, 2013. This document may be obtained on the department's NPDES Web site.

Upon receipt of a complete DUCA, the director shall use the disadvantaged unsewered community matrix (DUCM) to evaluate the disadvantaged status of the unsewered community. Compliance with applicable federal regulations, requirements in 567—Chapters 60, 61, 62, 63, and 64, or an order of the department shall be considered to result in SWESI, and the unsewered community shall be considered a disadvantaged unsewered community, if the point total derived from the DUCM is equal to or greater than 10. The following data sources shall be used to derive the point total in the DUCM:

(1) The total annual project costs as stated in the DUCA;

(2) The number of households in the unsewered community as stated in the DUCA;

(3) The MHI of the unsewered community as found in the most recent American Community Survey or United States Census or as stated in an income survey that is conducted by the regulated entity or community and is based on the Iowa community development block grant income survey guidelines; and

(4) The unemployment rate of the county where the unsewered community is located and of the state as found in the most recent Iowa Workforce Information Network unemployment data.

The ratio of the total annual project costs per household to MHI shall be calculated in the DUCM as follows: the total annual project costs shall be divided by the number of households in the unsewered community to obtain the costs per household, and the costs per household shall be divided by MHI to obtain the ratio.

f. Ratio and other considerations. The director shall not consider an unsewered community a disadvantaged unsewered community if the ratio of compliance costs to MHI is below 1 percent. The director shall consider an unsewered community a disadvantaged unsewered community if the ratio of compliance costs to MHI is greater than or equal to 2 percent. If the ratio of compliance costs to MHI is greater than or equal to 1 percent, and less than 2 percent, the director shall use the DUCM to determine if the unsewered community is disadvantaged. The ratio of compliance costs to MHI shall be the ratio of the total annual project costs per household to MHI as calculated in the DUCM. The director shall not require installation of a wastewater treatment system by an unsewered community if the director determines that such installation would create SWESI.

g. Compliance agreement for a disadvantaged unsewered community. A compliance agreement negotiated with a disadvantaged unsewered community as a result of SWESI shall require the unsewered community to submit an alternatives report and an alternatives implementation compliance plan (AICP).

(1) Alternatives report. The alternatives report must detail the alternative pollution control measures that will be investigated and contain an examination of all other appropriate measures that may achieve compliance with the water quality standards without creating SWESI. The alternatives report must describe which measures will be evaluated for feasibility and affordability after the report submittal. Alternative pollution control measures may include, but are not limited to,

upgrades of existing infrastructure, construction of a new facility, relocation of the discharge point(s), regionalization, or outfall consolidation. Other appropriate measures may include, but are not limited to, mixing zone studies, consideration of seasonal limitations or site-specific data, alteration of current facility operations, intermittent discharges, source reduction, effluent recycling or reuse, or renegotiation of treatment agreements. The alternatives report shall also include a plan for pursuing funding options, including grants and low-interest loans. The alternatives report shall be submitted no later than two years after an unsewered community has been determined to be a disadvantaged unsewered community.

(2) Alternatives implementation compliance plan (AICP). The AICP shall include the results of the investigation detailed in the alternatives report, a description of any feasible and affordable alternative(s) that will be implemented, a schedule of the time necessary to implement the alternative(s), and an updated DUCA. The AICP shall be submitted no later than 4½ years after an unsewered community has been determined to be a disadvantaged unsewered community.

(3) AICP implementation schedule. If the AICP proposes a schedule for implementation of one or more feasible alternatives, the proposed schedule shall be included in an administrative order between the department and the unsewered community. If the feasible alternative that will be implemented requires a construction permit, an operation permit, or an NPDES permit, the unsewered community shall comply with the rules regarding those permits in this chapter.

(4) Future compliance plan (FCP). The submittal of an FCP will be necessary only if the AICP concludes that the unsewered community cannot feasibly implement any alternatives and if the community is still disadvantaged according to the updated information in the DUCA submitted with the AICP. The FCP shall detail how the unsewered community will meet the water quality standards and the period necessary to do so. An FCP shall review the types of technology capable of treating the pollutant of concern, as well as the costs of installing and operating each type of technology. All technically feasible alternatives shall be explored. The FCP shall be submitted no later than seven years after an unsewered community has been determined to be a disadvantaged unsewered community. An administrative order requiring the submittal of an FCP shall also require the submittal of biennial progress reports that contain an updated DUCA. If the DUCM evaluation determines that an unsewered community is no longer disadvantaged based on the most recent DUCA, the order may be amended at the discretion of the director.

ITEM 7. Amend renumbered paragraph **64.7(8)"b,"** introductory paragraph, as follows:

b. The plan of action will vary in length and complexity depending on the compliance history and physical status of the particular POTW. It must identify the deficiencies and needs of the system, describe the causes of such deficiencies or needs, propose specific measures (including an implementation schedule) that will be taken to correct the deficiencies or meet the needs, and discuss the method of financing the improvements proposed in the plan of action. A plan may include the submittal of a disadvantaged community analysis in accordance with subrule 64.7(5), at the discretion of the POTW.

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