

SOIL CONSERVATION AND WATER QUALITY DIVISION[27]

Adopted and Filed Emergency

Rulemaking related to subsidence

The Soil Conservation and Water Quality Division hereby amends Chapter 60, “Minerals Program,” Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in 2026 Iowa Acts, House File 2765.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, 2026 Iowa Acts, House File 2765.

Purpose and Summary

This rulemaking establishes a notification and reclamation process that the Division will use in the event of a subsidence that occurs on public land or in a public right-of-way.

*Reason for Adoption of Rulemaking Without
Prior Notice and Opportunity for Public Participation*

Pursuant to Iowa Code section 17A.4(3), the Division finds that notice and public participation are unnecessary or impractical because statute so provides. 2026 Iowa Acts, House File 2765, requires the Division to adopt emergency rules to implement the legislation within 60 business days of the effective date.

Reason for Waiver of Normal Effective Date

Pursuant to Iowa Code section 17A.5(2)“b”(1)(a), the Division also finds that the normal effective date of this rulemaking, 35 days after publication, should be waived and the rulemaking made effective on August 12, 2026, because the legislation described above requires the rulemaking within the specified time period.

Adoption of Rulemaking

This rulemaking was adopted by the Division on August 10, 2026.

Concurrent Publication of Notice of Intended Action

In addition to its adoption on an emergency basis, this rulemaking has been initiated through the normal rulemaking process and is published herein under Notice of Intended Action as **ARC 0544D** to allow for public comment.

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rulemaking, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Division for a waiver of the discretionary provisions, if any, pursuant to 7—Chapter 2504.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rulemaking became effective on August 12, 2026.

The following rulemaking action is adopted:

ITEM 1. Adopt the following new rule 27—60.19(208):

27—60.19(208) Subsidence.

60.19(1) Notification. An operator of a registered mine site shall notify the division within 48 hours of discovery of a subsidence. Upon notification to the division, the operator shall submit an initial assessment of the subsidence to the division within 14 business days. An initial assessment must include but is not limited to the estimated depth and width of the subsidence, a map of the surface area affected, and a map of the underground collapse.

60.19(2) Subsidence repair plans. Following an initial assessment, an operator shall submit a subsidence repair plan to the division within a time period determined by the division. In consultation with the division, the plan shall include, to the extent necessary, all of the following:

- a.* A scaled and georeferenced map indicating the location of the subsidence.
- b.* A detailed description of the proposed methods and steps to address and repair any damage caused by the subsidence.
- c.* A proposed timeline outlining the phases and expected duration of the repair.
- d.* Written approval of plans, observations, and completion of the repair by a licensed professional engineer or an experienced and qualified mining professional to the satisfaction of the division.

[Filed Emergency 8/12/26, effective 8/12/26]

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 9/2/26.